

# 2010

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 34, Issue 5  
January 29, 2010  
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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2010

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15, 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
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23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

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26	June 14, 2010	June 25, 2010
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50	November 29, 2010	December 10, 2010
51	December 6, 2010	December 17, 2010
52	December 13, 2010	December 27, 2010
53	December 20, 2010	January 3, 2011

**Editor's Note:** This is a reminder that January 4, 2010 is the final day to submit your Agency's Regulatory Agenda for the January 2010 filing period.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
160.5	Amendment
160.10	Amendment
160.70	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking adds a definition for "IV-D services application" and explains what constitutes an electronic signature; clarifies services available to IV-D case applicants; and specifies that once child support payments are being periodically made as a result of a drivers' license suspension warning to a non-custodial parent, the Department shall accept it as a satisfactory repayment plan and stop the threatened suspension.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and manner in which interested persons may comment on this proposed rulemaking: 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:

Jeanette Badrov  
General Counsel

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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].

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

- 13) 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
- 14) Regulatory agenda on which this rulemaking was summarized: July 2009

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SUBCHAPTER f: COLLECTIONS

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Section

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 160.150 Department Review of Distribution of Child Support for TANF Recipients  
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

**AUTHORITY:** Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

**SOURCE:** Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 160.5 Definitions**

"Application for IV-D services" refers to an application for child support enforcement services that is a signed, written request completed in accordance with the Department's requirements. An electronic signature is created when a web application is submitted and received via the internet.

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services (DCFS), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

"Date of Collection" for distribution purposes in all cases refers to the date on which a collection is received by the Department as a result of withholding of an amount by the Department of Employment Security from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation; a collection as a result of intercept of a federal income tax refund is received by the Department; or in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other instances, a support payment is received by the State Disbursement Unit.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 160.10 Child Support Enforcement Program**

- a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:
- 1) children receiving Temporary Assistance for Needy Families (TANF);
  - 2) children receiving AFDC MANG;
  - 3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);
  - 4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;
  - 5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;
  - 7) a spouse or former spouse when the former spouse/spouse lives with the child;
  - 8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
  - 9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for ~~IV-D~~ such services;
  - 10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance;
  - 11) persons similarly situated to subsections (a)(1) through (10) and receiving Title IV-D support services in other states; and
  - 12) persons similarly situated to those described in subsections (a)(1) through (10) and receiving support services in other countries or subdivisions thereof that have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).
- b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.
- c) The Division of Child Support Enforcement has sole responsibility for:
- 1) identifying and locating the absent parent;
  - 2) establishing the parentage of a child born out of wedlock;
  - 3) establishing support obligations;
  - 4) enforcing and collecting support;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 5) receiving and distributing support payments;
  - 6) maintaining accurate records of location and support activities; and
  - 7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).
- d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.
- e) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of non-cooperation.
- f) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies (see 45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (2003)).
- g) Whenever a family ceases to receive AFDC MANG assistance:
- 1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section; or
  - 2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section.

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- h) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Servicemembers Civil Relief Act (SCRA) (50 App. USC 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.
- i) The Department may provide notice at any time to the parties to a judicial action that child support enforcement services are being provided by HFS under Article X of the Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the Clerk of the Court or the State Case Registry. After notice has been provided, HFS shall be entitled to notice of any further proceedings brought in the case. HFS will provide the clerk of the court with copies of the notices sent to the parties to file with the court file.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

**Section 160.70 Enforcement of Support Orders**

- a) **Income Withholding**  
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases, and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- b) **Federal and State Income Tax Refunds and Other Payments**
- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.) due such relatives.

- 2) The Department shall submit past-due support amounts to:
  - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
    - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and
    - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (b)(2)(A)(ii) may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.
  - B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
    - i) in active IV-D cases, past-due support owed in an amount

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not less than one month's support obligation or \$25, whichever is less;

- ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and
  - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of those circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
  - B) the past-due support amount that will be submitted for intercept, and that any additional past due support that accumulates will be subject to collection by the Department without further notice;
  - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
    - i) a redetermination by the Department or, after such redetermination,
    - ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
  - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the

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refund that may be payable to that spouse, in the case of a joint federal income tax return.

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by requesting:
  - A) a hearing by the Department within 30 days after the date of mailing of the notice; or
  - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
  - A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
  - B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;

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- C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and
  - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
  - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall, as promptly as possible, apply collections it receives as a result of intercept under this subsection (b) as follows:
- A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and
  - B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

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- A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;
  - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.
- c) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.
  - 2) The Department shall take the following action:
    - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
    - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
    - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
      - i) the amount of the income withholding order; or
      - ii) fifty percent of the Unemployment Insurance Benefit.
    - D) receive amounts deducted direct from DES.
    - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

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- F) post each collection to the Department's payment record.
  - G) apply each collection to the current support obligation, then to past-due obligations.
  - H) provide a redetermination within 180 days after the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
  - B) pay all amounts deducted direct to the Department.
- d) Contempt of Court and Other Legal Proceedings
- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2) of this Section.
  - 2) Contempt proceedings shall not be used in the following instances:
    - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
      - i) receiving public assistance;
      - ii) mentally or physically disabled;
      - iii) incarcerated;
      - iv) out-of-the-country;

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- v) deceased; or
  - vi) otherwise situated making such action unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
  - B) obtain a judgment for purposes of:
    - i) imposition of a lien against real estate,
    - ii) levy upon real estate and personal property, or
    - iii) registration in another state;
  - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
  - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
  - E) obtain full or partial payment of past due support through incarceration;
  - F) ascertain the responsible relative's source and amount of income or location and value of assets;
  - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
  - H) secure other enforcement relief; and

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- I) obtain any combination of the above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
  - 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].
- e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
    - 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
    - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
      - A) the past-due amount is at least \$3,500; and
      - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

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- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy or memorandum of judgment in the county where the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).
  - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity that is not less than \$3,500 in excess of any statutory exemption.
- f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens against real estate
    - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
      - i) the amount of past-due support is at least \$3,500; and
      - ii) the responsible relative has an interest in real estate against which a lien may be claimed.
    - B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
      - i) the name and address of the responsible relative;
      - ii) a legal description of the real estate to be levied;
      - iii) the amount of past-due support to be satisfied by the levy;

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- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
  - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
- i) the amount of past-due support is at least \$1,000;

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- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
  - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or who may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
  - ii) a description of the account or personal property to be levied;
  - iii) the amount of past-due support to be satisfied by the levy;
  - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;
  - v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
  - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal

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property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];
  - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit those assets within five days after being served with a Notice to Surrender Assets by the Department;
  - iii) state that the financial institution may charge the responsible relative's account a fee of up to \$50, and that the amount of any fee be deducted from the account before remitting any assets from the account to the Department; and
  - iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (f)(2)(C)(iv) of this Section shall include

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provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's account;
  - ii) the amount of the fee to be deducted from the account;
  - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
  - iv) the name and address of any joint owners of the account;  
and
  - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (f).
- F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- I) The Department shall notify the Clerk of the Court of the county in

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which the child support order was entered of any amount collected for posting to the court payment record.

- J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).
- g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (g)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].
  - 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
  - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- h) Past-Due Support Information to Consumer Reporting Agencies

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- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A) of this Section:
  - A) the name, last known address and Social Security Number of the responsible relative; and
  - B) the terms and amount of past-due support that has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:
  - A) the IV-D case name and identification number;
  - B) the past-due support amount that will be reported;
  - C) the date past-due support will be reported; and
  - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

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- A) a request for:
    - i) a redetermination, or
    - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
  - B) payment in full of the amount of the past-due support stated in the:
    - i) advance notice, or
    - ii) notice of redetermination or hearing results.
  - 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- i) High-Volume Automated Administrative Enforcement in Interstate Cases
- 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.
  - 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize those assets through levy or other appropriate processes.
  - 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
    - A) Include information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.

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- B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.
- 5) The Department shall maintain records of:
  - A) The number of requests for assistance received by the Department.
  - B) The number of cases for which the Department collected support in response to a request and the actual amount of support collected.
- j) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
  - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.
  - 2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
    - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
    - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

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- C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
  - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
  - B) the past-due support amount that will be submitted for collection;
  - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
  - D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.
- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
- A) the amount of past-due support owed;
  - B) the amount to be paid toward the past-due amount;
  - C) the amount of current child support obligations; and
  - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

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- A) name;
  - B) Social Security Number;
  - C) IV-D identification number; and
  - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.
- 8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.
- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
- A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support

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obligation; or

- B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
    - A) the name, last known address and Social Security Number of the responsible relative; and
    - B) the terms and amount of past-due support that has accumulated under the order for support.
  - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:
    - A) the IV-D case name and identification number;
    - B) the past-due support amount that will be certified;
    - C) the date past-due support will be certified; and
    - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
  - 3) The Department shall provide the responsible relative with notice of the

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results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
  - 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
    - A) a request for:
      - i) a redetermination, or
      - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
    - B) payment in full of the amount of the past-due support stated in the:
      - i) advance notice, or
      - ii) notice of redetermination or hearing results.
  - 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.
- 1) List of Responsible Relatives
    - 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (1).
    - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:

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- A) the name of the responsible relative;
  - B) the responsible relative's last known address; and
  - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
- 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
  - 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
    - A) the IV-D case name and identification number;
    - B) the past-due support amount as of a given date;
    - C) the earliest date by which past due support information will be published;
    - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and
    - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
  - 5) Factors for a satisfactory payment plan will include, but are not limited to:
    - A) the amount of past-due support owed;

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- B) the amount to be paid toward the past-due support;
  - C) the amount of the current support obligations; and
  - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
  - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.
- m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension
- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
- A) the amount of past-due support is at least \$2500;
  - B) the responsible relative has not made a voluntary payment in the last 90 days.
- 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:
- A) the name and address of responsible relative;

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- B) the responsible relative's Recipient Identification Number;
  - C) the responsible relative's Driver's License Number;
  - D) the amount of past-due support, including interest;
  - E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;
  - F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or by entering into a repayment plan satisfactory to the Department or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.
- 3) The responsible relative's commencement of periodic payments on the past due support amount owed in compliance with a court or administrative order entered prior to the date of the Notice of Intent to Request Suspension of an Illinois driver's license shall be deemed by the Department to be a satisfactory repayment plan.
- 43) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.
- 54) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- n) Debit Authorization for Obligor's Who Are Not Subject to Income Withholding
- 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account

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periodically in an amount equal to the amount of the child support obligation.

- 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
  - 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
  - 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
  - 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
  - 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.
- o) Other Remedies  
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.63                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: In accordance with 7 CFR 273.9(d)(6)(iii) and Food and Nutrition Service policy, this rulemaking increases the food stamp utility allowances. This rulemaking increases the Air Conditioning/Heating Standard to \$324, the Limited Utility Standard to \$199, and the Single Utility Standard to \$43. The Telephone Standard remains at \$29. These changes are the result of the annual review of the Food Stamp Program standards required by Food and Nutrition Service regulations. The Food and Nutrition Service has approved these amounts.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.57	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.58	Amendment	33 Ill. Reg. 5248; April 10, 2009
121.3	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.7	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.8	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.41	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.55	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.57	Amendment	33 Ill. Reg. 5710; April 17, 2009

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121.60	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.61	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.73	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.74	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.76	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.130	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.140	Amendment	33 Ill. Reg. 5710; April 17, 2009
121.26	Amendment	33 Ill. Reg. 6009; April 24, 2009
121.8	Amendment	33 Ill. Reg. 11198; July 31, 2009
121.30	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.52	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.55	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.140	Amendment	33 Ill. Reg. 11772; August 14, 2009
121.60	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.61	Amendment	33 Ill. Reg. 14463; October 23, 2009
121.63	Amendment	33 Ill. Reg. 14463; October 23, 2009

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2009

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

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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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## Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
<u>121.136</u>	<u>Food and Nutrition Act of 2008</u>
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

## DEPARTMENT OF HUMAN SERVICES

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: ELIGIBILITY STANDARDS

**Section 121.63 Deductions from Monthly Income**

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.
- b) **Earned Income Deduction.** Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) **Standard Deduction.** The standard deduction for a household size of one through three persons is \$144. The standard deduction for a household size of four persons is \$147. The standard deduction for a household size of five persons is \$172. For households of six or more persons, the standard deduction is \$197.
- d) **Dependent Care Deduction**
  - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).
  - 2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.
- e) **Child Support Deduction.** The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

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- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$446.
  - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2008) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
  - 3) Shelter costs include only the following:
    - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
    - B) property taxes, State and local assessments and insurance on the structure itself; and
    - C) utility costs, as described in subsection (g) of this Section.
  - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
    - A) the household intends to return to the home;
    - B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and
    - C) the home is not leased or rented during the absence of the household.
  - 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

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## NOTICE OF PROPOSED AMENDMENT

- g) Utility Costs
- 1) Utility costs include:
    - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
    - B) basic service fee for one telephone (including tax on the basic fee) of \$28; and
    - C) fees charged by the utility provider for initial installation.
  - 2) Utility deposits are not considered to be utility costs.
  - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of ~~\$324299~~. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of ~~\$199477~~. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of ~~\$4337~~. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$28 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.
  - 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
  - 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) ~~(2008)~~) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household

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participates in the program.

- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2008)). Households who receive, or reasonably expect to receive, a Low Income Energy Assistance Program (LIHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the SNAP application, shall be allowed the air conditioning/heating standard (7 CFR 273.9 (2008)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health/Life Safety Code for Public Schools
- 2) Code Citation: 23 Ill. Adm. Code 180
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
180.500	Amendment
180.530	Amendment
- 4) Statutory Authority: 105 ILCS 5/ 2-3.12, 2-3.25, 2-3.137, and 17-2.11
- 5) A Complete Description of the Subjects and Issues Involved: Section 180.530 of rules governing Health/Life Safety Code for Public Schools sets forth the process for accessing fire prevention and safety funds authorized under Section 17-2.11 of the School Code for use in emergency situations. The rules define emergency for this purpose and require that a school district seek authorization for the use of the funds for the emergency from its regional office of education, as well as the State Superintendent of Education.

P.A. 96-252, effective August 11, 2009, amended Section 17-2.11 of the School Code to codify in statute the definition of an "emergency" that has been used in the rules. The law also sets forth two separate procedures for school districts' use of fire prevention and safety funds for emergency purposes, allowing those districts with repairs under the \$50,000 threshold set forth in Section 10-20.21 of the School Code to proceed without prior authorization. Although the district would be allowed to begin the work, it still must meet the requirements of Section 17-2.11 of the School Code regarding authorization of the work by the district's regional office of education and State Superintendent, as well as any applicable contracting provisions set forth in Section 10-20.21 of the School Code.

The law also directs the agency to prescribe by rule the process to be used by districts when the cost of the work exceeds \$50,000 and provide that emergency situations "be expedited and given priority consideration". As noted above, the process is set forth in Section 180.530, so no further rulemaking is needed in this regard. To ensure timely consideration of districts' requests for authorization for emergency work, deadlines for both regional offices of education and the agency are proposed in Section 180.530(b)(3) and (4).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 13) 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
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180

HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

- 180.10 Purpose and Scope
- 180.20 Severability
- 180.30 Definitions
- 180.40 Responsibilities of Local School Board
- 180.50 Responsibilities of Regional Superintendent
- 180.60 Applicability
- 180.70 Variances and Waivers
- 180.80 Vehicular Facilities

SUBPART B: REQUIRED QUALIFICATIONS

Section

- 180.100 Approval Procedure
- 180.110 Specific Requirements for Plan Reviewers
- 180.120 Specific Requirements for Inspectors

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section

- 180.200 Application for Building Permit
- 180.210 Issuance of Building Permit
- 180.220 Inspections During and Upon Completion of Construction
- 180.225 Application for Certificate of Occupancy
- 180.230 Certificate of Occupancy
- 180.240 Demolition or Movement of Buildings or Other Structures
- 180.250 Sprinkler Systems
- 180.260 Sprinkler System Requirements and Applicability (Repealed)
- 180.270 Standards for Sprinkler Systems (Repealed)

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180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

## SUBPART D: INSPECTIONS

## Section

180.300 Annual Building and Fire Safety Inspections  
180.310 Decennial Inspections  
180.320 Safety Survey Report  
180.330 Safety Reference Plans  
180.340 Local Board Action and Approval of Safety Survey Reports

## SUBPART E: ADDRESSING VIOLATIONS

## Section

180.400 Violations  
180.410 Unsafe Conditions  
180.420 Temporary Closing and Condemnation

## SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

## Section

180.500 Request for Authorization  
180.510 Initiation of Work (Repealed)  
180.520 Accounting for Fire Prevention and Safety Funds (Repealed)  
180.530 Emergencies  
180.540 Cost Estimates

**AUTHORITY:** Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11].

**SOURCE:** Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007; amended at 32 Ill. Reg. 13351, effective July 25, 2008; amended at 33 Ill. Reg. 15265, effective October 20, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

**Section 180.500 Request for Authorization**

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## NOTICE OF PROPOSED AMENDMENTS

- a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:
- 1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and
  - 2) a Schedule of Recommended Work Items and Estimated Costs.
- b) Fire prevention and safety financing shall only be approved if:
- 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
  - 2) the district does not have sufficient unrestricted funds in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section ~~10-20.43~~~~10-20.40~~ of the School Code [105 ILCS 5/~~10-20.43~~~~10-20.40~~], *as added by P.A. 95-675*), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work.
- c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- d) *A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.*
- e) Except under emergency circumstances as provided for in Section 180.530 of this Part, *a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent.* (Section 17-2.11 of the School

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Code [105 ILCS 5/17-2.11])

- f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.
- g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 180.530 Emergencies**

For purposes of this Section, an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements. [105 ILCS 5/17-2.11]

- a) If the estimated cost of the emergency is less than the amount stated in clause (xi) of Section 10-20.21(a) of the School Code [105 ILCS 5/10-20.21(a)], the school district may begin the work before receiving authorization from the State Board of Education in accordance with the procedures set forth in Section 17-2.11 of the School Code and Section 180.500 of this Part. An emergency is a situation which presents an imminent and continuing threat to the health and safety of students or other occupants of a facility; requires complete or partial evacuation of a building or part of a building; or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.
- b) If it is determined that fire prevention and safety financing will be required to address an emergency whose projected cost exceeds the amount specified in clause (xi) of Section 10-20.21(a) of the School Code, ~~then~~ the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. The regional superintendent and the State

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Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections [\(b\)\(1\)](#) through [\(4\)](#) ~~below~~.

- 1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:
  - A) The existence of an emergency;
  - B) Whether ~~or not~~ funds needed to address the emergency are available;
  - C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency [determined in accordance with clause \(xiv\) of Section 10-20.21\(a\) of the School Code](#);
  - D) What interim measures are contemplated to sustain operations;
  - E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.
- 2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.
- 3) [No later than 30 calendar days after](#)~~Upon~~ receipt of the resolution, the [regional superintendent](#)~~State Superintendent or designee~~ shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, [notify the State Superintendent or designee of his or her approval of the request](#)~~prepare a Certificate of Authorization for Emergency Procedures~~.
- 4) [No later than 10 business days after receiving notification of approval from the regional superintendent, the State Superintendent or designee shall prepare a Certificate of Authorization for Emergency Procedures.](#)  
The Certificate of Authorization for Emergency Procedures shall authorize

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## NOTICE OF PROPOSED AMENDMENTS

the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

- A) Proper application for use of fire prevention and safety funds (see Section [180.500180.530](#)) will be initiated and prosecuted in a timely manner by the district;
- B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation; [and](#)
- C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Vending Facility Program for the Blind
- 2) Code Citation: 89 Ill. Adm. Code 650
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
650.10	Amendment
650.20	Amendment
650.30	Amendment
650.40	Amendment
650.50	Amendment
650.60	Amendment
650.70	Amendment
650.80	Amendment
650.90	Amendment
650.100	Amendment
650.110	Amendment
650.120	Amendment
650.130	Amendment
650.140	Amendment
650.150	Amendment
650.160	Amendment
- 4) Statutory Authority: Implementing the Randolph-Sheppard Vending Stand Act (20 USC 107) and authorized by the Blind Persons Operating Vending Facilities Act [20 ILCS 2420]
- 5) Effective date of Amendments: January 19, 2010
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 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 the Illinois Register: 33 Ill. Reg. 6621; May 15, 2009
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between proposal and final version: Updated all dates on the incorporation by references to "2009".
- In Section 650.10, in the definition of "Certification", added "as granted under Section 650.70" after "Blind".
- In Section 650.10, added the definition of "Screening Committee".
- In Section 650.10, in the definition of "Seniority", added "(i.e., a beginning inventory is conducted to determine the assets that are being turned over to the vendor)".
- In Section 650.100(1), changed "Operations Manager" to "Program Administrator or designee".
- In Section 650.130(b)(1), added the address of the DHS office, "809 Commercial Drive, Springfield, IL 62703".
- In Section 650.140(b), after "395.9", added "(2009)(i.e., maintenance and replacement equipment, purchase of new equipment, pensions plans, health insurance contribution, etc.)".
- Throughout document, made some minor grammatical changes.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking pertains to the Business Enterprise Program for the Blind operated under the Division of Rehabilitation Services. Revisions have been made, with input from the Illinois Committee of Blind Vendors and the federal Rehabilitation Services Administration (RSA), to update language and bring the rules into compliance with current program standards.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Tracie Drew, Chief

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Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER c: VOCATIONALLY RELATED PROGRAMSPART 650  
VENDING FACILITY PROGRAM FOR THE BLIND

## Section

650.10	Definitions
650.20	Rights and Responsibilities of DHS- <del>DRSORS</del> as State Licensing Agency
650.30	Rights and Responsibilities of Vendors in the Program
650.40	Illinois Committee of Blind Vendors
650.50	Program Eligibility Requirements
650.60	Training
650.70	Certification of Vendors
650.80	Licensing of Vendors
650.90	Awarding of Facilities
650.100	Business Practices
650.110	Disciplinary Procedures for Vendors
650.120	Disciplinary Procedures for VR <del>Customers</del> Clients in Initial Training
650.130	Grievance Procedures for Vendors
650.140	Set-Aside Funds
650.150	Leaves of Absence
650.160	Vending Facilities in Rest Area

**AUTHORITY:** Implementing the Randolph-Sheppard Vending Stand Act (20 USC 107) and authorized by the Blind Persons Operating Vending Facilities Act [20 ILCS 2420].

**SOURCE:** Amended August 31, 1973; codified at 6 Ill. Reg. 13790; amended at 8 Ill. Reg. 5285, effective April 16, 1984; amended at 9 Ill. Reg. 12347, effective August 5, 1985; amended at 10 Ill. Reg. 3058, effective February 1, 1986; amended at 10 Ill. Reg. 9814, effective May 21, 1986; amended at 13 Ill. Reg. 7465, effective May 1, 1989; emergency amendment at 13 Ill. Reg. 15849, effective September 26, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18937, effective November 16, 1989; Part repealed, new Part adopted at 15 Ill. Reg. 2740, effective February 5, 1991; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 507, effective December 28, 1998; amended at 34 Ill. Reg. 1535, effective January 19, 2010.

**Section 650.10 Definitions**

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"Active participation" means involvement of the Illinois Committee of Blind Vendors (~~ICBV~~), and negotiation between the Department of Human Services-~~Division~~~~Office~~ of Rehabilitation Services (DHS-~~DRSORS~~) and ICBV in administrative matters of a major type. "Active participation" does not mean concurrence on all issues, and where concurrence is not reached, DHS-~~DRSORS~~ is given the ultimate authority to determine policies per 34 CFR 395 (~~2009~~).

"Administrator" means the employee of DHS-~~DRSORS~~ responsible for the administration of the Program per the Randolph-Sheppard Act (20 U.S.C. 107 ~~et seq.~~) and its regulations (34 CFR 395 (~~2009~~)(~~1986~~)).

"Business ~~consultant~~~~counselor~~" means the person designated by DHS-~~DRSORS~~ to consult with and advise assigned vendors, and provide regular written reports on the individual facilities and the vendor's performance to the vendor and DHS-~~DRSORS~~.

"Certification" means a vendor has completed training in an approved DHS training module that is required by the Vending Program for the Blind as granted under Section 650.70.

"Days" means working days, i.e., Monday through Friday excluding ~~State~~~~state~~ established holidays or days on which government offices are closed by order of the Governor, unless otherwise stated.

"DHS-~~DRSORS~~" means the Illinois Department of Human Services-~~Division~~~~Office~~ of Rehabilitation Services.

"Facility" means the ~~location or locations~~~~location(s)~~ assigned to one or more vendors by DHS-~~DRSORS~~ from which the vendors derive income.

"ICBV" means the Illinois Committee of Blind Vendors established under Section 650.40.

"License" means a written document issued by DHS-~~DRSORS~~ to an individual meeting the standards in Section 650.80 authorizing the individual to operate a facility. ~~Licenses may be "active" or "inactive". To maintain an "active" license, a vendor must be currently assigned a facility, have been assigned a facility at some time in the previous calendar year, or be on an approved leave. A license~~

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~~will be deemed "inactive" if the vendor is suspended or is not currently assigned a facility and has not been assigned a facility in the previous calendar year.~~

"Net income" means the profits of the assigned facility after deducting the cost of replacement persons and set-aside.

"Net proceeds" means the amount remaining from the sale of articles or services of facilities and any vending machine or other income accruing to vendors after deducting the cost of ~~thesuch~~ sale and other expenses (excluding set-aside funds).

"Nominee agency" means a nonprofit agency or organization designated by DHS-~~DRSORS~~, through a written agreement, to act as DHS-~~DRSORS~~' agent in the provision of specified services under this Part.

~~"Period" means the four week business cycle used by the Program for reporting purposes; therefore there are 13 periods per year.~~

"Program" means all the activities of the [state licensing agency](#)~~State Licensing Agency~~ under 34 CFR 395 ~~(2009)~~ related to vending facilities on federal and other property.

"Program assets" are the financial and physical resources of a facility, including inventory of product, supplies, equipment and funds generated from the sale of goods or services, ~~2~~ except such items purchased by a vendor.

["Randolph-Sheppard Act"](#) means the Randolph-Sheppard Act, as amended (20 USC 107 et seq.), which governs the federal vending stand program.

"Receipt", for material sent by DHS-~~DRSORS~~ to a ~~vendor~~[vendor\(s\)](#), is presumed four days from the date of postmark or on the day of delivery for hand-delivered items, or, if a verbal form of communication, on the date of receipt.

["Replacement person"](#) means a person assigned or provided to temporarily assume the responsibilities of a vendor, as prescribed by Section 650.150.

["Screening Committee"](#) means a committee comprised of management staff from the vending facility program and vendors from the ICBV who review interested candidates for admission into the program.

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"Seniority" is determined from the date a vendor receives a license to operate a facility and is inventoried into a facility (i.e., a beginning inventory is conducted to determine the assets that are being turned over to the vendor) and will continue as long as the vendor retains an active license. If a vendor loses his or her facility, the seniority will not continue to accrue. Beginning from the date of adoption of this Part, seniority will not accrue for the period when an individual's license is inactive and will be lost if an individual loses his/her license.

"Set-aside funds" or "set-aside" means funds that~~which~~ accrue to DHS, for uses described in Section 650.140, from an assessment against the net proceeds of each facility and any income from vending machines on federal~~Federal~~ property that~~which~~ accrues to DHS-DRSORS.

"State licensing agency~~Licensing Agency~~" means the state agency designated by the Secretary of the United States Department of Education to issue licenses to blind persons for the operation of vending facilities on federal, state, local governmental and other property. In Illinois this agency is DHS-DRSORS.

"Supervisor" means the employee of DHS-DRSORS responsible for the supervision of personnel and training, or the person designated to carry out these responsibilities in the absence of the supervisor.

"34 CFR 395" is the citation to the 2009 federal regulations for the Randolph-Sheppard Act. All references refer to the 1986 edition, and no later editions or amendments are included.

"Trainee" means a customer~~client~~ of DHS-DRSORS Vocational Rehabilitation Program who meets the criteria for participation in the Program, per Section 650.50, who is attending the Program's training classes or is on an assigned on-the-job training position while in training.

"Vendor" means an individual meeting the criteria for participation in the Program, per Section 650.50, who has been certified and licensed by DHS-DRSORS and is eligible to manage, or is managing, a facility or is on an approved personal or medical leave.

"VR" means vocational rehabilitation administered by the Department of Human Services under 89 Ill. Adm. Code: Subchapter b.

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(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.20 Rights and Responsibilities of DHS-~~DRSORS~~ as State Licensing Agency**

DHS-~~DRSORS~~, as State licensing agency, shall:

- a) develop policies with the active participation of ICBV, implement policies and procedures, and provide staff, funds, and any Program servicing agreement necessary to carry out its responsibilities under the Randolph-Sheppard Act;
- b) coordinate the Program with DHS-~~DRSORS~~ vocational rehabilitation program;
- c) seek out and make arrangements for the use of suitable sites (based on factors such as space, anticipated income, rent or commissions required, or competition in the vicinity) for the establishment of facilities;
- d) provide for expenditures from available ~~Statestate~~ and federal funds, and other allowable resources including set-aside funds, for the acquisition, installation and replacement of equipment and accessories, and the provision of initial stocks of merchandise and supplies for each new facility;
- e) determine whether right, title to, and interest in a facility, including equipment and initial stock, may be vested in the vendor per 34 CFR 395.6 ~~(2009)~~. DHS-~~DRS~~ shall hold title to equipment and initial stock, however title may be voluntarily assumed by a vendor per 34 CFR 395.6 ~~(2009)~~;
- f) ensure the conduct of the Program and the operation of each facility are in accordance with the Randolph-Sheppard Act, ~~as amended~~ and ~~its regulations~~ (34 CFR 395 ~~(2009)(1988)~~);
- g) assure conformity with each facility's written permit, ~~or~~ agreement, or Memorandum of Understanding (MOU);
- h) have responsibility for the selection of trainees; award of licenses; issuance of certifications; assignment of vendors to facilities; discipline of vendors; establishment of a rate and the collection of set-aside; and the utilization and disposition of Program assets;
- i) ~~determine that a facility should be operated by more than one vendor. This~~

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~~determination shall be based upon conditions of management and operation (e.g. the facility requires cash pick up or other security at diverse hours, or the facility has employees on many shifts where supervision is needed), volume of merchandise sold (e.g. a facility which has several peak sales points daily), required extended hours or days to provide service, or stipulations of permits or contracts with the building management. In such a multiple vendor arrangement, the division of net income shall be determined by DHS based on pertinent factors, including skills, qualifications and experience; degree of responsibility; and number of hours and days worked;~~

- ~~ij)~~ operate unassigned, abandoned, or vacant (due to leaves of absence) facilities and make recommendations for facility closure;
- ~~jk)~~ provide training to vendors on any new rules and procedures of the program;
- ~~kl)~~ hire business ~~consultant~~counselors trained in ~~business~~food practices and sanitation, vending and retail;
- ~~lm)~~ with building managers, develop contracts or permits ~~with building managers~~ for the operation of vending facilities. When appropriate (e.g., a vendor's attendance would be inappropriate when building management requests that a vendor not be present, or when building management will be assessing the vendor's abilities to carry out the permit or contract), involve the assigned ~~vendors~~vendor(s) in renegotiations of contracts or permits;
- ~~mn)~~ ensure all Program equipment is maintained in good repair and attractive condition per 34 CFR 395.10 (2009);
- ~~n)~~ identify, collect and monitor unassigned federal vending machine revenue, along with the distribution and use of that income;
- ~~o)~~ ~~distribute and use income from vending machines on federal property per 34 CFR 395.8.~~
- ~~op)~~ if there is a potential breach of security in an ~~assigned~~unassigned facility, DHS shall ~~correct the~~breach before the new vendor is inventoried in and DHS may hold the prior vendor responsible for costs associated with ~~the~~said ~~remedy~~if the vendor does not leave the facility at the level of security required by Section ~~as in~~ 650.100(r); and;

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- p) provide any materials/notifications required by this Part in an accessible format as requested/required by the vendor.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.30 Rights and Responsibilities of Vendors in the Program**

- a) Vendors have the following rights:
- 1) to grieve disciplinary actions under~~per~~ Section 650.130;
  - 2) to grieve dissatisfaction with any action arising from the operation or administration of the Program under~~,per~~ 89 Ill. Adm. Code 510;
  - 3) to participate in the election of representatives to ~~the Illinois Committee of Blind Vendors (ICBV)~~;
  - 4) to receive the net income from the management and operation of the facilities~~facility~~ to which vendors are assigned;
  - 5) to bid on facilities for which a vendor is certified under~~per~~ Section 650.70; and
  - 6) to review his/her personnel file and provide comments pursuant to 89 Ill. Adm. Code 505.10.
- b) Vendors, or those on probation for licensing, are engaged in a "trade or business" as defined by the Self-Employment Contribution Act (26 U.S.C. 1401-1403; ~~1983~~) and their net income from the management and operation of a facility constitutes self-employment income as defined in Internal Revenue Ruling 54-255 (Rev Rul 54-255, 1954-2 CB 326 with no subsequent amendments or editions). A copy of this information will be distributed to the vendors.
- c) The vendor is responsible for:
- 1) maintaining the facility pursuant to~~per~~ the conditions of the facility's contract, ~~or~~ permit, or MOU, and ~~the federal regulations (34 CFR 395 (2009-1988))~~;

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- 2) abiding by good business practices, specified in Section 650.100, as well as abiding by the provisions of this Part;
- 3) making all appropriate payments for local, ~~State~~ and federal taxes, ~~and fees (if applicable)~~, related to ~~the~~ sales, operations of the facility, and ~~facility's~~ employees, ~~within prescribed due dates~~;
- 4) ~~providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million;~~
- 5)4) devoting full time, ~~a~~ (minimum of 37.5 hours per week), to the affairs of the assigned facility; carrying out assigned activities, responsibilities and relationships in accordance with this Part;
- 6)5) considering advice presented by the business ~~consultant~~ or other Program personnel employed by DHS or the nominee agency (e.g., ~~advice~~ ~~advise~~ concerning loss control, security, equipment maintenance and repair, and customer relations);
- 7)6) notifying DHS of ~~the vendor's~~ ~~his/her~~ current address, ~~electronic address~~, ~~TTY~~ and telephone number within five days ~~after~~ a change; and
- 8)7) abiding by the signed "Vendor Agreement" and any provisions for purchase of initial stock and facility equipment.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.40 Illinois Committee of Blind Vendors**

- a) DHS-DRS will provide for the biennial election of an Illinois Committee of Blind Vendors that, to the extent possible, shall be fully representative of all blind vendors in the Program on the basis of such factors as geography and vending facility type, with a goal of providing for proportional representation of blind vendors on federal property and blind vendors on other property. Participation by any blind vendor in any election shall not be conditioned upon the payment of dues or any other fees.

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- b) ICBV shall:
- 1) Actively participate with DHS-DRS in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program;
  - 2) Receive and transmit to DHS-DRS grievances at the request of blind vendors and serve as advocates for those vendors in connection with the grievances;
  - 3) Actively participate with DHS-DRS in the development and administration of a State system for the transfer and promotion of blind vendors;
  - 4) Actively participate with DHS-DRS in the development of training and retraining programs for blind vendors; and
  - 5) Sponsor, with the assistance of DHS-DRS, meetings and instructional conferences for blind vendors within the State.
- c)a) ~~The~~ ICBV shall consist of ~~eleven (11)~~ vendors, as identified by the ICBV Bylaws, all of whom must have active licenses and be operating a facility. ICBV members shall be elected biannually for a term of two years. ~~The~~Such election shall be conducted by DHS, in the manner prescribed by 34 CFR 395.14 ~~(2009)~~, to assure that vendors operating a facility pursuant to 34 CFR 395.1 ~~(2009)~~ have an equal opportunity to participate in the election. No other persons shall be entitled to vote in ~~the~~such election.
- b) ~~ICBV members, as the elected representatives of the vendors, shall actively participate with DHS in major administrative decisions and policy and Program development decisions affecting the overall administration of the Program. Contacts between ICBV and DHS shall generally be through the Administrator or designated program staff.~~

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.50 Program Eligibility Requirements**

To be eligible for acceptance into, and to remain in, the Program an individual must ~~be~~:

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- a) be legally blind, no better than 20/200 central visual acuity in the better eye with correction or a limitation to the field of vision in the better eye to such a degree that its widest angle subtends an angle no greater than 20 degrees. A vendor must submit to a visual acuity test, at DHS expense, when the Administrator has information that a vendor's vision has improved. If the vendor is no longer legally blind, the provisions in Section 650.110(g)(1)(B) will apply;
- b) be a citizen of the United States and a resident of Illinois with proof of residency (e.g., utility bills, bank statements, etc.); and
- c) be at least 21 years old;
- d) have a valid State of Illinois identification card, or other documents as listed in the Department of Homeland Security Form I-9, Employment Eligibility Verification;
- e) not be in possession of a Driver's License; and
- f) not be convicted of a felony.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.60 Training**

- a) To meet the needs of trainees and licensed vendors, DHS will provide training or assist in developing training in four areas:
  - 1) Initial Training: extended training required for any VR customer ~~client~~, under 89 Ill. Adm. Code: Chapter IV, per Subchapter b, seeking to enter the Program; provides a general introduction to food services and the skills necessary to operate facilities.
  - 2) Retraining: additional training in the management of facilities to enable vendors to comply with the requirements for managing a facility as set forth in this Part.
  - 3) Skill Enhancement Training: as required by 34 CFR 395.11 (2009) ~~(1988)~~, upward mobility training to allow vendors to become certified to operate

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different types of vending facilities. Vendors are required to obtain a certificate of completion ~~or a passing grade~~ for each individual course or seminar taken, in which an examination is given, and complete the requirements of Section 650.70 to become certified.

- 4) In-service Training: training to improve and/or enhance a vendor's managerial and operational skills; such training is optional to the vendor, although attendance may meet the conditions for maintaining certification ~~under~~ Section 650.70. Vendors are required to obtain a certificate of completion or a passing grade if the class is to be considered for meeting certification standards and ~~consideration~~ for reimbursement of costs.

b) Initial Training

- 1) Initial training is required of any VR ~~customer~~ ~~clients~~ seeking to enter the Program prior to certification and licensing.
- 2) For entrance into the Initial Training Program an individual must:
- A) meet Program eligibility requirements ~~specified in~~ Section 650.50;
- B) be a ~~VR customer~~ ~~client of DHS Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Chapter IV, Subchapter b)~~;
- C) be referred by a DHS VR counselor and complete an evaluation by DHS staff or other rehabilitation professionals, indicating that the individual has:
- i) adequate orientation and mobility skills to go to and from work and move about a facility;
- ii) skills sufficient to communicate with the public and facility employees and to maintain the facility's records;
- iii) mathematical skills adequate to complete Program financial documents; and
- iv) daily living skills sufficient to allow the individual to meet

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personal care and housekeeping needs.

D) be bonded for a minimum of \$10,000 and successfully pass a criminal background check that has been approved by DHS.

3) Evaluation Committee

An applicant's credentials (e.g., vocational evaluation, education, work experience, etc.) shall be reviewed by a Screening and Evaluation Committee made up jointly of DHS staff and an ICBV designee with experience in rehabilitation or the Program, named by the Administrator. The ~~Screening and Evaluation~~ Committee will determine that the individual meets the criteria in subsection (b)(2) ~~of this Section~~. If these criteria are not met, the individual will be referred to his/her VR counselor for remedial or other VR services.

4) Initial training is divided into two areas:

A) a core module, which must be taken first, providing general orientation to all facility operations and skills necessary for the operation of any type of facility (e.g., making change, bookkeeping, completing reports); and

B) one or more of the specific training modules, which must be taken after completion of the core module, to learn skills needed for the operation of specific types of facilities (i.e., retail, food service, stand, snack bar, cafeteria, and vending ~~machine~~) including on-the-job training. If a trainee elects to take less than three ~~four~~ modules, he or she must indicate so in writing.

5) If a trainee is disciplined pursuant to Section 650.120(c), he or she shall be removed from training, referred back to his/her VR counselor, and notified of the right to appeal under ~~per~~ 89 Ill. Adm. Code 510.

6) Trainees and managers have the right to all materials presented in training, on the job training and all forms, letters, memorandums and any correspondence in an accessible format of their choice.

c) Completion of Initial Training

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- 1) The core module test must be passed by achieving a score of at least 75% on the written examination. Failure to receive a passing score on the core module will result in an individual being removed from initial training and referred back to his ~~or~~ her VR Vocational Rehabilitation counselor.
  - 2) If an individual passes the core module and completes one or more of the specific modules, he ~~or~~ she can then take the tests for any specific training modules for which he ~~or~~ she has completed initial training, which shall be passed by a score of at least 75% on the written examination plus completion of all on-the-job training objectives. Failure to receive a passing score on any specific training module shall result in non-certification in that area.
- d) Retraining of Vendors
- 1) Retraining is mandatory:
    - A) as a remedy for a disciplinary action resulting from a violation of the business practices set forth in Section 650.100; and
    - B) if a facility changes or expands to include food service areas in which a vendor is not certified.
  - 2) Retraining is optional for a vendor upon a vendor's request and when equipment is placed in the facility with which the vendor has had no training or experience.
  - 3) If a vendor requests retraining, DHS will determine whether it will be provided based on a review of his/her business ~~consultant's~~counselor's observation reports, the vendor's annual evaluation and available training resources. DHS-DRS will ensure that effective programs of vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials, will be provided to blind individuals as VR services under the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516). These programs will include on-the-job training in all aspects of vending facility operation for blind persons with the capacity to operate a vending facility, and upward mobility training (including further education and additional training or retraining for improved work

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opportunities) for all blind licensees. DHS-DRS will further ensure that post-employment services will be provided to blind vendors as VR services as necessary to assure that the maximum vocational potential of vendors is achieved and suitable employment is maintained within the State's vending facility program.

- 4) Facility Status During Retraining
- A) A vendor who is mandated to take retraining, pursuant to subsection (d)(1)~~of this Section~~, must within six months satisfactorily complete the retraining by meeting the same standards as those of initial training (Section 650.60(c)) to retain operation of his/her facility. A vendor who does not satisfactorily meet these standards will only be eligible to bid on facilities for which he ~~or~~ she is certified.
- B) If retraining is provided to a vendor under subsections~~per subsection~~ (d)(2) and (3)~~of this Section~~, the vendor will~~shall~~ retain his ~~or~~ her right to the assigned facility ~~both~~ during, and upon successful completion of, retraining.
- C) During retraining, the vendor's replacement person costs will be paid by DHS-~~DRS~~ORS.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.70 Certification of Vendors**

- a) An individual may be certified in one or more of the following areas: retail, food service ~~dry stand, snack bar, cafeteria,~~ and vending ~~machines~~.
- b) DHS will certify individuals who:
- 1) successfully complete the core module and one or more specific training modules as set out in Section 650.60~~;~~; and
  - 2) demonstrate potential for employment as a vendor, as determined by a Screening Committee interview with the individual. This determination shall be based upon the individual's personality (e.g. the individual's

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ability to get along with the public and fellow workers), performance during on-the-job training, and motivation (e.g. attendance, how well he ~~or/~~ she accepts direction, ~~positive customer service~~~~willingness to alter behavior~~). The ~~Screening Committee~~~~screening committee~~ shall be composed of the ~~supervisor~~~~Supervisor, or designee~~, and the trainers employed by DHS, ~~and shall employ the active participation of ICBV or its designee.~~

- c) Certification in any area will only be valid for 24 months, subject to the provisions ~~in subsection (e)~~ of this Section.
- d) Recertification for each additional 24 month period will only be granted if the vendor or graduate of training has:
- 1) had at least six months of work experience in the past 24 months in the specific area; or
  - 2) satisfactorily completed two training programs in a specific area, offered or authorized by Program staff prior to attendance, during the past 24 months. Both ~~training~~ programs must be pertinent to the area of certification, as determined by DHS, and at least one of them must be a course offered or arranged by DHS or a college or university.
- ~~e) Certification for all vendors and graduates of training in the areas in which they are currently certified, will not expire for 24 months from the date of adoption of this Part. By that time, each vendor must have maintained his/her license and met the standards of subsection (d) of this Section in order to become re-certified.~~

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.80 Licensing of Vendors**

- ~~a) There shall be two categories of licenses: active and interim.~~
- ~~a)b)~~ Licenses permitting individuals to manage facilities will only be issued to persons who:
- 1) are certified by DHS as qualified to manage and operate a facility~~;~~ and

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2) satisfactorily complete a 6 month probationary period performing management and operation functions in a Program facility as an assigned vendor or replacement vendor. The supervisor will use the criteria in Section 650.90(d) to determine satisfactory completion of the probationary period.

~~e) To maintain an active license, a vendor must be currently operating a facility, or have operated a facility or been on medical leave from a facility at some time during the previous calendar year.~~

~~b)d) All active licenses will be reviewed by the supervisor~~Supervisor at the beginning of each calendar year to determine if ~~the vendor is currently certified, they should be inactivated or renewed or terminated per Section 650.110(g).~~ Notification of the status of certification will be made by the supervisor to the vendor in writing.

~~e) A license will be deemed to be inactive if the vendor is not currently assigned a facility, is suspended, or has not been assigned a facility in the previous calendar year.~~

~~c)f) An~~To activate a inactive license, an individual must meet the standards for completing training described in Section 650.60(c). If results of these tests reveal areas of deficiency, the vendor must successfully complete a retraining program to address those deficiencies. ~~If no action is taken to activate a license after 6 months from the date of notification that it has become inactive, the license shall be terminated.~~

~~g) Any vendor with an active license on the date of adoption of this Part will be granted an interim license for one year. At the end of that time, the vendor must meet the conditions of subsection (c) or (f) of this Section and be certified in one or more areas in order to have an active license. If a vendor does not meet these conditions, the license will be placed in inactive status, unless it has been terminated.~~

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.90 Awarding of Facilities**

a) A licensedAny vendor ~~with an interim or an active license~~ or a graduate of training holding appropriate certification~~se~~certification(s) may bid on an available

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facility for which ~~he or she is~~~~they are~~ certified ~~under, pursuant to~~ Section 650.70. Before a vendor may bid on a facility, a current annual evaluation is required to be on record.

- b) DHS shall send notification of all facility openings to all vendors and ~~also to individuals~~~~appropriately~~ certified ~~under~~~~graduates of training per~~ Section 650.~~6070(a)~~. The bid announcement will include:
- 1) location of the available facility;
  - 2) type of facility (i.e., ~~retail~~~~dry stand, snack bar,~~ food service or vending machine ~~facility, cafeteria,~~ or combination);
  - 3) types of ~~certification~~~~certification(s)~~ necessary based on the make-up of the facility (e.g., retail, food service or ~~a dry stand with~~ vending ~~machines~~);
  - 4) requirements of the vacant position based on the type of facility and the conditions contained in the permit or agreement with the management of the building in which the facility is located;
  - 5) anticipated income from the facility based upon profit and loss statements for existing facilities and projections based on the profit and loss statements for the previous three to six ~~months~~~~periods~~ for new facilities, if available;
  - 6) the date by which the bid shall be received, which date shall be within 15 days following the date of notification. Receipt shall mean the bid is received at Business Enterprise Program for the Blind, Central Office, 809 Commercial Ave, Springfield IL 62703~~in the office of the Program Administrator~~ by 5:00 p.m. on~~12:00 noon of~~ the date designated in the bid;
  - 7) a statement indicating that the vendor may submit a self-analysis of his/her performance;
  - 8) the estimated value of inventory of merchandise; and
  - 9) the Program's Bid Application (IL488-2048).
- c) Every licensed and appropriately certified vendor and appropriately certified

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graduate of training, ~~under~~ Section 650.6070(a), who has bid for an open facility must be interviewed in-person and evaluated by the Selection Committee. The Selection Committee shall consist of: the ~~DHS-DRS~~ Supervisor ~~or~~ ~~Supervisor~~ of ~~Personnel and Training Support Services~~, who shall ~~chair~~ Chair the Committee; a DHS-~~DRS~~ ~~VR Counselor~~ ~~vocational rehabilitation counselor~~ for the blind; two vendors agreed upon ~~by~~ the ICBV Chair and by the Chair of the Selection Committee ~~(in multi-vendor facilities, one of these shall be the lead vendor unless that is the position being bid)~~. In the event an agreement cannot be reached by DHS and the ICBV Chair, each shall select a vendor.

- 1) Within ~~30~~ ~~fifteen~~ days after bids have been received by DHS, the Selection Committee shall meet and complete its part of ~~the~~ selection process.
- 2) The Chair shall provide an agenda to the Selection Committee, set the location for the interview, and ~~ensure~~ ~~assure~~ all relevant information and forms are available ~~in an accessible format as required by the individual committee member~~, which ~~includes~~ ~~include~~:
  - A) a complete ~~and~~ signed ~~Program Bid Application (IL488-2048)"Bid Application Form"~~ for each appropriately certified applicant bidding on the facility;
  - B) when applicable, the most recent Annual Evaluation (IL488-2047) of each applicant prepared by the ~~business consultant~~ ~~Business Counselor~~. If available, a written analysis of the criteria in subsection (d) of this Section, based on the applicant's previous ~~12 months~~ ~~13 periods~~, shall be included with the annual evaluation;
  - C) Profit and Loss statements from the preceding ~~12 months~~ ~~13 periods~~ for each vendor bidding, or whatever portion is available;
  - D) ~~if the applicant submits one,~~ a written self-analysis of performance during the prior ~~12 months (this requirement is not mandatory but is highly desirable)~~ ~~13 periods~~;
  - E) the bid announcement for the facility;
  - F) Rating Forms (IL488-2049) for the Selection Committee members; and

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- G) a copy of proposed Selection Committee questions developed by Program staff and/or the Selection Committee.
- 3) The Selection Committee shall review this Section and, the procedures for the Selection Committee, interview and score each applicant, and submit all completed Committee Member Rating Forms to the Chair of the Selection Committee.
- 4) The discussions held during a Selection Committee meeting shall be confidential, per (89 Ill. Adm. Code 505), and filed in a separate file. However, the Selection Committee's numerical ratings, without names or other identifying information, shall be made available to the applicants upon request, if there are more than two applicants. An individual's rating shall be made known to the individual upon request.
- d) The Selection Committee shall assess the following criteria, as applicable to the facility. The criteria are not listed in priority order.
- 1) Customer Relations – the ability to relate to and communicate with customers in a positive manner;
  - 2) Business Practices – use of good business practices set forth in Section 650.100;
  - 3) Reliability – the extent to which the applicant carries~~carriers~~ out his/her facility responsibilities, in compliance with this Part;
  - 4) Discipline – oral and written reprimands within the previous 12 months~~13 periods~~ and suspensions imposed within the previous two~~three~~ years from the date the bid is due. Information from proposed disciplinary actions and grievances of those actions~~them~~ shall also be made available;
  - 5) Mechanical Aptitude – the ability to operate and maintain the equipment at the current facility, as well as equipment at the facility to be awarded;
  - 6) Handling Equipment Problems – the ability to determine and correct equipment failures in a timely manner;

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- 7) Work Experience – the previous work experience in the Program, including the kinds of facilities at which the applicant has worked, and previous work experience outside the Program;
  - 8) Employee Management Skills – the ability to supervise employees and other leadership abilities;
  - 9) Organizational Skills – the ability to plan, implement, and complete facility functions;
  - 10) Physical Stamina – the ability to meet the physical demands of the facility;
  - 11) Orientation and Mobility Skills – the ability to move about and function safely in and around the facility;
  - 12) Employee Replacement – the ability to locate and utilize temporary employees when necessary;
  - 13) Operational skills – whether or not operational standards (e.g. gross profit percentage, labor cost, menu preparation, customer ~~services~~<sup>services</sup>) were met in previous facilities; and
  - 14) Financial Management – sound fiscal management of facility assets (e.g., handling cash receipts correctly, preparing necessary financial reports, maintaining security of program assets).
- e) The facility shall be awarded to the applicant who is most qualified for that specific facility with the highest rating above 60% based upon the selection process ~~as~~ described in subsection (c)(2) ~~of this Section~~.
  - f) If more than one applicant has received the same score from the Selection Committee, seniority shall be used to award the bid.
  - g) If the scores by the Selection Committee and seniority are equal, the licensed applicant who is not currently operating a facility will receive priority.
  - h) If there is not a successful bidder (i.e., no bidder receives at least 60%), the facility will be re-bid.

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- i) Any applicant who is dissatisfied by the bid award may appeal the decision ~~under~~per 89 Ill. Adm. Code 510.
- j) Within two days ~~after~~of the decision to award a facility, DHS will send the successful applicant a written offer of the facility and a Vendor Agreement~~vendor agreement~~ for that facility. Within five days ~~after~~of receipt of the offer, the vendor must mail the signed Vendor Agreement~~vendor agreement~~ (~~HL488-2046~~) and a letter of acceptance to the supervisor~~Supervisor~~. Within ~~10~~ten days ~~after~~of receipt of the offer, the vendor must notify the supervisor~~Supervisor~~ of the date of resignation from the current facility; this date shall be no later than 40 days from the date of the written offer. Failure of the vendor to provide a date of resignation shall result in the effective day of resignation being the 40<sup>th</sup> day.
- k) If the applicant does not accept the offer within five days ~~after~~of the written offer, the facility shall be offered to the next highest ranking applicant with a score of 60% or higher. Unsuccessful bidders shall be notified in writing within two days ~~after~~of the acceptance of the facility by the successful bidder.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.100 Business Practices**

Vendors and graduates of training serving their probation shall be required to follow business practices set forth in this Section. Failure to comply with these business practices shall result in disciplinary action as contained within Section 650.110 and as shown for each practice.

- a) The vendor shall maintain complete and current facility manuals at the facility. Failure to keep current and complete manuals shall result in an oral reprimand. These manuals shall include:
- 1) the Location Manual, which shall contain, at a minimum: commodities and equipment inventories~~inventory~~, price lists, job descriptions, a security program developed by DHS and the vendor, the facility permit or contract, facility policies and procedures, and the vendor agreement; and
  - 2) the Facility Reference Manual, which includes all written rules and regulations, procedures promulgated by DHS and /or the nominee agency, and any other documents listed in this Part or required to be included by DHS. Failure to keep current and complete manuals shall result in an oral

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~~reprimand.~~

- b) All Program forms prescribed by DHS for recordkeeping purposes shall be accurately completed and submitted within established timelines. Each individual violation shall result in an oral reprimand.
- c) The vendor shall adhere to all applicable ~~State~~state, county, and local health codes as contained in the Sanitary Food Preparation Act [410 ILCS 650], ~~and~~the Counties Code [55 ILCS 5/5-1115] and Department of Public Health Regulations (77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation Code), and 760 (Retail Food Stores Sanitation Code)) regarding personal hygiene. The vendor is also responsible for informing the facility employees of ~~thesesuch~~ requirements and assuring compliance. Clean, professional attire shall be worn in all facilities. Violation shall result in a written reprimand.
- d) Smoking, drinking, and eating by the vendor and employees shall be allowed only during break times established by the vendor in a written policy to be included in the Location Manual, and only in areas designated by the vendor in conformance with the facility contract or permit, ~~and~~Department of Public Health Regulations, (77 Ill. Adm. Code 743.90 and 750.530 and the Smoke Free Illinois Act [410 ILCS 82]. Violation shall result in an oral reprimand.
- e) The sanitation of the facility must ~~comply with all applicable health codes, at a minimum,~~ meet DHS facility program standards on the Sanitation and Safety Checklist (IL488-2050). To ensure compliance with these standards, a sanitation schedule shall be established by the vendor. This schedule shall be kept in the Location Manual and complied with by the vendor and all employees. Violation shall result in an oral reprimand.
- f) The vendor shall inspect all merchandise checked into the facility for: quality, quantity, damage, back order, price variances, and to assure storage in accordance withper the Sanitation and Safety Checklist (~~IL488-2050~~). The vendor also shall coordinate all corrections in orders with purveyors to ensure proper credit and to ensure maintenance of facility profit margins. Evidence of violation shall result in an oral reprimand.
- g) The vendor shall adhere to the facility contract or permit and any addenda (e.g., hours of operation, price constraints, menu selection). Violation shall result in a

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written reprimand.

- h) The vendor shall maintain current and accurate records of product cost, complete product mixes and product price. Prices charged for products will be in accordance with the facility contract or permit. A current list of the inventory and a price list will be placed in the Location Manual. Violation shall result in an oral reprimand.
- i) Payment for purchases of goods or services shall be made in a timely manner and carried out in accordance with accepted business practices and with purveyors' requirements. Violation shall result in a written reprimand.
- j) Each vendor shall be responsible for all legally mandated and commonly accepted personnel practices (e.g., Department of Labor rules at (56 Ill. Adm. Code, Chapter I, Subchapter~~subchapter~~ b; ("Regulation of Working Conditions")) for employees of the facility. Violation shall result in an oral reprimand.
- k) Consumption of alcoholic beverages or use of illegal drugs at the facility by a vendor or employee or working under the influence of alcohol or drugs is not permitted. Violation shall result in immediate suspension ~~for~~ three facility business days and/or corrective action.
- l) No alcohol (except as used in service to the facility with the consent of the Program Administrator or designee) or illegal drugs shall be allowed at a facility. Violation shall result in a written reprimand.
- m) Facility money, product, equipment or Program assets shall not be removed from the facility by the vendor for personal use. (Program assets shall include inventory, merchandise and stock, and/or personal assets of another inventoried-in manager.) ~~A violation~~ Violation shall result in termination of license.
- n) In facilities having cash registers, all sales and services must be recorded on the cash register at time of purchase. In all other facilities, all cash removed from each vending machine must be recorded on the facility's Vending Cash Out Sheet. The form shall be kept by the vendor either at the facility or producible~~produceable~~ upon request the next business day. Violation shall result in a written reprimand.
- o) A facility shall not be closed during regularly scheduled business hours, except in cases of family or medical emergency or other natural emergencies (e.g., severe

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weather). Violation shall result in a written reprimand.

- p) If the facility is closed because of the absence of the vendor for all or part of two consecutive business days, the vendor will be considered to have abandoned the facility (unless there was an emergency). Violation shall result in ~~facility~~forfeiture of license.
- q) Each vendor shall conduct himself/herself in a professional manner in contacts with building management (e.g., avoiding use of profane language, racist or sexist remarks, inappropriate gestures or physical contact-). Violation shall result in an oral reprimand.
- r) A vendor is responsible for maintaining the security of the facility, including the service area, storage areas, machines, product and cash, and shall be responsible for leaving the facility at that level of security. Violation shall result in a written reprimand.
- s) The vendor must maintain a professional attitude and demeanor toward customers and the public at all times. Violation shall result in an oral reprimand.
- t) A vendor is responsible for the conduct of his/her employees and must ensure they are aware of and adhere to ~~these~~the business practices. The vendor is responsible for correcting actions of an employee and enforcing the business practices where they apply to the employee. Violation shall result in an oral reprimand.
- u) A vendor is responsible for all appropriate payments for local, ~~State~~state and federal taxes, and fees (if applicable), related to sales and to the employees at the facility to which he or/ she is assigned. Violation shall result in ~~a written~~an oral reprimand.
- v) A vendor shall devote full time, ~~a~~ (minimum of 37.5 hours per week), to the business of the facility, carrying out assigned activities, responsibilities and relationships in accordance with this Part. Violation shall result in an oral reprimand.
- w) A vendor shall seriously consider advice presented by the business ~~consultant~~counselors or other personnel employed by DHS or the nominee agency. Violation shall result in an oral reprimand.

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- x) A vendor must maintain all facility financial accounts in such a manner that assures no interruption of service and that all funds, including program assets and the vendor's working capital, are balanced at the end of each fiscal reporting period for that facility. Violation shall result in a written reprimand.
- y) A vendor shall operate the facility in a manner that ~~avoids~~~~shall avoid the~~ repeated violation of a variety of ~~these~~~~the~~ business practices ~~listed above~~. Violation shall result in a written reprimand, in addition to the consequences of the other business practice violation.
- z) Under Illinois law, it is a crime to eavesdrop/record a conversation without consent of all of the parties [720 ILCS 5/14]. The crime, for first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.110 Disciplinary Procedures for Vendors**

- a) Disciplinary actions shall include the following:
- 1) oral reprimand;
  - 2) written reprimand;
  - 3) suspension;
  - 4) loss of facility; and
  - 5) termination of license.
- b) Any time discipline is imposed, the vendor shall be advised of the right to grieve ~~under~~~~per~~ Section 650.130.
- c) Oral Reprimand
- 1) An oral reprimand is a discussion, in person or by telephone, ~~involving between the vendor, and the lead vendor, in a multi vendor facility,~~ business ~~consultant~~~~counselor, and~~ Supervisor, and/or the DHS Supervisor

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of ~~Personnel and Training Support Services~~. An oral reprimand must occur within five days ~~after~~ any Program staff member's ~~or lead vendor's (in the case of a multi-vendor facility reprimand by a lead vendor)~~ knowledge of an incident ~~that~~~~which~~ occurred within the last 30 days. The oral reprimand shall identify the ~~rules~~~~rule(s)~~ or policy violated, corrective action, and the consequences of repeated violations. An oral reprimand shall be used for the first violation of ~~the rules contained within~~ this Part, with the exception of Section 650.100(c), (g), (i), (k), (l), (m), (n), (o), (p), (r), ~~and~~ (y).

- 2) The discussion shall be identified to the vendor as an oral reprimand, and ~~shall advise~~ the vendor ~~shall be advised~~ that a rule has been violated and what corrective action is necessary.
- 3) The person giving the oral reprimand shall send a written report to the ~~supervisor that~~~~Supervisor which~~ shall include the time ~~and~~ date of violation, nature of the violation, corrective measures required, ~~the~~ date of ~~the~~~~such~~ oral reprimand, ~~the~~ vendor's comments and ~~the~~ vendor's signature. A copy shall also be provided to the vendor. The Supervisor ~~of Personnel and Training~~ shall, within ~~10~~~~ten~~ days ~~after~~ receipt, review the written report.
  - A) If the ~~supervisor~~~~Supervisor~~ is in agreement with the written report, he ~~or~~ she shall place a copy of this report in a working file on discipline; however, the vendor's permanent personnel file shall not contain any reference to the reprimand.
  - B) If the ~~supervisor~~~~Supervisor~~ does not agree with the oral reprimand, the report will be returned to the vendor.
  - C) The working file on discipline shall be available for the vendor's review and shall be subject to DHS rules on confidentiality (89 Ill. Adm. Code 505).
  - D) An oral reprimand in the working file on discipline shall be destroyed one year after its date, if no repeat of that violation occurs.
- 4) Action resulting in an oral reprimand ~~that~~~~which~~ is not corrected may be

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the basis for a written reprimand.

d) Written Reprimand

- 1) A written reprimand shall be issued for a second violation of ~~a rule contained in~~ this Part following an oral reprimand for the same business practice violation. Written reprimands are also issued for the violation of a health code or location permit or contract ~~violations, or violation of business practices set forth in Section 650.100(e), (g), (i), (l), (n), (o), (r), (x), (y).~~
- 2) Within ~~10~~ten days ~~after~~of the ~~supervisor's~~Supervisor's knowledge of the violation, provided the violation has occurred within the past 60 days, the supervisor shall prepare a written reprimand. The written reprimand shall be sent to the vendor's mailing address by certified mail, return receipt requested, or delivered in person by Program staff with a signed receipt to be returned to DHS.
- 3) The Supervisor, ~~or in his/her absence the Supervisor of Support Services,~~ shall prepare a written reprimand ~~that~~which:
  - A) ~~outline~~outline the events leading to the reprimand;
  - B) explains the violation of ~~this Part~~the rules (89 Ill. Adm. Code 650);
  - C) reviews any existing prior oral reprimands for similar offenses;
  - D) states all known facts about the present violation, including the names of all known witnesses;
  - E) details the disciplinary consequences of continued offenses, as set forth in this Section;
  - F) indicates the steps the vendor should take to correct the situation;
  - G) states the vendor's right to grieve, as set forth in Section 650.130.
- 4) A copy of the written reprimand shall be placed in the vendor's permanent personnel file. One year from the date of reprimand, the reprimand shall

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be removed from the vendor's personnel file and sent to the vendor.

## e) Suspension

- 1) Suspension shall be imposed either when a violation is repeated within a year ~~after~~ the date of the written reprimand or when an immediate suspension is warranted ~~pursuant to~~ subsection (e)(5) of this Section. The Administrator shall determine if suspension is warranted and, if so, the length of the suspension based on subsection (e)(3) ~~of this Section,~~ and the effective date of the suspension.
- 2) ~~If~~When a vendor is suspended, the facility shall be operated by a replacement person. If the suspension is for more than six facility business days, an immediate inventory of all stock, equipment, and documents shall be taken, or directed to be taken, by DHS and recorded. If the suspension is for six facility business days or less, the vendor shall be assessed the daily average amount of income before set aside for the last three ~~months~~periods or the cost of replacement labor, whichever is greater.
- 3) The first suspension for any violation shall be for up to 20 facility business days. If the violation is repeated within one year ~~after~~ the ending date of the first suspension, the second suspension shall be for up to 40 facility business days. If a vendor receives more than two suspensions for any reason during a three-year period, the third and subsequent suspensions shall be for 40 facility business days each.
- 4) Notices of Suspension shall be sent to the vendor, at his ~~or~~ her last known address, by certified mail, return receipt requested or delivered in person by Program staff with a signed receipt to be returned to DHS. The Notice of Suspension shall state the effective date, the basis for the suspension, and the length of the suspension.
- 5) An immediate suspension of three facility business days shall be imposed without notice pursuant to subsection (e)(4) of this Section by the Supervisor if the vendor's continued presence could be a direct threat to self, others, property, or the loss of the facility (e.g., fighting with customers, being under the influence of drugs or alcohol, disorderly conduct, using profane language with customers) or if necessary to investigate charges of misconduct. This discipline may be grieved

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~~pursuant to~~ Section 650.130 and, if the decision favors the vendor, the vendor shall be reimbursed the costs of replacement labor.

## f) Loss of Facility

1) A vendor shall lose the facility if one of the following occurs:

- A) the vendor receives three suspensions ~~that, which~~ have not been overturned, for any reason in a two-year period;
- B) the vendor receives two suspensions ~~that, which~~ have not been overturned for violation of the business practice in Section 650.100(q) in a two-year period;
- C) failure to return from leave ~~per (see~~ Section 650.150);
- D) the building manager states in writing that the account with the facility ~~will~~ be lost if the vendor remains at the facility; or
- E) the vendor or graduate of training falsifies his ~~or~~ her Bid Application Form (IL488-2048) ~~or~~ any material used by or submitted to the Selection Committee.

2) If for two consecutive ~~months~~ periods the gross profit (i.e., the ratio of cost of goods to net sales) of the assigned facility is more than 10% below the projected average, or the average profit percentage is more than 8% below the projected average for four consecutive ~~months~~ periods, DHS ~~will~~ observe the facility's operations to determine the cause of the failure to meet projections. If it is determined the vendor is at fault, DHS ~~will~~ make written recommendations to improve the actual gross profit percentage. If after two more ~~months~~ periods the facility is not within three percentage points of the projected goal, the vendor shall lose the facility.

3) The loss of a facility by a vendor shall not restrict the vendor from bidding on another facility, but he ~~or~~ she shall not be awarded the same facility.

## g) Termination of License

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- 1) A license shall terminate, without further notice, when:
  - A) a vendor notifies DHS in writing that he ~~or~~ she has withdrawn from the Program;
  - B) a vendor experiences an improvement of vision above the definition of legal blindness ~~in~~pursuant to Section 650.50(a);
  - ~~C) the vendor has an illness with a medically documented diagnosis that the vendor is incapable of operating a facility;~~
  - ~~CD)~~ the vendor fails to notify DHS of a change of address and the vendor has had no contact with DHS for one year;
  - ~~DE)~~ the vendor abandons a facility with no notice to DHS, as described by~~per~~ Section 650.100(p);
  - ~~EF)~~ the vendor uses Program assets (facility income, equipment, stock, or money) for personal use (e.g., paying personal bills, buying personal property, taking stock or equipment home);
  - ~~FG)~~ the vendor has lost two facilities within five years as described in ~~accordance with~~ subsection (f)(1)(D) ~~of this Section~~; or
  - ~~GH)~~ the vendor is convicted of a felony.
- 2) An individual must wait two years from the effective date of license termination before applying for readmission to the Program in accordance with Sections 650.50 and 650.60. All seniority rights shall be lost at the time of the license termination and shall not be reinstated.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.120 Disciplinary Procedures for VR ~~Customers~~Clients in Initial Training**

- a) Trainees who are receiving initial training and vendors receiving retraining in the classroom or at an on-the-job training site shall be disciplined as set out in this Section for violating a rule of conduct. Any VR customer dissatisfied with any action by the Department may utilize the Client Assistance Program (CAP) and

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may grieve the action pursuant to 89 Ill. Adm. Code 510. Documentation of discipline shall be kept in the individual's personnel file.

- b) A trainee wishing to appeal discipline may do so ~~under~~ 89 Ill. Adm. Code 510. A vendor wishing to appeal discipline may do so ~~under~~ Section 650. ~~130440~~.
- c) The following actions shall begin with the discipline shown and progress as follows: oral reprimand or written reprimand, suspension from training for one day and termination from training.
  - 1) Leaving training during scheduled hours without permission. Oral reprimand.
  - 2) Sleeping during training. Oral reprimand.
  - 3) Failing to report any injury. Oral reprimand.
  - 4) Failing to request a scheduled absence (e.g., scheduled doctor's appointment, family obligation, transportation problems) 24 hours in advance from the Training Director or designee. Oral reprimand.
  - 5) Failing to obey rules of the Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired~~the Illinois Visually Handicapped Institute~~ as set forth in 89 Ill. Adm. Code 730. Reprimand or disciplinary action shall be consistent with 89 Ill. Adm. Code 730.650.~~Oral reprimand.~~
  - 6) Failing to notify the ~~training~~ Training staff by 7:00 a.m. ~~one~~ any day the trainee is unable to attend classroom training. Oral reprimand.
  - 7) Failing to notify the ~~training~~ Training staff before the scheduled starting time of the inability to attend on-the-job training. Oral reprimand.
  - 8) Failing to wear the uniform provided during training. Oral reprimand.
  - 9) Eating, drinking or smoking in class or outside designated areas. Oral reprimand.
  - 10) Disregarding safety or sanitation practices (e.g., failing to report unsafe

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equipment, removing machine parts without approval). Oral reprimand.

- 11) Using training equipment, machines or training telephones without specific approval from the Training Director or designee. Oral reprimand.
- 12) Excessive absenteeism or tardiness (e.g., more than two unscheduled absences or reporting tardy more than three times). Written reprimand.
- 13) Unprofessional conduct (e.g., use of profane language, racist or sexist remarks, unwelcome sexual advances, verbal or physical conduct of a sexual nature). Written reprimand.
- 14) Cheating on tests. Written reprimand.
- 15) Damaging Program property through failure to exercise proper care. Oral reprimand.

d) The following actions shall result in termination from training:

- 1) Theft.
- 2) Consuming or possessing alcoholic beverages or illegal substances or working under the influence of ~~alcohol or illegal substances~~ during training.
- 3) Inappropriate behavior ~~that~~ which disrupts training or on-the-job training (e.g., fighting, gambling, conducting a lottery, tardiness ~~that~~ which continues after a written reprimand).
- 4) Inflicting or attempting to inflict harm upon the person or property of another.
- 5) Misrepresenting or withholding information on the Employment Verification form (I-9) ~~or the referral packet~~.
- 6) Failing or refusing to follow instructions or complete assigned objectives in a timely fashion in any area of training and on-the-job training.
- 7) Possessing a dangerous weapon during training (e.g., a knife with a blade

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longer than two inches).

- 8) Threatening, coercing or interfering with a trainee, DHS employee, vendor or customer.
  - 9) Three unexplained ~~absences~~~~absenses~~.
  - 10) Cheating in the final examination.
  - 11) Altering or willfully destroying Program records, files or property.
- e) Oral and written reprimands shall be imposed ~~pursuant to~~ Section 650.110 by a member of the training staff. If possible, another staff member as well as the VR counselor, if available, should be present when discipline is imposed.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.130 Grievance Procedures for Vendors**

- a) Dissatisfaction of a vendor with any DHS action arising from the administration of the Program shall be appealed pursuant to 89 Ill. Adm. Code 510. A vendor may grieve discipline pursuant to the following procedures for Level I (Administrative Reviews) and Level II (~~Evidentiary~~~~Evidentiary~~ Hearings). The action of grieving a suspension, not including an immediate suspension, to Level I or Level II shall stay the imposition of the discipline until the administrative remedies within DHS have been exhausted. A Level I Hearing is optional; a vendor may choose to go directly to a Level II Hearing and follow the procedures in subsection (c)(2) of this Section. A suspension shall be grieved by appealing directly to Level II.
- b) Level I (Administrative Review)  
In order to grieve an oral or written reprimand imposed ~~under~~ Section 650.110, DHS must receive a request for a Level I Hearing within 15 days ~~after~~ the date of receipt of notification that discipline is to be imposed. The vendor shall give notice in writing by certified mail to the Administrator, which ~~notice~~ shall state the reason for the grievance and the remedy being sought.
  - 1) If the grievance is timely, the Administrator or designee shall, within five days, notify the vendor by certified mail of the time and place of the Level

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I Hearing, to be held between 10 and 15 days after receipt of the vendor's notice at the Springfield ~~administrative~~Administrative office of DHS, ~~809 Commercial Drive, Springfield IL 62703~~. The Administrator, or designee, and vendor shall meet and attempt to resolve the grievance to their mutual satisfaction.

- 2) Within 10 days after the adjournment of the meeting, the Administrator shall send the vendor a letter by certified mail stating DHS' position and summarizing the results of the hearing. The letter must cite:
    - A) a statement of the basis upon which the decision was made;
    - B) the applicable laws, rules, regulations and policies used;
    - C) the name and address of the DHS Hearings Coordinator; and
    - D) a statement that, if the vendor is dissatisfied with the decision, a request for a Level II ~~Hearing~~hearing must be received by the Hearings Coordinator within 15 days from the date of receipt of the Level I ~~Hearing~~hearing decision notice. The request shall be in writing, ~~be~~ addressed to the DHS Hearings Coordinator at ~~100 South Grand Avenue East, 3<sup>rd</sup> Floor~~P.O. Box 19429, Springfield, Illinois ~~62762~~62794-9429, ~~and shall~~ contain the reason for the Level II Hearing, and propose four acceptable dates for the hearing, which dates shall be within 20 days after the request.
- c) Level II (Evidentiary Hearing)
- 1) If the vendor requests a review of an action ~~in which~~where there has been no Level I Hearing, the request for a Level II Hearing must be received by the DHS Hearings Coordinator within 15 days after the date of notification that discipline is to be imposed. The request shall also propose four acceptable dates for the hearing, which dates shall be within 20 days after the request.
  - 2) If the vendor has chosen to have a Level I Hearing and then requests a Level II Hearing, the Hearing Officer at the Level II Hearing shall review only those issues presented by the vendor or ~~that~~which are material and related to those presented in the Level I Hearing.

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- 3) Within 5 days after receipt of the request, the DHS Hearings Coordinator shall select one of the offered dates and notify the vendor by certified mail of the date and place for the Level II Hearing, stating the Hearing Officer's name and address, and informing the grievant of all rights accorded pursuant to this Part.
- 4) DHS shall be represented by the Administrator or designee, who may be assisted by other staff, including the DHS legal counsel.
- 5) At least three days prior to the hearing, the vendor and the Administrator must provide each other and the Hearing Officer with a list of witnesses and copies of documents not in the possession of the other party.
- 6) The following is the order of proceedings:
  - A) presentation, argument and disposition of all preliminary motions and matters;
  - B) opening statements;
  - C) evidence presented by the vendor;
  - D) evidence presented by DHS;
  - E) rebuttal by either or both sides; and
  - F) closing statements.
- 7) The vendor and DHS are entitled to present their ~~cases~~ by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination of witnesses as may be required for a disclosure of all facts bearing on the issues.
- 8) The Hearing Officer
  - A) The Level II Hearing shall be heard by an Impartial Hearing Officer appointed by the Hearing Coordinator from a list maintained by him/her.

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- B) The qualifications for a hearing officer are:
- i) impartiality;<sup>5</sup>
  - ii) an understanding of the applicable rules (89 Ill. Adm. Code 650);<sup>5</sup>
  - iii) the ability to preside over the evidentiary hearing;<sup>5</sup> and
  - iv) the ability to reach a recommendation based upon the facts presented at the evidentiary hearing and the applicable rules.
- 9) The Hearing Officer has the power to:
- A) control the conduct of the hearing to prevent irrelevant or immaterial discussion;
  - B) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, admissibility of evidence; and
  - C) require the parties, in an agreed upon time frame, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence,<sup>2</sup> including, but not limited to, the production of any and all documents, books, papers and accounts the Hearing Officer deems pertinent or relevant to any issue.
- 10) Any relevant evidence presented ~~that~~<sup>which</sup> is of a type commonly relied upon by reasonably prudent individuals may be admissible, i.e., any information not presented in the hearings previously ~~that~~<sup>which</sup> pertains to the issues raised in the grievance and has been made available to both parties within the agreed upon time.
- 11) DHS will make an audio tape recording of the proceedings and will provide the vendor with one copy,<sup>2</sup> upon request, at no cost. Upon request by a vendor, a ~~Braille~~<sup>braille</sup> or large print transcript will be provided at no

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cost.

- 12) The record of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.
- 13) The ~~Decision~~decision
  - A) Within 15 days after the hearing is adjourned, the Hearing Officer shall provide a recommendation to the ~~Associate~~ Director of ~~DHS-DRSORS~~. The recommendation of the Hearing Officer shall be based upon the record of the hearing and shall set forth the principal issues and relevant facts adduced at the hearing; the applicable provisions in law and regulation; and a recommended action. It shall also contain findings of fact and conclusions with respect to each of the issues and the bases for those findings and conclusions~~basis therefore~~.
  - B) The recommendation may also set forth any remedial action necessary to resolve operational problems of the Program.
  - C) The ~~Associate~~ Director of ~~DHS-DRSORS~~ shall make a decision as to the disciplinary action to be taken within 15 days after receipt of the recommendations. The ~~Associate~~ Director's decision shall state the principal issues and relevant ~~facts~~fact brought out at the hearing, pertinent provisions in law, regulation and Program procedures, the reasoning that led to the decision, and the vendor's right to appeal to the U.S. Department of Education pursuant to~~per~~ 34 CFR 395.13 (2009). A copy of the Hearing Officer's recommendations shall be attached to the ~~Associate~~ Director's letter. The ~~Associate~~ Director shall send copies of the decision by certified mail to the Hearing Officer, the vendor and his or/~~her~~ personal representative, and ~~to~~ the Administrator.
  - D) If the vendor is dissatisfied with the decision rendered after a Level II Hearing, the vendor may request, ~~within 15 days after the receipt of such decision~~, that an arbitration panel be convened by filing a complaint with the Secretary of the United States Department of Education, as authorized by Section 5(a) of the Randolph-Sheppard ~~Vending Stand~~ Act (20 USC 107 et seq.) and 34 CFR

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395.13 ~~(2009)~~(1988).

- d) General Provisions for Level I and II Hearings
- 1) A vendor may only designate one personal representative at any one time. DHS and the Hearing Officer must be notified by the vendor of the appointment of a representative by filing, ~~at least no later than~~ three days in advance of a hearing, a notice of appearance stating the representative's name, address and telephone number, ~~identifying~~ the vendor represented, and signed by the vendor.
  - 2) Grievances by any party not directly aggrieved by the discipline cannot be heard by DHS pursuant to this Part.
  - 3) The vendor may request a reader, which DHS shall provide at its expense if it is necessary. Either ~~Braille~~ brailled, large print or audio material, at the vendor's request, will be used as required.
  - 4) All meetings with the vendor pursuant to this Section must occur at a time and location convenient to both parties.
  - 5) All proceedings pursuant to this Section are to be confidential and not open to the general public unless requested to be so by the vendor.
  - 6) DHS will assume the administrative costs of the appeals, e.g., reader, and court reporter/transcription, but not costs personally incurred by the vendor because of the proceedings, e.g., legal fees, travel, witness costs, and room and board.
- e) Vendor's Rights Regarding a Grievance  
After a request for a hearing is received by DHS, the vendor must be informed of the right to:
- 1) review his ~~or~~ her file and other related documents, with the exception of information ~~submitted under~~ Section 650.90 and confidential information;
  - 2) be represented by a personal representative who has filed a notice of appearance with DHS;

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- 3) an explanation of the grievance process as set forth in this Section;
  - 4) request a reader;
  - 5) withdraw the grievance at any time during the process, in which case the vendor cannot request a reopening of the grievance;
  - 6) a timely and impartial hearing;
  - 7) decline to appear for a Level I or II Hearing, in which case a review of the case file and any new written information or evidence submitted by the grievant shall be examined and a decision made based on that review by the Hearing Officer;
  - 8) confidentiality of the proceedings as set forth in 89 Ill. Adm. Code 505.10; and
  - 9) have DHS employees directly involved in the appealed action present at the hearings, and to question them. However, if ~~the employee is~~ ~~such~~ ~~employee(s) is~~ no longer employed by DHS and declines to attend the hearing after DHS has made a reasonable attempt to secure his or/~~her~~ attendance, the person most knowledgeable about the case shall attend.
- f) DHS Rights Regarding a Grievance  
DHS has the right to:
- 1) refuse to hear grievances if not timely filed;
  - 2) have a DHS attorney present;
  - 3) cooperation by the vendor (e.g., responding to ~~Hearing Officer~~ ~~hearing officer~~ questions, adhering to time frames provided in this Section);
  - 4) publish hearing summaries, with deletions as necessary to ensure a vendor's confidentiality; and
  - 5) consolidate for hearing all issues related to a vendor or to several vendors out of the same set of facts and circumstances.

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- g) Conduct of the Hearings
- 1) A hearing shall not be adjourned until the Administrator or Hearing Officer is satisfied that all facts needed for a decision have been presented.
  - 2) Only evidence bearing directly on the issue under review may be introduced; only evidence ~~that~~~~which~~ has been made available to the other party may be considered by the Administrator or Hearing Officer.
  - 3) It is DHS' responsibility to prove that a violation occurred. If the Hearing Officer determines that DHS failed to prove that a violation occurred, based on evidence and a review of applicable law and regulations, he ~~or~~ she may direct that the disciplinary action being grieved be removed from the vendor's file.
  - 4) All parties involved in the hearing must avoid undue delay caused by repetitive continuances so that the subject matter of the hearing may be resolved expeditiously. A hearing may, for good cause shown (e.g., illness of a vendor or witness, crisis at a facility, severe weather), be continued by the Administrator or Hearing Officer. Notice of the request must be given in writing to the other party and to the Hearing Officer no less than 5 days prior to the scheduled hearing date (in the absence of an emergency).
- h) Use of the Record
- 1) Upon completion of the hearing, all records, recommendations, orders, and attached materials shall be placed in a permanent file. This file shall be confidential and only those DHS officials involved in the disciplinary process shall have access to them. In future cases, the legal representative of a vendor may examine ~~the~~~~such~~ files, but only after the names, addresses, and identifying characteristics of any vendors involved have been removed.
  - 2) The ~~Associate~~ Director of ~~DHS-DRSORS~~ reserves the right to submit the record of the Level II Hearing to the appropriate ~~State~~~~state~~ or federal officials, together with a request that action be taken, if the record discloses that illegal conduct relating to the operation of the facility may

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have occurred.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.140 Set-Aside Funds**

- a) The collection of set-aside funds shall be based on a schedule of assessment on net proceeds from each facility, including direct or commission income from vending machines assigned to the facility.
- b) DHS may authorize the nominee agency to collect set-aside funds ~~that which~~ accrue to DHS from an assessment against the net proceeds of a facility. Such charges shall be determined for use as specified in 34 CFR 395.9 (2009) (i.e., maintenance and replacement equipment, purchase of new equipment, pension plans, health insurance contribution, etc.)~~(1988)~~.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.150 Leaves of Absence**

- a) Medical Leaves
  - 1) Medical leaves of five facility business days or less do not require medical documentation; however, the vendor is responsible for ensuring that a trained replacement is operating at the facility.
  - 2) Medical leaves ~~of~~ over five ~~facility business~~ days will ~~only~~ be granted only if the vendor provides medical documentation to the Supervisor prior to the leave, except in emergency (e.g., personal or family illness, death of family member). The documentation shall consist of a statement from the attending physician explaining the vendor's medical condition and verifying the need for a leave and the length, if known. In the event of a medical emergency ~~that which~~ precludes advance notice to the Supervisor, documentation of the illness must be provided to the Supervisor within 15 days after the emergency occurred. Leaves may not end until a medical statement is received by the Supervisor stating that the vendor's return to work is not medically contraindicated.
  - 3) Medical leaves shall be granted for no more than one year~~six months~~. If

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after six months the vendor is unable to return to the facility, additional verification shall be obtained from a physician. If after one year a vendor is unable to return to the facility, an inventory of property and stock shall be made and the facility reassigned ~~as provided in~~ Section 650.90.

- 4) When a medical leave is granted, the vendor has the option of retaining management of the facility or temporarily transferring the management of the facility to DHS-~~DRSORS~~, subject to the following:
- A) If the vendor retains management of the facility, he ~~or~~ she will receive the net income from the assigned facility during the leave of absence. The replacement person must be approved by the Supervisor or designee.
- B) If the vendor chooses to temporarily transfer management of the facility, an inventory of facility property and stock shall be taken at the time that the medical leave begins, and a temporary person will be assigned to the facility by DHS. Any profits or losses accrue to or are covered from set aside.
- 5) Should a vendor, due to a medically verifiable reason, be unable to make a decision regarding the operation of his ~~or~~ her facility, the ~~supervisor, Supervisor~~ using best business ~~judgment~~~~judgement~~, will assign a temporary replacement person for the period the vendor is unavailable, not to exceed 6 months, after which ~~time~~ the provisions of subsection (a)(3) ~~of this Section~~ take effect. Operation of the facility will be returned to the vendor ~~when~~~~upon~~ a physician's written verification is received stating that the vendor is able to make a decision regarding operation of the facility and that the vendor is able to return without limitations that would impede the vendor's ability to manage and operate the facility. If the physician's written verification states the vendor has limitations, but is able to return to manage and operate the facility with reasonable accommodations, then a request for such accommodations will be reviewed by the Business Enterprise Program for the Blind and a determination will be rendered. Under no circumstances shall the reasonable accommodation be an individual who acts as a permanent replacement for the vendor in the management and operation of the facility.

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## b) Personal Leaves

- 1) A vendor may take up to a total of 15 days of personal leave in any one calendar year.
  - A) If a vendor takes up to four consecutive days of personal leave at one time, ~~it does not require~~ prior notification to the Supervisor is not required. However, the vendor must provide a trained replacement person.
  - B) If a vendor takes more than four consecutive days of personal leave at any one time, ~~it requires~~ five days prior notification to the supervisor ~~Supervisor~~. The vendor shall provide a trained replacement person.
  - C) A vendor may not take more than 15 days of personal leave in any one calendar year, unless the vendor obtains prior written approval of the Supervisor. The vendor shall provide a trained replacement person.
- 2) Notification to a supervisor ~~Supervisor~~ regarding personal leave shall contain the name of the trained replacement and, when possible, a telephone number and address where the vendor can be located during the leave.
- 3) The supervisor ~~Supervisor~~ has the right to negotiate a different starting date for the leave based on the availability of a trained replacement.
- 4) During a personal leave, the vendor shall retain management of his or her location and its net income.
- 5) The replacement selected by the vendor shall be reviewed by the supervisor ~~Supervisor, or designee~~, based upon the replacement's abilities to manage the facility as demonstrated by previous experience, and also meet the stipulations of the facility contract. If the supervisor ~~Supervisor or designee~~ has questions about the replacement person, he or she shall discuss them with the vendor.
- 6) If the vendor fails to return to the facility upon completion of the leave or

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fails to obtain prior approval from the ~~supervisor~~Supervisor for an extension, DHS will attempt to contact the vendor by telephone. If no response is received by the second business day, the provisions of Section 650.110(f)(1) shall become effective.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

**Section 650.160 Vending Facilities in Rest Area**

- ~~a)~~ ~~Vendors with facilities located in rest areas in accordance with 92 Ill. Adm. Code 534, shall be responsible for all utility costs associated with the business. These utility costs shall be considered a business expense of the facility.~~
- ~~b)~~ ~~The vendor is responsible for maintaining security within his or her own vending facility (e.g., securely locking vending machines).~~
- ~~e)~~ ~~The vendor is responsible for providing liability insurance protection in the following minimum amounts: public liability \$500,000/1 million, property damage \$50,000/100,000 and food products liability \$500,000/1 million.~~
- ~~a)d)~~ It is the responsibility of the vendor to maintain customer complaint/refund cards in an easily accessible area for customer use. These cards shall be furnished to the vendors by DHS. These cards shall be returned to DHS by the customer at an address specified by DHS on the card. DHS shall contact the vendors, who will be responsible for refunding the money to the customer.
- ~~b)e)~~ Whenever more than one complaint a day regarding the quality of services or goods, the activities of the vendor or return of lost monies at rest areas is made to DHS by vending customers, the vendor must make improvements in vending operations to reduce complaints to below the occurrence of one per day.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
25.10	Amendment
25.25	Amendment
25.65	Amendment
25.67	Amendment
25.70	Amendment
25.72	New Section
25.100	Amendment
25.105	Amendment
25.115	Amendment
25.125	Amendment
25.130	New Section
25.145	Amendment
25.160	Amendment
25.165	Amendment
25.215	Amendment
25.225	Amendment
25.227	Amendment
25.235	Amendment
25.275	Amendment
25.313	Amendment
25.315	Amendment
25.335	Amendment
25.360	Amendment
25.365	Amendment
25.400	Amendment
25.425	Amendment
25.427	Amendment
25.444	Amendment
25.464	Amendment
25.485	New Section
25.486	New Section
25.487	New Section
25.488	New Section
25.489	New Section

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25.490	Amendment
25.493	Repeal
25.510	Amendment
25.520	Repeal
25.530	Repeal
25.540	Repeal
25.705	Amendment
25.710	Amendment
25.720	Amendment
25.730	Amendment
25.731	New Section
25.732	Amendment
25.733	Amendment
25.735	Amendment
25.740	Amendment
25.745	Amendment
25.750	Amendment
25.755	Amendment
25.780	Amendment
25.805	Amendment
25.835	Amendment
25.840	Amendment
25.855	Amendment
25.860	Amendment
25.865	Amendment
25.870	Repeal
25.872	Amendment
25.910	Amendment
25.APPENDIX A	Amendment

- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendments: January 12, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, an incorporation by reference is found in the existing text of Section 25.115 and is not being changed.

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- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 12, 2009; 33 Ill. Reg. 7655
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Sections 25.65 and 25.67 were amended to require that the teaching assignment that forms part of an alternative route to certification be completed in a public school or in nonpublic schools that: a) meet recognition criteria established by the State Board and where, as of July 2014, the majority of teachers providing non-religious instruction to students are certified; or b) are approved to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code. In the case of the early childhood certificate, teaching positions must be held in a setting where certification is required.

Section 25.100(i)(1)(C) was amended to allow candidates for the reading specialist endorsement who had 18 hours of coursework completed before June 30, 2006, to be granted the endorsement, provided that the candidate applied for the endorsement no later than March 31, 2010.

Section 25.100(i)(2)(A) was revised to allow candidates for the reading specialist's endorsement to have at least two years of teaching experience in an Illinois school, whether public or nonpublic.

Section 25.115(e) was amended to clarify that accredited educational units must submit reports to the State Superintendent of Education beginning in 2010.

Section 25.227(a)(2) was amended to state that individuals obtaining interim certification as a school counselor intern should hold a master's or higher degree in the field of community (formerly agency) counseling and be working towards completion of requirements necessary for certification.

Section 25.313 was revised to allow candidates beginning the alternative route to administrative certification after January 1, 2010, to include experience in positions for which an administrative certificate was required, or comparable positions in nonpublic schools. In addition, Section 25.313(b)(1) was amended to allow such candidates to complete an alternative program including one year of full-time administrative work in a school district's central office (whether public or nonpublic).

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Section 25.365(e) was revised to allow candidates for the special education director's endorsement applying on or after February 1, 2012, to obtain the required two years of full-time experience in a nonpublic school if the candidate is certified in Illinois as a special education teacher, speech-language pathologist, school social worker, or school psychologist.

Section 25.720(h) was revised to allow individuals five chances to pass the same test subsequent to January 1, 2010.

Section 25.872(c)(1) was eliminated since it has not been enforced for some time.

Section 25.910(b) was revised to require that no more than one new teacher may be assigned during any given school year to a mentor holding a full-time teaching assignment.

Various technical corrections were made for the sake of consistency in language usage, format, and style.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments encompass numerous aspects of these rules and include many changes that are intended to strengthen the requirements for various credentials, streamline processes, or achieve greater consistency. An overview of these is presented below, organized chiefly according to the order in which the rules appear. In the interest of avoiding unnecessary repetition, context that can easily be gleaned from the affected rules has not been restated in detail here.

**Section 25.10** was clarified to avoid an unintended discrepancy with Section 25.425 relative to individuals prepared in institutions of higher education outside the United States.

In **Section 25.25**, flexibility has been introduced to accommodate experienced out-of-state teachers who were not required to complete student teaching.

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**Sections 25.65 and 25.67** were revised to require the teaching assignment that forms part of an alternative route to certification to be completed in a public school or in nonpublic schools that: a) meet recognition criteria established by the State Board and where as of July 2014, the majority of teachers providing non-religious instruction to students are certified; or b) are approved to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code. In the case of the early childhood certificate, teaching positions must be held in a setting where certification is required.

The need to state explicitly the long-standing requirement for work experience to have been gained outside the field of education was overlooked when **Section 25.70** was most recently revised. That omission has now been remedied. An update was also made to reference new material being added as Sections 25.485-490 (discussed below).

A new **Section 25.72** was added to provide focus for the three semester hours of college credit that are required under Section 21-10 of the School Code for each year's renewal of the temporary provisional vocational certificate. In future, this coursework will only be accepted if it relates directly to the certificate-holder's teaching assignment. (Since there has not previously been a rule on this subject, any three semester hours have been counted as fulfilling this requirement.)

**In Section 25.100**, the requirements for the issuance of endorsements were made more stringent. Beginning in 2011, coursework must be passed with a grade no lower than "C" or its equivalent in order to be accepted. In addition, the option for presenting either an earned major or a "constructed" major and receiving an endorsement without passing the content-area test has been eliminated. With regard to adding designations in the sciences and social sciences, a requirement for the completion of coursework was added. New requirements for the endorsement in safety and driver education were added.

The changes in **Section 25.105** will perpetuate the availability of the temporary substitute teaching permit that was developed specifically in response to Hurricane Katrina. The rule is now stated in general terms so that it can be available in similar future situations, should any arise.

Certain timelines associated with accreditation reviews were revised in **Section 25.115**.

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**In Section 25.125**, provision was made for the potential need to send institutional review teams to other states where "parent" institutions are located, and requirements have been inserted so that institutions not accredited by the National Council for Accreditation of Teacher Education (NCATE) (i.e., those where a visit is conducted by a "state team") will bear part of the costs associated with their visits.

A new **Section 25.130** was included to provide a mechanism for a review and intervention when issues with one or more preparation programs or an educational unit become apparent in the interval between regularly scheduled reviews. The provisions of this new rule will enhance the institutions' accountability and afford a means by which problems can be addressed promptly.

**In Section 25.145**, several timelines were lengthened to accommodate the level of staffing resources that the agency is able to devote to this function.

**Section 25.160** was updated to include a positive outcome achieved under Section 25.130 among the instances in which the State Superintendent does not need to await a response from the affected institution.

The wording change in **Section 25.165** was made for the sake of completeness.

**In Sections 25.215, 25.225, and 25.235**, revisions were made in the requirements for experience that complements the professional preparation of school social workers, school counselors, and school psychologists, respectively. These are generally intended to accommodate what is typically required by other states so that the movement of out-of-state educators into Illinois will not be hampered. The revision in **Section 25.227** was made for the sake of clarity only.

The change in **Section 25.275** is a technical one comparable to the update being made in Section 25.70. That is, several new Sections that were added as part of this rulemaking to implement various statutes need to be referenced in Section 25.275(1)(2).

**In Section 25.313**, language was added to clarify that the alternative route to administrative certification is to be used to allow experienced administrators to undergo an expedited program that will enable them to serve as public school administrators in positions other than principal and assistant principal. We do not

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consider it appropriate for individuals who are already certified as principals to use this alternative route as a short-cut to the superintendent's endorsement.

A reference to new Sections 25.485-490 was inserted into **Section 25.315(f)(7)** for the sake of completeness, as discussed elsewhere also.

The requirements for experience that are stated in **Section 25.335** with regard to the general administrative endorsement are intended to ensure that the necessary experience will have been gained after the completion of relevant professional preparation.

Technical updates were made in **Section 25.360** with respect to requirements for the superintendent's endorsement.

The requirements for receiving an endorsement as director of special education (**Section 25.365**) were strengthened and made more relevant to the role of this administrator in the current cross-categorical environment.

The change in the statutory citation in **Section 25.400(c)** represents a technical correction only.

The revisions to **Section 25.425** were made for the sake of clarity.

Material was added to **Section 25.427** to capture a long-standing policy that has not yet been stated as a rule.

**Section 25.444** was amended comprehensively, in part to reflect changes in Section 21-27 of the School Code that were made by P.A. 95-996. That legislative initiative made several changes in the Illinois Teaching Excellence Program, including:

- making certain retired individuals eligible to receive incentive payments for providing mentoring and professional development;
- making all the same services eligible for compensation, regardless of the characteristics of the school district that employs the recipient teachers or counselors;
- specifying that teachers and counselors may agree to, and receive payment for, an increment of 30 hours of service rather than 60 hours; and

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- adding a variety of "candidate support" payments to the program and specifying the order of priority to be assigned to these when the appropriation is insufficient to cover all.

Additional revisions being introduced at this time are intended to focus the program so that, where employment is required, the funds will be used to compensate individuals who are working full time for the entire school year.

An exception was made to one of the requirements stated in **Section 25.464** to help districts receive short-term authorization to assign individuals when unforeseen circumstances arise.

Extensive new material was added to **Sections 25.485 – 25.490** to address in detail each of a group of statutorily identified circumstances in which an applicant may be ineligible for the certification action requested. Each of these Sections rests on a particular underlying statute and discusses the material that an affected individual can submit in order to remove the impediment in question so that the requested certificate, endorsement, etc., can be issued. These provisions will assist in carrying out ISBE's obligations under these various statutes.

The repeal of **Section 25.493** reflects the fact that no internships are being conducted as described in that Section.

Several updates were made to **Section 25.510** on the approval of paraprofessionals. These will aid in distinguishing individuals employed as professionals from volunteers; acknowledge the fact that the Illinois Community College Board does not approve any paraprofessional training programs (which is also the reason for the repeal of **Section 25.540**); and eliminate a requirement for an evaluation of performance as a condition of receiving approval as a paraprofessional. This last change was made because standardized scoring of the "Instructional Support Inventory" is unavailable and because individuals who are not already approved as paraprofessionals cannot be employed in situations where their performance could be observed and evaluated.

In addition, Section 25.510 as previously written required even certified individuals to apply separately for approval as paraprofessionals even though it is self-evident that they qualify. This resulted in much duplication of effort and delay. Several changes were introduced to make an exception for the holders of nearly all types of certificates. (The temporary provisional vocational certificate

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is the exception, since its issuance does not require that any college coursework have been completed.)

**Sections 25.520 and 25.530** have been repealed, and the material that is still current on these subjects is being placed into Part 1. This was done because the major function of Part 25 is to describe the requirements for the various credentials and how they will be issued, while it is Part 1 that conveys, among other things, the requirement for districts' assignment of personnel who hold various qualifications. **The title of Subpart G** was also revised consistent with this distinction.

Numerous changes were made throughout **Sections 25.705 – 25.780** to capture the procedural differences that will pertain depending upon whether an individual chooses paper-based or computer-based certification testing. Several technical revisions were requested by the testing contractor, such as the definition of "unauthorized aid" in Section 25.710 and the distinction between canceling and voiding scores that is being introduced into Section 25.755. In addition, provisions were added that will restrict each individual to five attempts to pass the same test after January of 2010 and make individuals ineligible to retake tests or receive certificates if they are found to have cheated. These amendments are intended to avoid certifying individuals whose testing performance is very marginal and to convey a clear message that ethical behavior is expected of Illinois educators.

Since it is now possible for school counselors (who hold school service personnel certificates) to receive master certificates, an update in **the title of Subpart J** was needed for the sake of technical correctness. The revisions in **Sections 25.835(f) and 25.840(d)** are similar to others identified above in referring to the group of new Sections based on statutory impediments to certification. All the other changes in **Sections 25.805 – 25.872** are due to P.A. 95-793, which eliminated the entire discussion of continuing education units (CEUs) from the renewal requirements stated in Section 21-14 of the School Code.

In **Section 25.910**, one of the existing requirements for programs of mentoring and induction was changed by eliminating the cap on the number of teachers who may be mentored by the same individual.

The testing contractor's review of our rules has revealed that minor revisions were needed in the way this formula is displayed in Appendix A. In particular, the

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presentation of the formula dates from the typewritten addition of this Appendix in 1990 and did not reflect the correct placement of subscripts and superscripts. That problem has now been corrected thanks to the availability of sophisticated software. These changes are technical only and will not represent a change in the approach used.

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

Linda Jamali  
Educator Certification Division  
Illinois State Board of Education  
100 North First Street, S-306  
Springfield, Illinois 62777-0001

217/557-6763

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

25.10 Accredited Institution

## 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 Endorsement in Teacher Leadership

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 Provisional Vocational Certificate

25.72 [Temporary 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)

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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; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744,

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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; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2009.

## SUBPART A: DEFINITIONS

**Section 25.10 Accredited Institution**

As used in this Part, "institution" means a regionally accredited institution of higher learning as specified in Section 21-21 of the School Code [105 ILCS 5/21-21] when referring to an institution located within the United States. Accordingly, any coursework required for, or counted towards fulfilling the requirements for, a credential issued pursuant to this Part, if completed at an institution located within the United States, shall be completed at or accepted by a regionally accredited institution, and approval of preparation programs under Subpart C of this Part shall be available only to regionally accredited institutions. Coursework completed in another country shall be subject to the provisions of Section 25.425 of this Part.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

## SUBPART B: CERTIFICATES

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

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

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

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2) one full year's teaching experience on a valid certificate in the public schools of another state shall be accepted in lieu of student teaching, if the applicant was certified in a state where student teaching was not required.

- e) Each applicant shall be required to pass the tests required for the certificate as specified in Section 25.720 of this Part.
- f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code [105 ILCS 5/21-10].

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.65 Alternative Certification**

- a) Section 21-5b of the School Code [105 ILCS 5/21-5b] provides for the issuance of provisional alternative teaching certificates and initial alternative teaching certificates to eligible candidates, as defined in that Section, who successfully complete a program consisting of:
  - 1) a course of study approved by the State Board of Education;
  - 2) one year's full-time teaching on the provisional alternative certificate:
    - A) in the public schools; or
    - B) in a nonpublic school, provided that:
      - i) the nonpublic school meets the recognition criteria set forth in rules governing Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425);
      - ii) as of July 1, 2014, the majority of individuals who provide non-religious instruction to students hold a valid Illinois teaching certificate in accordance with Article 21 of the School Code [105 ILCS 5/Art. 21] and rules governing Certification (23 Ill. Adm. Code 25);
      - iii) the individual who serves as the principal holds a valid Illinois administrative certificate in accordance with Article

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21 of the School Code and rules governing Certification; and

iv) as of January 1, 2010, the school has a written policy stating that all new teachers hired to provide non-religious instruction to students will hold a valid Illinois teaching certificate in accordance with Article 21 of the School Code and rules governing Certification; or

C) in the case of the early childhood certificate, in a position for which an early childhood certificate was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); ~~or~~

D) in a facility operated by a provider approved by the State Superintendent to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] and 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code); and

3) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.

b) Proposals seeking to establish programs meeting the specifications of subsection (a) of this Section shall be addressed as follows:

State Board of Education  
Alternative Certification Program  
100 North First Street  
Springfield, Illinois 62777-0001

c) Each proposal shall indicate the maximum number of teaching candidates to be served by the proposed program in each of its sessions.

d) Each proposal, simultaneously with State Board of Education staff's review, will be reviewed by the State Teacher Certification Board, which shall provide its recommendation to the State Board of Education so that the State Board of

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Education may comply with the timeline set forth in Section 21-5b of the School Code.

- e) A proposed course of study will be approved by the State Board of Education if the proposal demonstrates how candidates will acquire the knowledge of the content and the skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Subpart B of this Part with regard to:
  - 1) educational theory;
  - 2) instructional methods; and
  - 3) practice teaching.
- f) The assessment of the candidate's teaching performance for the year referred to in this Section shall include components that are designed to demonstrate that the candidate is:
  - 1) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
  - 2) skilled in managing and monitoring students' learning.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.67 Alternative Route to Teacher Certification**

- a) Section 21-5c of the School Code [105 ILCS 5/21-5c] provides for the issuance of provisional alternative teaching certificates to eligible candidates, as defined in that Section, who successfully complete an intensive course of study approved by the State Board of Education.
- b) Section 21-5c of the School Code further provides for the issuance of initial teaching certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:
  - 1) one year's full-time teaching on the provisional alternative certificate, in

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accordance with the requirements set forth in Section 25.65(a)(2)(B) of this Part; and

- 2) a comprehensive assessment of the candidate's teaching performance, culminating in a favorable recommendation by the institution of higher education responsible for the course of study.
- c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5c of the School Code and this Section. Proposals shall be addressed as follows:

State Board of Education  
Alternative Certification Program  
100 North First Street  
Springfield, Illinois 62777-0001

- d) Proposal Requirements
  - 1) Each proposal shall describe the role and responsibilities of each cosponsor of the alternative program.
  - 2) Each proposal shall demonstrate how the participating institution of higher education will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and certification.
  - 3) Each proposal shall state that all candidates must:
    - A) pass the test of basic skills required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] prior to beginning the proposed course of study; and
    - B) pass the content-area test required pursuant to Section 21-1a of the School Code prior to beginning the teaching assignment that is a part of the alternative program.
  - 4) Each proposal shall describe the proposed course of study.

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- A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in a preparation program approved pursuant to Subpart C of this Part with regard to:
- i) educational theory;
  - ii) instructional methods; and
  - iii) practice teaching.
- B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon such factors as their experience and the type of program offered. In all cases, the amount of time needed shall be less than that required to complete the institution's program approved pursuant to Subpart C of this Part.
- C) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long teaching assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
- 5) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school ~~districts~~ ~~district(s)~~ where candidates will practice. Each such agreement shall address:
- A) the nature and intensity of the support to be provided to candidates by experienced teachers and other staff members of the district, including:
    - i) the qualifications and experience of the assisting teachers and staff;

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- ii) the estimated amount of time assisting teachers and staff will devote to advising and assisting candidates; and
    - iii) the specific roles of the assisting teachers and staff; and
  - B) provisions enabling candidates to compensate for teaching time lost due to emergencies.
- 6) Each proposal shall describe the proposed method of assessing candidates' teaching performance for the year referred to in this Section and shall provide for such methods to be set forth in a formal, written agreement between the participating institution of higher education and the school ~~districts~~district(s) where candidates will practice. Each such agreement shall describe:
  - A) the roles of all parties who will participate in the evaluation of candidates; and
  - B) assessment methods capable of demonstrating whether a candidate is:
    - i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
    - ii) skilled in managing and monitoring students' learning.
- 7) Each proposal shall delineate the criteria by which candidates will be recommended for initial certification by the participating institution of higher education.
- e) Each alternative program established pursuant to this Section shall be subject to the Accreditation Review described in Subpart C of this Part.
- f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of

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individuals who complete each program.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.70 Provisional Vocational Certificate**

- a) Each applicant for a provisional vocational certificate shall present evidence of having completed 60 semester hours of college coursework from a regionally accredited institution and 2,000 hours of work experience outside the field of education in each area to be taught. The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant describing the work experience.
- b) Each provisional vocational certificate issued on or after July 1, 2009 shall be valid for five years and shall be renewable contingent upon the certificate-holder's fulfillment of the applicable requirements set forth in this Section.
- c) Each provisional vocational certificate issued on or before June 30, 2009 shall be valid for five years from the date of issue or the date of its most recent registration, whichever is later. When any such certificate is next registered after June 30, 2009, the registration shall be for a five-year period of validity, and renewal of the certificate after that five-year period shall be contingent upon the certificate-holder's fulfillment of the applicable requirements of this Section.
- d) For purposes of this subsection (d), coursework shall be considered "related to education" if it leads to teaching, administrative, or school service personnel certification or endorsement or if it relates to the field of an individual's current teaching assignment or any other field of teaching assignment. Each affected certificate-holder shall complete:
  - 1) eight semester hours of undergraduate or graduate-level coursework related to education, of which no fewer than two semester hours must address advancing the certificate-holder's knowledge and skills as a teacher in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24.100) and the content-area standards in his or her area of certification, endorsement, or assignment; or

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- 2) ~~120~~ one hundred twenty continuing professional development units (CPDUs) in accordance with Section 25.875 of this Part; or
  - 3) any combination of the types of activities described in subsections (a)(1) and (2) of this Section, provided that the total effort represents the equivalent of 120 CPDUs, and provided that one semester hour of college credit shall be considered the equivalent of 15 CPDUs; or
  - 4) an advanced degree from a regionally accredited institution in an education-related field; or
  - 5) all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS); or
  - 6) four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards; or
  - 7) four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards.
- e) Each professional development activity used to fulfill the requirements of this Section, other than those identified in subsections (d)(4)-(7) of this Section, shall be required to address one or more of the purposes identified for the renewal of standard and master certificates in Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]. At least 20 percent of the units required must address the purpose identified in Section 21-14(e)(2)(E) of the School Code.
- f) CPDUs shall be generated for completion of activities in accordance with provisions of Section 25.875 of this Part, provided that the activity described in subsection (h) of that Section shall not be used to generate CPDUs for holders of the provisional vocational certificate and references to Section 21-14 of the School Code [105 ILCS 5/21-14] are not applicable in the case of the provisional vocational certificate.
- g) The provisions of Sections 25.855, 25.860, 25.865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that:

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- 1) the references to Section 21-14 of the School Code are not applicable to the provisional vocational certificate; and
  - 2) references to Subpart J of this Part shall be understood as referring to this Section where necessary to the context; ~~and~~
  - 3) ~~references to continuing education units (CEUs) shall not apply in the case of the provisional vocational certificate.~~
- h) Each provisional vocational certificate shall be maintained as "valid and active" or "valid and exempt" for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part. In addition, the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term.
- i) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.
- j) Each certificate-holder shall:
- 1) maintain the required form of evidence of completion for each activity throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and
  - 2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under Section 25.840 of this Part.
- k) Each holder of a provisional vocational certificate shall apply for renewal of that certificate as set forth with respect to standard teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:

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- 1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and
  - 2) references to standard certificates in that Section shall be understood to apply to provisional vocational certificates as necessary to the context.
- 1) Within 14 days after receiving an application for the renewal of a provisional vocational certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.
- 1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of provisional vocational certificates, along with verification that:
    - A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with this Section; and
    - B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.
  - 2) If the recommendation is not to renew the certificates held, or if information provided on the application ~~makes~~indicates the individual subject to the requirements of any of Sections 25.485 through 25.490 of this Part ~~is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments~~, the certificate-holder's copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent's rationale.
- m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the provisional vocational certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that references to the requirements of Section 21-14 of the School Code shall not apply in the case of the provisional vocational certificate.

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- n) The State Teacher Certification Board shall review regional superintendents' recommendations regarding the renewal of provisional vocational certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90 days after the State Teacher Certification Board receives regional superintendents' recommendations, subject to the right of appeal set forth in this subsection (n).
- 1) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.
  - 2) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
  - 3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
  - 4) In verifying whether the certificate-holder has met the renewal criteria set forth in this Section, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.
- o) The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of this Section may apply for a reinstated certificate valid

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for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable provisional vocational certificate only if he or she presents evidence of having:

- 1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
  - 2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.
- q) The provisions of Section 25.840(d) of this Part shall apply to the renewal of the provisional vocational certificate.
- r) An individual who performs services on a provisional vocational certificate and concurrently also on some other type of certificate that is subject to renewal requirements shall be subject to the provisions of Section 25.475 of this Part.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.72 Temporary Provisional Vocational Certificate**

Pursuant to Section 21-10(C)(2) of the School Code [105 ILCS 5/21-10(C)(2)], the temporary provisional vocational certificate is renewable for a one-year period after any year in which the certificate-holder earns three semester hours of college credit. Coursework presented as part of any application submitted for a renewal that will be effective on or after July 1, 2011, shall be accepted only in the career and technical education content area of the individual's assignment (i.e., agricultural education; business, marketing, and computer education; family and consumer sciences; health careers; or technology education) or in pedagogy.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.100 Endorsing Teaching Certificates (2004)**

Beginning July 1, 2004, the structure of endorsements available on Illinois certificates was changed. Appendix E to this Part provides a list of the available endorsements, other than the endorsements in special education that are the subject of federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al. Appendix E shows for each new endorsement the related endorsements that were

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previously issued and ~~were~~will be discontinued or replaced. Any semester hours of credit presented toward fulfillment of the requirements of this Section may be earned in on-line or electronically-mediated courses, provided that college credit is awarded for the coursework by a regionally accredited institution of higher education. All professional education and content-area coursework that forms part of an application for certification, endorsement, or approval that is received on or after February 1, 2012, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

- a) Subject-area "designations" shall be required in conjunction with some endorsements, as shown in Appendix E to this Part. Except in the case of foreign language, a certificate-holder shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the designation or designations received in conjunction with that endorsement. However, a certificate-holder may not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the specific designation, unless he or she holds an applicable master certificate. For example, a secondary science teacher with a biology designation may not teach honors physics or chemistry unless he or she holds a master certificate endorsed for sciences.
- b) Endorsements at Time of Issuance  
Pursuant to Section 21-1b of the School Code [105 ILCS 5/21-1b], *all certificates initially issued under this Article...shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach.*
  - 1) For each application for certification received on or before September 30, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for any additional subject in which the candidate completed the required coursework.
  - 2) For each application received on or after October 1, 2004, but no later than January 31, 2012, the certificate issued shall be endorsed in keeping with the program completed and the related content-area test or test of subject matter knowledge passed by the candidate and, except as provided in subsections (g), (h), (i), (j), (k), and (m) of this Section:

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- A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; and
  - B) any additional area in which the individual presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); and
  - C) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section.
- 3) For each application received on or after February 1, 2012, the certificate issued shall be endorsed in keeping with the program completed and the related content-area test or test of subject matter knowledge passed by the candidate and for any other subject in which the individual:
- A) meets the requirements of subsection (e), (g), (h), (i), (j), (k), (m), or (n) of this Section; or
  - B) has accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, and has passed the applicable content-area test.

~~An individual who passes a test of subject matter knowledge prior to July 1, 2004, and applies for the related certificate no later than five years after the date on which the test was taken shall receive an endorsement valid only for the specific subjects covered under the prior system, unless the institution that offered the program completed by the candidate certifies to the State Board of Education that the candidate completed a program that met the applicable standards set forth at 23 Ill. Adm. Code 27 (Standards~~

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~~for Certification in Specific Teaching Fields). An endorsement under the new structure will be issued to an individual who either passes the applicable new content area test or completes a program based upon the applicable standards for the content area.~~

~~4) To account for the differing stages of preparation attained by candidates who were already enrolled in approved programs as of July 1, 2004, each institution may, through June 30, 2006, recommend to the State Board of Education the issuance of one or more endorsements under the structure in effect prior to July 1, 2004, to a candidate who has completed the coursework required for those endorsements and, in the judgment of the institution's certification officer, did not have a sufficient opportunity to complete the requirements for the comparable new endorsements instead.~~

- c) Pursuant to Section 21-4 of the School Code [105 ILCS 5/21-4], an individual who is eligible to receive a special certificate may elect to receive both an elementary and a secondary certificate, each endorsed as the special or special preschool-age 21 certificate would have been endorsed. An individual who elects to hold a special certificate may add endorsements to it by submitting an application pursuant to Section 21-12 of the School Code and demonstrating that he or she has met the applicable requirements of subsection (f)(3) of this Section.
- d) Endorsements issued under the system used prior to July 1, 2004, shall continue to be valid only for the specific subjects covered. An individual who wishes to teach other subjects in the same field shall be required to apply for the relevant new endorsement in keeping with Section 21-12 of the School Code and meet the applicable requirements of this Section.
- e) Each endorsement or designation indicated by an asterisk in Appendix E to this Part has no corresponding content-area test. The provisions of this subsection (e) shall apply to the issuance of these endorsements and designations.
- 1) For an applicant who is receiving an Illinois teaching certificate, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular designation, except that the requirements of subsection (n) of this Section shall apply to the issuance of endorsements in safety and driver education beginning with applications received on or after February 1, 2012.

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- 2) An applicant prepared out of state, or an applicant who is already certified in Illinois and is seeking to add a new endorsement or designation in one of these subjects, other than an endorsement in safety and driver education, shall:
  - A) present verification from an institution with an approved teacher preparation program that he or she is prepared in the area covered by the endorsement or designation sought; or
  - B) present evidence of completion of nine semester hours of coursework in the area covered by the endorsement or designation sought; or
  - C) present evidence of at least one year's teaching experience on a valid certificate in the area covered by the endorsement or designation sought.
- 3) An applicant prepared out of state or an applicant who is already certified in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth at 23 Ill. Adm. Code 1.730(q) through January 31, 2012. Beginning with applications received on or after February 1, 2012, the requirements stated in subsection (n) of this Section shall apply.
- f) Addition of Endorsements to Previously Issued Certificates  
Individuals seeking to endorse previously issued certificates shall apply for such endorsements, using a format specified by the State Superintendent~~Board~~ of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].
  - 1) When an~~An~~ applicant ~~who~~ qualifies for an endorsement, its issuance shall be reflected on the electronic certification system that is maintained by the State Superintendent of Education for use by applicants, school districts, and regional superintendents of schools~~shall receive a new copy of the original certificate with the endorsement and date of the endorsement affixed.~~

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- 2) ~~Applications received through June 30, 2005, shall, at the request of the applicant, be reviewed against the requirements in place immediately prior to July 1, 2004, except that applications received through June 30, 2006, for endorsements in reading and library information shall be reviewed on this basis. Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Each deficiency statement shall be honored by the State Board of Education for a period of one year from the date of issue. Applicants will receive the endorsements only if they remove the identified deficiencies within one year after the date of the deficiency statement. Subsequent applications for the same endorsements shall be accompanied by another fee and shall be subject to any new requirements.~~3) Except as provided in subsections (g), (h), (i), (j), (k), and (m) of this Section, for applications received on or after July 1, 2005, but no later than January 31, 2012, an endorsement will be issued to each applicant who:
- A) has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; or
  - B) presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); or
  - C) has met the applicable requirements of subsection (e) of this Section.
- 3) For applications received on or after February 1, 2012, an endorsement will be issued for any subject in which the individual:
- A) meets the requirements of subsection (e), (g), (h), (i), (j), (k), (m), or (n) of this Section; or
  - B) has accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally

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accredited institutions of higher education, with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, and has passed the applicable content-area test.

- g) Special provisions shall apply to the addition of endorsements in self-contained general education. An individual who holds a secondary, special K-12, or special preschool-age 21 certificate, or an individual who holds an elementary certificate endorsed in some other field by virtue of having "split" a special or special preschool-age 21 certificate, may qualify for the endorsement in self-contained general education on that certificate only by completing an approved program for the elementary certificate in accordance with Section 25.37 of this Part and passing the elementary/middle grades test. Fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement. However, an individual with an early childhood or a secondary certificate may choose whether to receive the elementary certificate or to add the endorsement to his or her existing certificate, thereby restricting his or her capacity for assignment to the grade levels encompassed by that certificate. An individual who elects to receive a separate certificate pursuant to this subsection (g) shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent certificate as explained in Section 25.720 of this Part.
- h) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences. The requirements of subsections (h)(1) through (h)(4) of this Section relate to endorsements and designations based on the standards found at 23 Ill. Adm. Code 27.140 through 27.260, while the requirements of subsection (h)(5) make subject-specific credentials available to out-of-state applicants whose preparation has been structured to address individual disciplines within the sciences or social sciences.
- 1) An individual seeking to add an endorsement and a designation in either of these fields who does not already hold that endorsement with one of its other available designations shall be required to pass the content-area test for the designation sought and either:
- A) be recommended for the endorsement and the designation by an institution with an approved program in the subject area based on

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having completed coursework sufficient to address the applicable content-area standards; or

- B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:
- i) at least 12 semester hours of credit must have been earned in the subject area of the designation sought; and
  - ii) some portion of the coursework completed must have addressed at least two additional designations within the field; and
  - iii) in the case of the sciences, the coursework completed must have included both biological and physical science.
- 2) The requirement stated in subsection (h)(1) of this Section shall apply whenever an individual seeks to add his or her first endorsement in one of these fields.
- 3) An individual may receive a subsequent designation in the same field if he or she has:
- A) passed the applicable content-area test and, effective with applications received on or after February 1, 2012, completed 12 semester hours of coursework in the subject area of the designation; or
  - B) completed a major in the content area of the designation.
- 4) An individual who holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004, may receive an endorsement and a designation in that field under the new structure by passing the content-area test for the designation sought and, effective with applications received on or after February 1, 2012, completing 12 semester hours of coursework in the subject area of the designation. He or she may then qualify for additional designations in the field pursuant to subsection (h)(3) of this Section.

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~~5) An out-of-state applicant who is eligible to receive an Illinois teaching certificate may receive an endorsement limited to a specific discipline among the social sciences (e.g., history) or the sciences (e.g., biology), provided that he or she presents evidence of having completed a major in that discipline.~~

i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.

1) Reading Teacher

This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds ~~or receives~~ an Illinois early childhood, elementary, secondary, or special certificate, or who receives one of these certificates endorsed for some field other than reading, shall be eligible to receive this additional endorsement on that certificate (and on any other certificate held or subsequently earned) when he or she presents evidence of:

A) having passed the applicable content-area test (or test of subject matter knowledge) and having been recommended for the endorsement by virtue of completing an approved reading teacher's preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at an institution that is recognized to offer teacher preparation programs in Illinois; or

B) having passed the applicable content-area test (or test of subject matter knowledge) and having completed 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:

i) foundations of reading,

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- ii) content-area reading,
  - iii) assessment and diagnosis of reading problems,
  - iv) developmental and remedial reading instruction and support,
  - v) developmental and remedial materials and resources, and
  - vi) literature appropriate to students across all grade ranges; or
- C) having completed, on or before June 30, 2006, the 18 semester hours of college coursework in reading described at 23 Ill. Adm. Code 1.740(a), in which case the individual shall apply for the endorsement no later than March 31, 2010, and passage of the content-area test or test of subject matter knowledge shall not be required.

## 2) Reading Specialist

- A) Each candidate for the~~The~~ reading specialist's endorsement shall ~~hold~~require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate and have at least two years of teaching experience in an Illinois school on one or more of those certificates. Each candidate shall be eligible to receive this endorsement on that certificate or on a separate special K-12 certificate when he or she presents evidence of having completed the required teaching experience. ~~and:~~
- B) Each candidate shall hold a master's degree or higher degree awarded by a regionally accredited institution of higher education.
- C)A) Each candidate shall have~~having~~ completed a K-12 reading specialist's program approved pursuant to Subpart C of this Part that includes a practicum and leads to the issuance of a master's or higher degree, provided that a person who holds one master's degree shall not be required to obtain a second one. Each

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~~candidate shall have been recommended for the endorsement by the institution offering the program; and~~

~~D) Each candidate shall be required to pass the content-area test for reading specialist.~~

~~B) having been recommended for the endorsement by the institution offering the program; and~~

~~C) having passed the content-area test for reading specialist.~~

3) An individual who ~~qualifies for the reading specialist's endorsement may receive the endorsement on his or her early childhood, elementary, secondary, or special certificate or may elect~~ to receive a separate special K-12 certificate. ~~In the latter instance, the individual pursuant to subsection (i)(2) of this Section~~ shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent certificate as explained in Section 25.720 of this Part.

j) Special provisions shall apply to the addition of endorsements and designations in foreign languages.

1) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has completed a major area of concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript.

2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual presents evidence of having accumulated 20 semester hours of college credit in the language, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge). The 20 semester hours may be calculated by including semester hours of study that were waived by the institution offering the coursework based on the individual's prior learning, provided that the individual presents verification issued by the institution to this effect (i.e., a statement on the

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official transcript or a letter signed by the certification officer identifying the number of hours involved).

- 3) Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).
  - 4) Sections 25.85 and 25.86 of this Part set forth additional provisions for certification in foreign languages under specified circumstances.
- k) The requirements of 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades), rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, except that Section 1.720 shall be read in conjunction with this Section with respect to reading and library information specialist assignments in the middle grades. The requirements of 23 Ill. Adm. Code 1.780, 1.781, and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second (New) Language.
- l) Each individual who is first assigned to teach a particular subject on or after July 1, 2004, based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester, unless he or she later receives the endorsement.
- m) An additional endorsement for "technology specialist" shall be issued only upon presentation of evidence that the applicant has completed at least 24 semester hours of college coursework demonstrably related to the subject area at one or more regionally accredited institutions of higher education and has passed the relevant content-area test.
- n) Beginning with applications received on or after February 1, 2012, an endorsement in safety and driver education shall be issued when the applicant provides evidence of having completed 24 semester hours of college credit in the field, with at least 12 semester hours at the upper-division or graduate level, as defined by the institution offering the coursework, distributed as follows:

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- 1) 3 semester hours in injury prevention or safety;
- 2) 12 semester hours in driver education that include:
  - A) driving task analysis (introduction to driver education);
  - B) teaching driver education in the classroom;
  - C) teaching the laboratory portion of the driver education course, including:
    - i) on-street teaching under the supervision of a qualified driver education teacher;
    - ii) the equivalent of at least one semester hour's preparation in and use of driving simulation;
    - iii) the equivalent of at least one semester hour's preparation in and use of multiple-car programs; and
  - D) advanced driver education and emergency evasive driving;
- 3) 3 semester hours in first aid and cardiopulmonary resuscitation; and
- 4) 6 semester hours chosen in any combination from:
  - A) the use of technology in instruction;
  - B) safety issues related to alcohol and other drugs;
  - C) driver education for students with disabilities; and
  - D) any other safety-related area.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.105 Temporary Substitute Teaching Permit**

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An individual who holds a bachelor's degree and who resided in an area outside Illinois that has been declared a disaster area by a federal or state authority~~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 for the remainder of the school year in which it is issued~~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

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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: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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

**Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and  
Approval of Programs**

In order for an Illinois institution of higher education to offer one or more programs that prepare professional educators, that institution must be recognized, and the educational unit responsible for such programs must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Each program that is offered by a recognized institution must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board. "Program" or "preparation program" means a program that leads to certification. Electronic transmission of written materials required pursuant to this Subpart C may be authorized or required by the State Superintendent of Education when this method may be more cost effective or feasible.

- a) An institution shall be recognized if it is regionally accredited and:
- 1) is approved as a degree-granting institution by the Illinois Board of Higher Education, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];
  - 2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and
  - 3) conducts or proposes to conduct at least one approved program that will prepare professional educators.

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- b) An educational unit shall be accredited if its accreditation visit occurs prior to the fall of 2008 and the institution meets the standards enumerated in "Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education" (2002), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section). Beginning with accreditation visits in the fall of 2008, the 2008 edition of these standards shall apply; no later amendments or editions are incorporated.
- c) A preparation program shall be approved if it meets the applicable content standards established by the State Board of Education and the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or 23 Ill. Adm. Code 29.100 (Illinois Professional School Leader Standards), as applicable, ~~except as provided in Section 25.135 of this Part.~~
- d) The accreditation of an educational unit and the approval of its programs shall be subject to review five years after the unit's original State accreditation and every seven years thereafter, except that no accreditation reviews shall be conducted in 2009 and each institution's first scheduled review after January 1, 2009, shall be deferred for one additional year. For an institution already accredited by the State that subsequently receives accreditation from NCATE, the next accreditation review shall be due five years after receipt of that accreditation, after which review the institution shall be returned to a seven-year cycle. Accreditation Review shall be conducted as provided in Sections 25.125 and 25.127 of this Part and decisions regarding continued accreditation and approval shall be made as provided in those Sections. The State Superintendent shall alter the timing of an institution's review at the institution's request if the Superintendent determines that the request is based on unforeseen circumstances that were beyond the institution's control and were demonstrably related to the institution's ability to prepare for the review.
- e) ~~Beginning in 2010, each~~Each accredited educational unit shall annually submit to the State Superintendent of Education, in a format defined by the State Superintendent and no later than August 30 according to a timeline announced at least six months in advance:
- 1) a report that describes any ~~significant~~ changes or planned changes in the unit or its programs, updates any information previously provided as

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needed, and provides institutional data that describe the results of unit and program assessments and the actions taken or planned to address areas identified for improvement; ~~and~~

2) an annual report specific to each approved program offered by the institution that conveys summary data about the program's overall structure, faculty, and candidates, and the results of various assessments;  
and

3) as relevant to the institution, a report on all programs provided by the institution that have been approved as an alternative route to certification under Sections 25.65 and ~~Section~~ 25.67 of this Part.

f) If relevant to the institution, the report required under subsection (e) of this Section shall include a description of how the unit has addressed any applicable standards identified during the most recent review of the unit and its programs as "not met" or "met with areas for improvement". However, for institutions that have been assigned "Continuing Accreditation with Conditions" or "Probation", this description shall not be required in those years in which the institution is required to submit a special report or is subject to a focused or full visit as discussed in Section 25.125(j) of this Part.

g) No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers' pass rates on the examinations required for initial certification pursuant to this Part and other information required by Title II of the Higher Education Act [20 USCA 1027]. Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, guidance counselors, and prospective employers of the institution's program completers.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.125 Accreditation Review of the Educational Unit**

The requirements of this Section shall apply to Accreditation Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall be scheduled during the academic year for the mutual convenience of the affected institution and the review team. When an institution located in Illinois is governed by an out-of-state institution, the out-of-state

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institution shall also be visited as part of the accreditation review if, in the judgment of the State Superintendent of Education, firsthand observation of the administration and resources of the governing institution is essential to an accurate evaluation of the institution's capacity for meeting relevant Illinois standards and preparing educators to serve in Illinois schools.

- a) No later than one year before its Accreditation Review will be held, the institution shall submit to the State Superintendent of Education five copies of each of the reports specified in this subsection (a) that is applicable. However, an institution that is also seeking initial accreditation from NCATE will need to comply with NCATE's submission timelines as well.
  - 1) For its first review in light of the standards incorporated by Section 25.115(b) of this Part, the institution shall submit a report providing an overview of the unit's conceptual frameworks, which shall include a description of each framework and its development. The discussion of the frameworks shall address each of the "structural elements" found in the standards referred to in Section 25.115(b) of this Part. For each subsequent review, the institution shall describe any changes in the conceptual frameworks that have been made since the institution's previous Accreditation Review.
  - 2) If at least 80 percent of an institution's teacher preparation program completers have passed the applicable form of the assessment of professional teaching (APT) in each of the preceding three years, the institution shall be deemed to be adequately addressing the Standards for All Illinois Teachers set forth at 23 Ill. Adm. Code 24. For any form of the APT for which this criterion has not been met, the institution shall submit a composite report covering all programs for whose candidates that form is required. This report shall describe how those preparation programs address those standards.
  - 3) If at least 80 percent of an institution's administrative certification program completers have passed the applicable content-area examinations for administrative certification in each of the preceding three years, the institution shall be deemed to be adequately addressing the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100). For any administrative certification program for which this criterion has not been met, the institution shall submit a report describing how the program addresses these standards.

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- b) A panel established by the State Superintendent shall review the overview of the unit's conceptual frameworks no more than 60 days after the overview is submitted. No later than 30 days after the panel completes its review, and if the institution is to be reviewed under subsection (d)(1) of this Section, the State Board of Education shall notify the institution either that the description of its conceptual frameworks is adequate or that certain structural elements were not adequately addressed and will undergo additional scrutiny by the review team during the visit described in subsection (e) of this Section.
- c) No later than 60 days before its review visit, the institution shall submit either to the State Superintendent the number of copies specified in light of the review team's size or to NCATE the number of copies required by NCATE, with two copies to the State Superintendent, of an institutional report presented in a format prescribed by the State Board of Education and incorporating:
- 1) an overview of the institution;
  - 2) an overview of the unit's conceptual frameworks; and
  - 3) evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part.
- d) A review team shall be empanelled to conduct an on-site review to verify the information provided by the institution as required by subsection (c) of this Section. The review team shall be constituted as provided in subsection (d)(1) or (d)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.
- 1) **Institutions Seeking State Accreditation Only**  
From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review and shall appoint the team's chair. A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall accompany the review team, serving as a consulting, ex officio member to ensure that applicable standards, procedures, rules, and statutes are addressed.

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- 2) Institutions Also Seeking to Achieve or Retain NCATE Accreditation  
A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall accompany the review team appointed by NCATE's Board of Examiners, serving as a consulting, ex officio member to ensure that applicable Illinois standards, procedures, rules, and statutes are addressed.
- e) The review team shall visit the institution and verify the degree to which the educational unit and its programs meet the standards referred to in Section 25.115(b) of this Part.
- f) The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual frameworks, summarizing data on the performance of candidates and graduates, and taking into account the recommendations arising from the review of program reports as outlined in Section 25.127 of this Part. This draft report shall be provided to the institution within 30 business days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair shall review the institution's suggested revisions and make appropriate corrections in consultation with the ex officio consultant who is serving pursuant to subsection (d) of this Section. The final report shall be submitted to the State Superintendent of Education by the team's chair or by NCATE, as applicable, within 30 days after the chair's receipt of the institution's suggested corrections. The State Superintendent shall provide the final report to the institution within ten business days after receiving it.
- g) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent and to NCATE, if applicable, either a letter stating agreement with the report's findings or a rejoinder to those findings that meets the following requirements:
  - 1) The rejoinder must indicate the grounds for disagreement with one or more of the team's findings and include documentation to support the institution's position.
  - 2) All documentation must describe conditions that existed at the time of the on-site review. (Changes made by the unit after the visit will not be considered.)

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- 3) All documentation must relate directly to the standards and procedures that applied at the time of the on-site visit.
- h) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, a response to that rejoinder provided by the team's chair, the results of the review of the program reports, any other relevant documentation that was available to the review team, and the decision of NCATE's Unit Accreditation Board (UAB), if applicable.
- i) After consideration of the information submitted pursuant to subsection (h) of this Section, the State Teacher Certification Board shall convey to the State Board of Education a recommendation regarding the accreditation of the educational unit as appropriate to the circumstances, in keeping with the provisions of subsection (j) of this Section. The State Teacher Certification Board shall also convey recommendations regarding approval of the unit's individual programs (see Section 25.127 of this Part).
- j) The possible outcomes of Accreditation Review shall align with those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will generally not be caused to duplicate their efforts or undergo duplicate reviews.
  - 1) If the educational unit has met all the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education continue the accreditation of the educational unit (which may include the identification of areas for improvement), thereby authorizing the institution to conduct its approved programs and to recommend candidates for certification by entitlement.
  - 2) If the educational unit has failed to meet one or more of the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with conditions, thereby authorizing the institution to conduct its approved programs and to recommend candidates for certification by entitlement. An institution to which accreditation with conditions has been assigned shall, within 30 days after receipt of the State Board's decision, provide

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written notification to the candidates enrolled in the unit's programs to this effect.

- A) If the State Teacher Certification Board believes that the unit can make adjustments so as to satisfy the conditions expressed within six months, the Board shall recommend that the State Board of Education request submission of documentation that addresses the unmet standards as well as any other areas for improvement within that time. However, the affected unit may choose to undergo a focused visit pursuant to subsections (j)(2)(C) and (D) of this Section instead.
- B) If documentation is submitted pursuant to subsection (j)(2)(A) of this Section, the State Board of Education shall either continue the institution's accreditation, if the conditions expressed have been satisfied, or require a focused visit addressing the unmet standards and any additional areas for improvement, which shall occur within one year after the semester in which the documentation was submitted.
- C) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet standards and any additional areas for improvement within two years after the semester when the conditions were issued.
- D) Each focused visit shall be conducted by a team established by the State Superintendent of Education or the NCATE Board of Examiners, as applicable, and trained in the review process. The provisions of subsection (d)(2) of this Section shall also apply. The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied.
  - i) Within 30 days after receipt of this report, the institution shall submit either a rejoinder to the team's findings that meets the requirements of subsection (g) of this Section or a letter acknowledging receipt of the report.

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- ii) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report, the institution's letter of agreement or rejoinder, a response to that rejoinder provided by the team's chair, any other relevant documentation that was available to the review team, and the decision of NCATE's Unit Accreditation Board, if applicable.
- E) After reviewing the materials submitted pursuant to subsection (j)(2)(D) of this Section, the State Teacher Certification Board shall recommend that the State Board of Education continue or revoke the unit's accreditation.
- F) A unit to which continued accreditation is granted as a result of a six-month report or a focused visit shall next be due for Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).
- 3) If the educational unit has failed to meet one or more of the applicable standards and exhibits areas for improvement that may limit its candidates' ability to meet the standards for certification (meaning, for an NCATE institution, if national accreditation has been revoked), the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with probation. An institution to which accreditation with probation has been assigned shall, within 30 days after receipt of the State Board's decision, provide written notification to the candidates enrolled in the unit's programs to this effect. If accreditation with probation is assigned, the unit must schedule an on-site visit within two years after the semester in which the decision was rendered. As part of this visit, the unit must address all the standards in effect at the time of the review that resulted in probation.
  - A) An on-site review required pursuant to this subsection (j)(3) shall be subject to the requirements of subsections (a) through (g) of this Section.
  - B) Following the on-site review, the State Teacher Certification Board shall review the team's report and, based on its assessment of the

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degree to which the unit has achieved compliance with the applicable standards, shall recommend to the State Board of Education that it either continue or revoke the institution's recognition and the educational unit's accreditation.

- C) A unit whose accreditation has been continued pursuant to this subsection (j)(3) shall next be subject to Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).
- k) The provisions of subsection (j) of this Section notwithstanding, an institution not accredited by NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Accreditation Review, an Accreditation Review shall be conducted as described in this Section, and the schedule for subsequent Accreditation Reviews shall be altered accordingly.) Conversely, an institution may choose to become disaffiliated with NCATE so that its next Accreditation Review will be conducted under subsection (d)(1) of this Section, provided that the institution notifies the State Superintendent of Education of this intention no later than 18 months prior to the scheduled date of the review visit. The State Superintendent may make an exception to the 18-month timeframe upon determining that circumstances beyond the control of an institution prevented its meeting the deadline for this notification.
- l) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Revocation of recognition and accreditation shall be subject to the provisions of Section 25.165(b) of this Part.
- m) Each institution shall pay a portion of the costs related to State participation in its accreditation reviews and any focused visits, subject to the rules of the Travel Regulation Council (see 80 Ill. Adm. Code 3000).
- 1) When only State accreditation is involved and the institution is located in Illinois, the institution shall pay for:
- A) lodging for each team member, including the consulting, ex officio member referred to in subsection (d)(1) of this Section; and

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- B) a meeting room for the team in the hotel where the team members are housed.
- 2) When NCATE accreditation is also involved and the institution is located in Illinois, the institution shall pay for the lodging of the consulting, ex officio team member referred to in subsection (d)(2) of this Section.
- 3) When only State accreditation is involved and the institution is located outside Illinois, the institution shall pay all travel costs associated with the team members' visit, including:
- A) transportation, lodging, and meals or per diem for each team member, including the consulting, ex officio member referred to in subsection (d)(1) of this Section; and
- B) a meeting room for the team in the hotel where the team members are housed.
- 4) When NCATE accreditation is also involved and the institution is located outside Illinois, the institution shall pay all travel costs for the consulting, ex officio team member referred to in subsection (d)(2) of this Section and, at the discretion of the State Superintendent of Education, for one additional individual representing the Illinois State Board of Education, including transportation, lodging, and meals or per diem.
- 5) When an institution located in Illinois is governed by an out-of-state institution and the out-of-state institution is visited as part of the accreditation review, the travel costs associated with the out-of-state visit shall be borne by the institution under subsection (m)(3) or (m)(4) of this Section, as applicable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.130 ~~Mid-Cycle Intervention~~ ~~Special Provisions for Institutions Subject to Conditions for Continuing Accreditation (Repealed)~~**

The provisions of this Section shall apply when the State Superintendent of Education or the State Teacher Certification Board receives information indicating that any educational unit accredited pursuant to this Subpart C or any approved preparation program may not be

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addressing any applicable standard or may otherwise be failing to offer candidates any of the learning opportunities that are necessary to their preparation as professional educators. The State Superintendent shall inform the affected educational unit of the areas of concern and offer the unit's representatives an opportunity to submit a written response addressing the points raised, unless the affected institution will be undergoing either a regularly scheduled accreditation review or a focused visit during the upcoming semester.

- a) If an accreditation review or focused visit is to be conducted, the State Superintendent shall inform the review team of the areas of concern. In the case of a focused visit, the areas of concern shall be considered "additional areas for improvement" that the institution must address, as discussed in Section 25.125(j)(2) of this Part.
- b) If the unit's representatives are invited to provide a response, any material submitted shall be considered by the State Teacher Certification Board at the next available opportunity. The Certification Board may also invite representatives of the institution to appear before it to present any additional information that may be relevant.
- c) If the Certification Board concludes that further information is necessary, or if the institution has not responded within 60 days after receiving notification of the issues from the State Superintendent, the Certification Board shall recommend to the State Superintendent that an inquiry be conducted, which may include an on-site review at the discretion of the State Superintendent.
- d) If the State Teacher Certification Board determines at any point that the concerns raised were unfounded or that the issues have been remedied in the interval, the Certification Board shall notify the State Superintendent that no further action is needed with regard to the matter, and the State Superintendent shall notify the institution accordingly.
- e) If, after considering all information presented by the institution's representatives, the standards and requirements that apply to the unit or the program in question, and the results of the inquiry, if one was conducted, the State Teacher Certification Board determines that cause for concern continues to exist, the Certification Board shall convey to the State Superintendent of Education a recommendation for action by the State Board of Education regarding the status of the unit or the program, as applicable.

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- 1) In the case of an individual preparation program, the Certification Board shall recommend that the program's approval status be made provisional. If provisional approval is assigned by the State Board of Education, the Certification Board shall review the next annual program report to determine whether the required improvements have been made and the applicable standards are being met. If so, the Certification Board shall notify the State Superintendent that no further action is needed.
- A) If the required improvements have been initiated by the institution and there is a reasonable expectation that the areas of concern will be resolved within the following 12 months, the Certification Board shall recommend continued provisional approval for the program.
- i) The Certification Board shall review the subsequent annual program report to determine whether the applicable standards are being met and shall either notify the State Superintendent that no further action is needed or recommend that the State Board of Education place the program on probation for a specified period not to exceed 12 months.
- ii) If the program is placed on probation, no new candidates may be accepted into it. While the program is on probation, the institution shall submit to the State Superintendent a complete, new program report, with emphasis on the unmet standards. At the end of the probationary period, the State Teacher Certification Board shall recommend either continuing approval of the affected program or revocation of the program's approval, according to whether all applicable standards are being met.
- B) If the institution has not initiated changes that can be expected to address the identified concerns within the following 12 months, the Certification Board shall recommend a specified probationary period for the program not to exceed 12 months. If the State Board of Education places the program on probation, the provisions of subsection (e)(1)(A)(ii) of this Section shall apply.

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- 2) In the case of an educational unit, the Certification Board shall recommend that conditions be attached to the unit's accreditation and that the provisions of Section 25.125(j)(2) of this Part be made applicable, except that any focused visit would be conducted by a team established by the State Superintendent.
- f) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of its approval shall be subject to the requirements of Section 25.165(b) of this Part.

(Source: Old Section repealed at 32 Ill. Reg. 13263, effective July 25, 2008; new Section adopted at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.145 Approval of New Programs Within Recognized Institutions**

The procedures set forth in this Section shall apply to the initial approval of additional teacher preparation programs established by institutions that are already recognized, as well as to the approval of programs proposed by consortia. A consortium is a partnership involving two or more teacher education institutions with accredited educational units, or one or more such institutions and one or more not-for-profit organizations in the State which support excellence in teaching and/or one or more school districts. Each consortium shall designate from among its members a recognized institution of higher education whose schedule for Accreditation Reviews shall apply to the consortium's programs also.

- a) The institution shall submit to the State Superintendent of Education a program report meeting the requirements of Section 25.127(a) of this Part, showing how each proposed program meets the applicable professional education and content-area standards established by the State Board of Education.
- b) No later than ~~60~~30 days after the State Superintendent receives a program report, staff shall notify the affected institution as to whether the report is complete and identify any required component not adequately addressed. An institution may provide additional material to complete a program report within ~~60~~30 days after receiving a notification to the effect that it is incomplete.
- c) At the institution's request, staff of the State Board of Education shall convey the report to the State Teacher Certification Board.

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- d) After consideration of the report, the State Teacher Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:
- 1) Provisionally approve the proposed new teacher education programs, thereby authorizing the educational unit to conduct the programs and to recommend candidates for certification by entitlement until the time of the institution's next scheduled Accreditation Review; or
  - 2) Deny approval of the proposed programs, thereby prohibiting the conduct of the affected programs.
- e) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.
- f) When a unit submits a proposal for an alternative program under any of Sections 21-5b, 21-5c, and 21-5d of the School Code [105 ILCS 5/21-5b, 21-5c, and 21-5d], that proposal shall not be considered a new program subject to this Section. The review of such a proposal shall be as delineated in Section 25.65, 25.67, or 25.313 of this Part, as applicable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.160 Notification of Recommendations; Decisions by State Board of Education**

- a) The State Superintendent of Education shall notify an affected institution in writing not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C and, except as provided in this subsection (a), shall await the institution's response (see subsection (b) of this Section) prior to forwarding that recommendation to the State Board of Education. The State Superintendent shall not await a response from an institution if, as applicable to the nature of the review:
- 1) the State Teacher Certification Board has recommended the initial recognition of the institution, the accreditation of its educational unit, and the approval of all of its proposed programs under Section 25.155(1)(1) of this Part; ~~or~~
  - 2) the State Teacher Certification Board has recommended continuing the

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accreditation of the educational unit under Section 25.125(j)(1) of this Part and the approval of all the unit's existing preparation programs under Section 25.127(j)(1) of this Part; ~~or~~

- 3) the State Teacher Certification Board has recommended provisional approval of each proposed new preparation program under Section 25.145(d)(1) of this Part; or
- 4) the State Teacher Certification Board has recommended continuing approval of a preparation program under Section 25.130(e)(1)(A)(ii) of this Part.

- b) Within 30 days after receipt of written notification from the State Superintendent, an affected institution may submit a notice of objection to the State Teacher Certification Board's recommendation. The institution's narrative explanation of its objections shall conform to the requirements for rejoinders stated in Section 25.125(g) of this Part but may also be based upon an objection to the State Teacher Certification Board's review; this narrative and any supporting documentation shall be submitted to the State Superintendent not later than 30 days after the institution submits its notice of objection.
- c) The State Superintendent shall forward to the State Board of Education for consideration at its next available meeting the recommendation made by the State Teacher Certification Board and the institution's presentation of its objections and shall inform the State Teacher Certification Board that these materials have been submitted for the State Board's consideration.
- d) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution in writing of the State Board's action.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.165 Discontinuation of Programs**

- a) An institution that intends to discontinue an approved program or cease offering preparation programs altogether shall so notify the State Superintendent of Education no later than 30 days prior to taking ~~that~~ such action, except that voluntary discontinuation of a program shall also be subject to the following

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additional requirements:

- 1) The institution shall assure the State Superintendent that all candidates currently enrolled in any program scheduled for discontinuation will have an opportunity to complete the program.
  - 2) The institution shall supply to the State Superintendent the names and Social Security numbers of all candidates currently enrolled in any program scheduled for discontinuation.
- b) When approval of a program is revoked, the State Board of Education may require its continued operation for one additional academic year to permit currently enrolled candidates either to complete the program or to seek enrollment in another institution for that purpose. However, if the State Board determines in consultation with the State Teacher Certification Board that the program is unable to offer candidates learning opportunities that contribute to their **teaching** competence **as professional educators**, the Board shall require that the program cease operating at the end of the then-current semester. The institution shall supply to the State Superintendent the names and Social Security numbers of all candidates currently enrolled in any program whose approval is revoked.
- c) A program in which no candidates have been enrolled for a consecutive three-year period shall be considered to have been discontinued. An institution desiring to resume offering such a program shall be required to comply with the requirements for initial approval stated in Section 25.145 of this Part.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

## SUBPART D: SCHOOL SERVICE PERSONNEL

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

- a) Each candidate for the school service personnel certificate endorsed for school social work shall hold a master's or higher degree in social work with a specialization in school social work awarded by a graduate school of social work accredited by the Council on Social Work Education.
- b) Each candidate shall have completed an Illinois program approved for the preparation of school social workers pursuant to Subpart C of this Part or a

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comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

- c) Each candidate shall have completed both a supervised field experience of at least 400 contact hours, supervised by a field instructor holding a master's or higher degree in social work, and a school social work internship of at least 600 contact hours in a school setting or have one year's professional experience as a school social worker on a valid out-of-state school social work certificate or an Illinois provisional school service personnel certificate endorsed for school social work.
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 of this Part. (See also 23 Ill. Adm. Code 23.140.)
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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

An individual who qualifies for an Illinois master school service personnel certificate in school counseling under Section 21-25(d) of the School Code shall not be subject to the requirements of this Section.

- a) Each applicant for the school service personnel certificate endorsed for school counseling shall hold a master's or higher degree awarded by a regionally accredited institution of higher education in school counseling, another counseling or related field (e.g., social work or psychology), or an educational field. ~~(See subsection (h) of this Section.)~~
- b) Each applicant shall have completed an Illinois program approved for the preparation of school counselors pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
- c) Each candidate shall have completed a supervised counseling practicum of at least 100 clock hours that provided interaction with individuals and groups of school age and included at least 40 hours of direct service work. Except as provided in

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subsection (e) of this Section, each applicant shall have completed a structured and supervised internship that is part of an approved program.

- 1) The internship shall be of a length that is determined by the approved program to be adequate to enable candidates to meet the standards set forth at 23 Ill. Adm. Code 23.110 but shall entail at least 600 hours and last no less than one semester, during which the candidate shall engage in the performance of various aspects of the counseling role and shall be gradually introduced to the full range of responsibilities associated with that role. However, the internship for an individual with at least two years of teaching experience may, at the discretion of the institution offering the approved program, consist of no fewer than 400 hours. In each case at least 240 hours of the internship shall involve direct service work with individuals and groups of school age.
  - 2) The internship shall occur in a school setting except that, at the discretion of the institution, a maximum of one-third of the hours required may be credited for experiences in other related settings such as hospitals or day care settings that, in the judgment of the institution, expose the candidate to the needs of school-aged children and prepare the candidate to function as a school counselor.
  - 3) An institution may recommend certification of a candidate who was enrolled in an approved program prior to July 1, 2004, and has completed an internship meeting the requirements applicable at the time of his or her enrollment.
- d) Except as provided in subsections (e) and (f) of this Section, each applicant shall either:
- 1) hold or be qualified to hold a teaching certificate; or
  - 2) have completed, as part of an approved program, coursework addressing:
    - A) the structure, organization and operation of the educational system, with emphasis on P-12 schools;
    - B) the growth and development of children and youth, and their implications for counseling in schools;

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- C) the diversity of Illinois students and the laws and programs that have been designed to meet their unique needs; and
- D) effective management of the classroom and the learning process.
- e) An applicant who holds another state's certification in school counseling shall not be subject to the requirements of subsection (c) or subsection (d) of this Section if he or she presents evidence of at least one year's two years' full-time experience as a school counselor on a valid out-of-state school counseling certificate or an Illinois provisional school service personnel certificate endorsed for school counseling.
- f) An applicant who has completed an approved school counseling program in another state that includes an internship meeting the requirements of subsection (c) of this Section shall not be subject to the requirements of subsection (d) of this Section.
- g) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 of this Part. (See also 23 Ill. Adm. Code 23.110.)
- h) ~~An applicant who holds a master's degree in any field other than school counseling, or who holds a bachelor's degree only, shall be required to complete the equivalent of all requirements of an approved school counseling preparation program. The Illinois institution offering the program shall review the individual's educational and experiential background and identify any of the standards set forth at 23 Ill. Adm. Code 23.110 or other applicable requirements of this Section that the individual's preparation has not addressed. Upon successful completion of the coursework and experiences offered by the institution that address the identified standards, the applicant shall be eligible to be recommended for certification by entitlement.i)~~ Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.227 Interim Certification of School Counselor Interns (2004)**

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- a) An individual who wishes to participate in an internship enabling him or her to meet the requirements described in Section 25.225 of this Part may obtain interim certification as a school counselor intern. Each applicant for this certification shall either:
  - 1) have completed, as part of an approved program, all the coursework described in Section 25.225(d)(2) of this Part; or
  - 2) hold a master's or higher degree in ~~the~~ field of community counseling ~~other than school counseling~~ and be working toward completion of all requirements necessary for certification as a school counselor as described in Section 25.225(~~h~~) of this Part.
- b) Each applicant shall be in good health and of sound moral character and shall be a citizen of the United States or be legally present in the United States and possess legal authorization for employment.
- c) Each applicant shall submit the required fee along with an application to the State Board of Education and a transcript indicating compliance with subsection (a) of this Section.
- d) Interim certification as a school counselor intern shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.235 Certification of School Psychologists (2004)**

- a) Each candidate for the school service personnel certificate endorsed for school psychology shall hold a master's or higher degree in psychology or educational psychology with a specialization in school psychology.
- b) Each candidate shall have completed an Illinois program approved for the preparation of school psychologists pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
- c) Each candidate shall have completed both a supervised field experience of at least 250 hours in a school setting and/or child study center and either a one-year, full-

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~~time~~an internship ~~of at least 1200 contact hours and lasting a full school year~~ under the direction of an intern supervisor or one year's full-time work experience as a school psychologist on a valid out-of-state school psychology certificate or an Illinois provisional school service personnel certificate endorsed for school psychology.

- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 of this Part. (See also 23 Ill. Adm. Code 23.130.)
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.275 Renewal of the School Service Personnel Certificate**

The requirements set forth in this Section apply to renewal of school service personnel (SSP) certificates in accordance with Section 21-25 of the School Code [105 ILCS 5/21-25].

- a) Pursuant to Section 21-25 of the School Code, the renewal of school service personnel certificates held by individuals employed and performing services in certain types of public schools is contingent upon certificate-holders' presentation of evidence of continuing professional development. Renewal of any affected SSP certificate whose period of validity begins on or after July 1, 2008 shall require the certificate-holder's:
  - 1) possession of one of the State licenses identified in Section 21-25(e) of the School Code, that is:
    - A) current licensure as either a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];
    - B) current licensure as either a clinical social worker or a social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; or

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- C) current licensure as a speech-language pathologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; or
  - 2) possession of one of the national certifications identified in Section 21-25(e) of the School Code; or
  - 3) completion of sufficient professional development activities to satisfy the requirements of Section 21-25 of the School Code.
- b) An individual who wishes to qualify for certificate renewal based on licensure or national certification as permitted by Section 21-25 of the School Code shall maintain documentation related to the relevant license or certificate, including its date of issue, period of validity, and issuing body. This information shall be included in the individual's application for certificate renewal in place of the statement of assurance called for in subsection (k) of this Section.
- c) Completion of the certification process conducted by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill the entire requirement for professional development under subsection (a)(2) of this Section for the renewal cycle during which completion occurs. Evidence of completion of this process shall be the inclusion of the certificate-holder's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification).
- d) Except as provided in subsections (b) and (c) of this Section, *each professional development activity used to fulfill the requirements of this Section shall be required to address one or more of the purposes set forth in Section 21-25(e) of the School Code, and three of the four purposes must be addressed.* No later than 60 days after the State Board of Education votes to establish or change the list of *areas determined by the Board to be critical for all school service personnel* (Section 21-25 of the School Code), the State Superintendent of Education shall notify each school district superintendent, each regional superintendent of schools, and any organization that requests this notification. The notice shall include a list of the areas and state the date upon which the list takes effect.
- e) CPDUs shall be generated for completion of activities in accordance with the provisions of Section 25.875 of this Part, provided that, as necessary to the context:

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- 1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;
  - 2) references to teachers, teaching, and instruction shall be understood to mean holders of the school service personnel certificate and their performance of services;
  - 3) references to the classroom shall be understood to mean the setting where services are provided;
  - 4) references to classes directly taught by the certificate-holder (Section 25.875(e) and (n) of this Part) shall be understood to mean students directly served by the certificate-holder;
  - 5) references specific to the supervision or preparation of candidates for teaching certificates (Section 25.875(h) and (m) of this Part) shall be understood to mean the supervision or preparation of candidates for the school service personnel certificate;
  - 6) references to content-area standards (Section 25.875(i) of this Part) shall be understood to mean the relevant standards set forth at 23 Ill. Adm. Code 23 (Standards for the School Service Personnel Certificate); and
  - 7) the reference to State priorities (Section 25.875(k) of this Part) shall be understood to mean the critical areas identified by the State Board of Education pursuant to Section 21-25(e)(2) of the School Code.
- f) The provisions of Sections 25.855, 25.860, 25.865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that, as necessary to the context:
- 1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;
  - 2) references to Subpart J of this Part shall be understood as referring to this Section; and

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- 3) references to teachers shall be understood to include holders of the school service personnel certificate. ~~and~~
  - 4) ~~references to continuing education units (CEUs) shall not apply.~~
- g) Each school service personnel certificate shall be maintained as "valid and active" or "valid and exempt" for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part. In addition:
- 1) *the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term; and*
  - 2) *a certificate-holder who is employed as a substitute on a part-time basis or a day-to-day basis shall only be required to pay the registration fee in order to renew his or her certificate (Section 21-25(e) of the School Code).*
- h) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.
- i) Each certificate-holder shall:
- 1) maintain the required form of evidence of completion for each activity throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and
  - 2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section.

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- j) An Illinois master SSP certificate shall have a ten-year period of validity. When an individual receives an Illinois master SSP certificate, any other SSP certificate held by the same individual shall be renewed as of the date of issuance of the master certificate. Any other SSP certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- 1) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew the Illinois master SSP certificate and any other SSP certificate held if the applicable requirements of this Section have also been met.
  - 2) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Section have been met during the master certificate's period of validity.
- k) Each holder of an SSP certificate shall apply for renewal of that certificate as set forth with respect to teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:
- 1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and
  - 2) references to "standard" certificates in that Section shall be understood to apply to SSP certificates.
- l) Within 14 days after receiving an application for the renewal of a school service personnel certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.
- 1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of SSP certificates, along with verification that:

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- A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with the requirements of Section 21-25 of the School Code and this Section; and
- B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.
- 2) If the recommendation is not to renew the certificates held, or if ~~information provided on~~ the application ~~makes~~~~indicates~~ the individual ~~subject to the requirements of any of Sections 25.485 through 25.490 of this Part~~ or may be out of compliance with ~~Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments~~, the certificate-holder's copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent's rationale.
- m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the SSP certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that the requirements of Section 21-25 of the School Code shall be understood to apply rather than those established by Section 21-14 of the School Code.
- n) The State Teacher Certification Board shall review regional superintendents' recommendations regarding the renewal of SSP certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90 days after the State Teacher Certification Board receives regional superintendents' recommendations, subject to the right of appeal set forth in this subsection (n).
- 1) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

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- 2) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
  - 3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
  - 4) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-25 of the School Code, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.
- o) The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the SSP certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of Section 21-25 of the School Code and this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable SSP certificate only if he or she presents evidence of having:
- 1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
  - 2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.
- q) The provisions of Section 25.840(d) of this Part shall apply to the renewal of the school service personnel certificate.

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- r) If fewer than five years remain in the period of a certificate's validity as of July 1, 2008, the number of CPDUs required in order to renew the certificate at the conclusion of that period shall be proportionately reduced.
- s) An individual who performs services both on an SSP certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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

**Section 25.313 Alternative Route to Administrative Certification**

The purpose of the administrative route established under Section 21-5d of the School Code [105 ILCS 5/21-5d] is to provide an expedited means by which experienced administrators may acquire the knowledge and skill that will enable them to serve as public school administrators in positions other than principal and assistant principal. For purposes of this Section, and beginning with candidates who begin the course of study on or after January 1, 2010, the one year's full-time administrative assignment that makes up the second phase of this program shall not consist of work performed as a principal or assistant principal and must include a range of tasks that are inherent to the roles covered by the endorsement sought.

- a) Section 21-5d of the School Code ~~[105 ILCS 5/21-5d]~~ provides for the issuance of provisional alternative administrative certificates to eligible candidates, as defined in that Section, who successfully complete a course of study approved by the State Board of Education in consultation with the State Teacher Certification Board.
- b) Section 21-5d of the School Code further provides for the issuance of standard administrative certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:
  - 1) one year's full-time administrative work in a school district's central office;
  - 2) a comprehensive assessment of the candidate's performance; and

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- 3) a favorable recommendation by the institution of higher education responsible for the course of study.
- c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5d of the School Code and this Section. In making this determination, the State Board of Education shall consult with the State Teacher Certification Board and the advisory panel established pursuant to Section 21-5d of the School Code. Proposals shall be addressed as follows:
- State Board of Education  
Alternative Certification Program  
100 North First Street  
Springfield, Illinois 62777-0001
- d) Proposal Requirements
- 1) Each proposal shall describe the roles and responsibilities of the participating university and the school districts in which candidates will be assigned for the year of practice as full-time administrators.
  - 2) Each proposal shall indicate how candidates who do not possess master's degrees in management shall be determined eligible for the program based on life experience equivalent to a master's degree. In making this determination, institutions shall take into consideration candidates' length and breadth of experience in such areas as:
    - A) personnel management, supervision, and evaluation;
    - B) long-range planning and evaluation of program effectiveness;
    - C) community and public relations;
    - D) organizational development and improvement;
    - E) finance and budgeting; and
    - F) work involving public schools and other educational units.

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- 3) Each proposal shall describe the proposed course of study.
  - A) Each proposal shall describe how individual candidates' education and experience will be used in determining the portions of the course of study he or she will be required to complete.
  - B) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Subpart C of this Part with regard to:
    - i) educational management;
    - ii) governance and organization; and
    - iii) planning.
  - C) Each program shall include a preservice assessment of each candidate's performance to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long administrative assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
- 4) Each proposal shall describe the proposed arrangements for candidates' assignment to administrative positions under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each such agreement shall address the nature and intensity of the support to be provided to candidates by experienced district-level administrators, university staff, and/or other professionals with relevant experience, including at least:
  - A) the qualifications and experience of such individuals;
  - B) the estimated amount of time these individuals will devote to advising and assisting candidates; and

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- C) the specific roles of the assisting individuals.
- 5) Each proposal shall describe the proposed method of assessing candidates' performance for the year referred to in this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each such agreement shall include:
- A) the roles of all parties who will participate in the evaluation of candidates; and
  - B) assessment methods capable of demonstrating whether a candidate has acquired knowledge and skills equivalent to those required of candidates pursuing the respective institution's program approved pursuant to Subpart C of this Part.
- 6) Each proposal shall delineate the criteria by which candidates will be recommended for certification by the participating institution of higher education.
- e) Each alternative program established pursuant to this Section shall be subject to the Accreditation Review described in Subpart C of this Part.
- f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.315 Renewal of Administrative Certificate**

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

- a) **Professional Development Required**  
Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions

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requiring administrative certification is contingent upon certificate-holders' presentation of evidence of continuing professional education. For the purposes of this Section, the terms "continuing professional education" and "continuing professional development" shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder's completion of professional development activities sufficient to satisfy the requirements of Section 21-7.1 of the School Code and presentation, upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section, of evidence of completion of the activities.

- b) Each activity shall be required to address one or more of the following purposes:
- 1) *improving the administrator's knowledge of instructional practices and administrative procedures;*
  - 2) *maintaining the basic level of competence required for initial certification; and*
  - 3) *improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance. (Section 21-7.1 of the School Code)*
- c) Activities selected to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code) shall be subject to the provisions of this subsection (c).
- 1) Activities chosen for this purpose may include but need not be limited to:
    - A) Completion of college/university courses;
    - B) Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;
    - C) Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events;

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- D) Providing formal mentoring to one or more other administrators;
  - E) Independent study; and
  - F) Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, participating in Administrators' Academy courses, research, and other, similar projects.
- 2) Continuing professional development hours for the activities chosen pursuant to this subsection (c) shall be credited as follows.
- A) Fifteen hours shall be credited for each semester hour of college credit earned.
  - B) One hour shall be credited for each hour of the administrator's direct participation in a relevant activity other than college coursework, as verified by a log the administrator shall maintain and present upon request by the regional superintendent or a representative of the State Board of Education, or if required as part of an appeal under this Section, describing what was done with respect to each activity, with dates and amounts of time spent in each case.
- d) Required Administrators' Academy Courses
- 1) An individual who fails to complete an Administrators' Academy course in a given year as required by Section 21-7.1(c-10)(B) of the School Code shall be required to complete two courses for each one missed. He or she may make these up at any time during the remainder of the certificate's validity or while holding a reinstated certificate pursuant to subsection (e)(5) of this Section.
  - 2) Each administrator who completes an Administrators' Academy course shall receive written, dated verification that indicates the title of the course and the number of hours to be credited toward the applicable requirement.
- e) Application for Renewal of Certificate

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- 1) Each application for renewal of an administrative certificate, other than an application of a regional superintendent of schools, shall be submitted to the regional superintendent and shall be accompanied by *a verification format developed by the State Board of Education certifying that* the required number of hours of professional development activities and the required number of Administrators' Academy courses have been completed. (Section 21-7.1(c-10) of the School Code) A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than April 30 may not be able to preserve his or her right of appeal under subsection (f) of this Section.
- 2) Based on the available information regarding the individual's compliance with the requirements for certificate renewal set forth in this Section, the regional superintendent shall, within 30 days after receipt of an individual's application, forward a recommendation for renewal or non-renewal of the administrative certificate to the State Superintendent of Education and notify the certificate-holder in writing of that recommendation.
- 3) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (e)(1) of this Section to the State Superintendent of Education along with his or her application for certificate renewal.
- 4) Within 30 days after receiving an application, the State Superintendent of Education shall notify the affected certificate-holder as to whether the administrative certificate has been renewed or not renewed, including the rationale for nonrenewal. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent, except that a regional superintendent shall deposit his or her own fee in the region's institute fund.
- 5) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Section may apply for a reinstated certificate valid for one year. With respect to the year of reinstatement, completion of one Administrators' Academy course and one or more additional professional development activities meeting the requirements of subsections (b) and (c) of this

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Section and totaling no fewer than 20 hours shall be required. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable administrative certificate only if he or she also presents evidence of having made up activities missed during the preceding renewal cycle by completing the requirements of subsection (e)(5)(A) of this Section, subsection (e)(5)(B) of this Section, or both, as applicable.

- A) The certificate-holder shall complete two Administrators' Academy courses for each year during which he or she failed to complete one, if not already made up as discussed in subsection (d)(1) of this Section.
- B) If the certificate-holder failed to complete the applicable number of professional development activities or hours, he or she shall complete the balance of that requirement and ten additional hours of professional development meeting the requirements of subsections (b) and (c) of this Section.
- 6) The period of validity of an administrative certificate issued after a year of reinstatement or held after the reinstatement of a teaching certificate shall be adjusted to coincide with the validity of the holder's teaching certificate.
- f) **Appeal to State Teacher Certification Board**  
Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.
  - 1) Each appeal shall state the reasons why the State Superintendent's decision should be reversed and shall be sent by certified mail, return receipt requested.
    - A) Appeals shall be addressed to:

State Teacher Certification Board  
Secretary

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100 North First Street  
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
  - C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.
- 2) In addition to the appeal letter, the certificate-holder shall submit the following material when the appeal is filed:
- A) evidence that he or she has satisfactorily completed the required types and quantity of activities; and
  - B) any other relevant documents.
- 3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:
- A) the regional superintendent's rationale for recommending nonrenewal of the certificate, if applicable;
  - B) any evidence submitted to the State Superintendent along with the individual's application for renewal; and
  - C) the State Superintendent's rationale for non-renewal of the certificate.
- 4) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days' notice of the date, time, and place of the hearing shall be given to the affected individual.
- 5) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

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- 6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent, except that a regional superintendent shall deposit his or her own fee in the region's institute fund.
  - 7) The State Teacher Certification Board shall not renew any certificate if information provided on the application makes the holder subject to the requirements of any of Sections 25.485 through 25.490 of this Part. The decision of the State Teacher Certification Board is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- g) Proportionate Reduction; Part-Time Service  
The requirements of this Section regarding continuing professional development are subject to reduction in accordance with Section 21-7.1(c-15) of the School Code.
- 1) The requirements of this Section shall be subject to reduction on the same annual basis as provided in Section 21-7.1(c-15) of the School Code in relation to years when a certificate-holder is not employed in a position requiring administrative certification.
  - 2) The number of hours required under subsection (c) of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and performing services for less than 50 percent of the school day or school term, unless the individual is one whose continued retirement status is subject to the limitations of Section 16-118 of the Illinois Pension Code. Each such individual shall be subject only to the requirement for completion of one Administrators' Academy course for each year during which he or she is employed on the administrative certificate, provided that his or her employment does not exceed the limitations of Section 16-118.

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- h) An individual who performs services on an administrative certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.
- i) Section 21-7.1(c-10) of the School Code provides that *those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates*. The certificates that are subject to this provision include:
  - 1) Limited Supervisory (Type 60);
  - 2) All-Grade Supervisory (Type 61);
  - 3) Limited Elementary Supervisory (Type 62);
  - 4) Limited High School Supervisory (Type 63);
  - 5) Life General Supervisory (Type 70); and
  - 6) Life Supervisory (Type 71).

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.335 General Administrative Endorsement (2004)**

This endorsement is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1.705. (See also 23 Ill. Adm. Code 29.120.) The requirements of this Section shall apply to the issuance of this endorsement except as otherwise provided in Sections 21-5d and 21-5e of the School Code [105 ILCS 5/21-5d and 5/21-5e] and Sections 25.313 and 25.314 of this Part.

- a) Each candidate for the general administrative endorsement shall hold a master's degree awarded by a regionally accredited institution of higher education and shall have completed the coursework in educational administration and supervision required by Section 21-7.1(e)(2) of the School Code [105 ILCS 5/21-7.1(e)(2)].
- b) Each candidate shall have completed an Illinois program approved for the preparation of administrators pursuant to Subpart C of this Part or a comparable

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approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

- c) Each candidate shall have *two years' full-time teaching or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education or meeting comparable out-of-state recognition standards* (Section 21-7.1(e)(2) of the School Code). Beginning with applications submitted on or after February 1, 2012, in order to be acceptable toward fulfillment of this requirement:
- 1) teaching experience shall have been accrued while the individual held a valid early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate; and
  - 2) school service personnel experience shall have been accrued while the individual held a valid school service personnel certificate.
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.360 Superintendent (2004)**

This endorsement is required of school district superintendents. (See also 23 Ill. Adm. Code 29.130.)

- a) Each candidate for the superintendent's endorsement shall hold a master's degree awarded by a regionally accredited institution of higher education.
- b) Each candidate shall have completed an Illinois program approved for the preparation of superintendents pursuant to Subpart C of this Part or a comparable

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approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

- c) Each candidate shall have *at least two years' full-time administrative or supervisory experience in schools*, ~~on at least a half-time basis~~, on a general supervisory, general administrative, director of special education, or all-grade supervisory endorsement on an administrative certificate, or a comparable out-of-state credential. (See Section 21-7.1(e)(4) of the School Code [105 ILCS 5/21-7.1(e)(4)]; the superintendent's endorsement shall not be issued as an individual's first endorsement on the administrative certificate unless issued on the basis of a comparable out-of-state credential.) Experience as a dean of students shall count toward fulfillment of this requirement only for time when the individual had authority for, and performed administrative functions such as, evaluation of certified staff or suspension of students.
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.365 Director of Special Education**

This endorsement shall be required for directors and assistant directors of special education beginning July 1, 2005.

- a) Each candidate for the director of special education endorsement shall hold a master's degree or a higher degree awarded by a regionally accredited institution of higher education.
- b) The requirements of this subsection (b) shall apply to applications received on or before January 31, 2012. Later applications shall be subject to the requirements set forth in subsection (c) of this Section. Each candidate shall:

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- 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) The requirements of this subsection (c) shall apply to applications received on or after February 1, 2012. 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 specific to directors of special education in another state or country or hold a comparable certificate issued by another state or country, provided that the requirements met by the applicant for the out-of-state program or certificate included completion of at least one course each in:
    - A) special education law;
    - B) special education finance;

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- C) supervision of programs for children with disabilities; and
- D) cross-categorical special education methods; 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 as specified in this subsection (c)(3).
  - A) at least one course in each of the areas described in subsection (c)(1) of this Section; and
  - B) additional coursework to reach the required total of 30 semester hours, chosen from the areas of:
    - i) curricular adaptations/modifications and assistive technology;
    - ii) facilitation of the least restrictive environment for all students;
    - iii) characteristics of students with disabilities;
    - iv) collaboration with parents and school personnel;
    - v) transition services for students with disabilities; and
    - vi) educational and psychological diagnosis and remedial techniques.
- d) The requirements of this subsection (d) shall apply to applications received on or before January 31, 2012. Later applications shall be subject to the requirements set forth in subsection (e) of this Section. Each candidate shall have two years' full-time teaching experience or school service personnel experience in a field

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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.

- e) The requirements of this subsection (e) shall apply to applications received on or after February 1, 2012. Each candidate shall have two years' full-time experience providing special education services:
- 1) in the public schools, as a special education teacher, a speech-language pathologist, a school social worker, or a school psychologist; or
  - 2) in a nonpublic school, if the candidate holds the appropriate corresponding Illinois certificate as a special education teacher, a speech-language pathologist, a school social worker, or a school psychologist.
- f) 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 certificate pursuant to Section 25.720 of this Part.
- g)e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

## SUBPART F: GENERAL PROVISIONS

**Section 25.400 Registration of Certificates; Fees**

Section 21-16 of the School Code [105 ILCS 5/21-16] requires the registration of an individual's teaching certificates~~certificate(s)~~ and establishes the amount of the registration fee to be paid for each type of certificate. Registration fees and requirements applicable in specified situations shall be as set forth in this Section.

- a) Any fee paid to register a certificate for a given year shall cover the registration of all other certificates held by the same individual. An individual shall be required to register all certificates held but shall pay only one registration fee for any year.

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- b) An individual is required to register his or her certificate in each region where he or she teaches but, except as provided in Section 21-9 of the School Code [105 ILCS 5/21-9], is required to pay a registration fee in only one region. Therefore, an individual who moves from one region to another after paying a registration fee for a particular period of time:
- 1) shall be required to register his or her ~~certificates~~certificate(s) in the new region, but
  - 2) shall not be required to pay any additional registration fee except as provided in subsection (c) of this Section.
- c) Under Section ~~21-1621-9~~ 21-16 of the School Code, a holder of a substitute certificate is required to pay a registration fee in each region where the certificate is used. Therefore, a holder of such a certificate who moves from one region to another after paying a registration fee for a particular period of time:
- 1) shall be required to register his or her ~~certificates~~certificate(s) in the new region, and
  - 2) shall be required to pay a registration fee for the remaining years of the substitute certificate's validity.
- d) When a registration fee is paid, the amount due shall be the amount required to register the certificate for its entire period of validity, except that a life certificate may be registered for a maximum of five years (see Section 21-16 of the School Code).
- e) Except as provided in subsection (f) of this Section, an individual who receives and registers one or more additional certificates after paying a registration fee for a particular period of time shall not be required to pay an additional registration fee until the period covered by the original fee has elapsed. That is, no registration fee shall be charged for a new certificate as long as the current registration period of another certificate covers a portion of the new certificate's registration period.
- f) An individual who receives a standard certificate after paying a registration fee covering four years of teaching on an initial certificate without "using" all four of those years (e.g., an individual from another state who came to Illinois already having accumulated some teaching experience) shall be required to pay the

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registration fee for the new standard certificate's five-year period of validity, less "credit" equaling the amount paid for the unused years for which the initial certificate was registered.

- g) Pursuant to Section 25.450 of this Part, a certificate that has lapsed may be reinstated by payment of all accumulated registration fees. The amount due for each year shall be the fee that was in effect at that time, rather than the annual amount applicable at the time when the fees are paid.
- h) The amount of the fee that was in effect for any given year shall remain in effect for that year, regardless of when the fee is paid.
- i) The other provisions of this Section notwithstanding, no fee paid in connection with the registration of one or more certificates shall have the effect of extending the period of validity of any other certificate that is subject to additional renewal requirements that have not been met.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.425 Individuals Prepared in Out-of-State Institutions**

An applicant who holds or is eligible to hold another state's or another country's teacher, school service personnel, or administrative certificate may be granted a corresponding Illinois certificate if he or she meets all the generally applicable requirements of Article 21 of the School Code (e.g., age; good character; or citizenship or legal presence) and the requirements for the certificate sought, as specified in the applicable Sections of this Part. As used in each of those Sections, a "comparable program" is one that leads to eligibility for service in the same specific capacity in the public schools of the state where the program was completed. A program completed in the United States shall be considered comparable only if it was offered by a regionally accredited institution of higher education.

- a) The certificate sought must be comparable to the out-of-state certificate for which the applicant is eligible. A comparable Illinois certificate is that which is most nearly like that of the other state (e.g., a K-6 certificate from another state most nearly approximates the Illinois elementary (K-9) certificate).
- b) Each out-of-state applicant for an Illinois teaching certificate must have met certification requirements that are similar to Illinois requirements.

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

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- A) The individual has completed a degree program that prepares candidates for service in the endorsement area sought in the public schools of the state where the program was completed or the state where the service was provided.
  - B) The individual has completed a program at an institution that was accredited by NCATE at the time of completion.
  - C) The individual has completed a program that formerly served as a basis for certification in the state where the program was completed.
  - D) The titles or content descriptions of courses listed on the individual's official transcript indicate that the courses were designed to address standards substantially comparable to those that apply to the Illinois certificate or endorsement sought.
  - E) The individual presents evidence of work experience in the public schools in the position for which Illinois certification is sought.
- e) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection (f) of this Section.
- 1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service shall also provide a list of the courses completed, with the credits earned equated to semester hours.
  - 2) The transcript provided by the service pursuant to subsection (e)(1) of this Section shall be reviewed to determine whether the individual qualifies for a certificate; if so, he or she shall receive such a certificate with all endorsements indicated by the coursework completed.
  - 3) If the review of the individual's transcript indicates that he or she does not qualify for a certificate, he or she shall receive a notification of the

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deficiencies for the certificate.

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

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.427 Three-Year Limitation**

- a) An evaluation for purposes of issuing a certificate (rather than an additional endorsement on a previously held certificate) will be binding on the State Board of Education for only three years after it is given. At the close of that time, the evaluation and all relevant material will be discarded unless a certificate has been issued. However, should an individual apply for a certificate of a type for which a previously requested evaluation is still pending pursuant to this Section, the earlier application shall be invalidated and the relevant materials discarded immediately.
- b) A recommendation for certification of a candidate by entitlement shall be valid for only three years after its issuance by the institution. An individual who wishes to rely upon completion of a program after the relevant recommendation has expired shall provide either:
- 1) verification from the institution that the program has not changed in the intervening time and a new recommendation by that institution for certification of the candidate by entitlement; or
  - 2) a program completion form indicating that the program has changed and identifying the changes, which shall be reviewed by the State Superintendent of Education to determine whether any deficiencies must be remedied by the individual in order to qualify for the certificate sought.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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**Section 25.444 Illinois Teaching Excellence Program**

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (a)(f) of this Section). For purposes of this Section, ~~"outside the regular school term" means during hours when school is not in session or on days when school is not in session and~~ "State Superintendent of Education" means the State Superintendent or a designee, and an "eligible individual" is one who holds the certificate or certificates specified in the portion of Section 21-27 of the School Code that applies to the payment sought. When permitted or required by the State Superintendent, documentation called for in this Section may be submitted via electronic means.

- a) When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments shall be prioritized as specified in this subsection (a). No funds shall be allotted for use under any subsection of this Section until all higher-priority expenditures have been covered. Therefore, although a "qualifying individual" is someone who meets the requirements for a particular payment, not all qualifying individuals in any given year will be assured of receiving the applicable payments.
- 1) As a first priority, funds shall be allotted for the annual stipends described in subsection (b) of this Section.
  - 2) As a second priority, funds shall be allotted for the incentive payments for the first 30 hours of service described in Section 21-27(a)(3) of the School Code.
  - 3) As a third priority, funds shall be allotted for the incentive payments for the first 30 hours of service described in Section 21-27(a)(2) of the School Code.
  - 4) As a fourth priority, funds shall be allotted for the incentive payments for the additional 30 hours of service described in Section 21-27(a)(3) of the School Code.
  - 5) As a fifth priority, funds shall be allotted for the incentive payments for the additional 30 hours of service described in Section 21-27(a)(2) of the School Code.

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- 6) If funds remain after accounting for all the payments described in subsections (a)(1) through (5) of this Section, funds shall be allotted for the expenditures described in subsections (g) through (j) of this Section, in accordance with the order of priority established in Section 21-27(a)(4) of the School Code. The State Superintendent shall use funds appropriated for a given fiscal year to reimburse only individuals whose fees were paid during that fiscal year, as reflected in the electronic database maintained for this purpose on behalf of the State Board of Education.
- 7) If funds are available for use under a particular subsection of this Section but are insufficient to cover all the payments that would be due under that subsection, the State Superintendent shall pro-rate the amount available among all those who qualify, except as further specified in subsection (i) of this Section.
- 8) In order to facilitate the use of funds for payments in priority order for each fiscal year, the State Superintendent may establish deadlines for the submission of forms and other documentation required under this Section. An individual who fails to comply with any relevant deadline may forfeit his or her claim to the affected payment.
- b) An eligible individual ~~who holds an Illinois master certificate pursuant to Section 21-2(d) or Section 21-25(d) of the School Code [105 ILCS 5/21-25(d)]~~ shall ~~qualify~~ be eligible for an annual payment as called for in Section 21-27(a)(1) of the School Code for each school year during which:
- 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, as the individual originally assigned to a full-year, full-time ~~in~~ position whose functions:
    - A) are specifically authorized by a teaching certificate and include the provision of instruction to students; or
    - B) are specifically authorized by a school service personnel certificate endorsed for a school counseling and include the provision of counseling services to students ~~position;~~ and

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- 2) he or she was certified by NBPTS prior to October 1 and, as of October 1, was employed as specified in subsection (b)(1) of this Section, or was certified by NBPTS on or after October 1 and, as of January 1, was employed as specified in subsection (b)(1) of this Section ~~works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year~~ using a format specified by the State Superintendent of Education, which shall be submitted by the individual as documentation of eligibility for the payment.

~~c)b) An eligible~~ In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall qualify be eligible for one or more an annual incentive payments ~~payment~~ under Section 21-27(a)(2) or (a)(3) of the School Code for each year during which:

- 1) he or she is either:
- A) employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position that meets the requirements of subsection (b)(1) of this Section, as verified by the employer using a format specified by the State Superintendent of Education; or
- B) retired (i.e., drawing an annuity from either the Teachers' Retirement System of the State of Illinois pursuant to Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16] or the Public School Teachers' Pension and Retirement Fund – Cities Over 500,000 Inhabitants pursuant to Article 17 of the Illinois Pension Code [40 ILCS 5/Art. 17]); and whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;
- 2) ~~he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State Superintendent of Education; and~~ 3) he or she agrees in writing, using a format prescribed by the State Superintendent ~~Board~~ of Education, to provide at least 3060 hours of mentoring to classroom teachers that conforms to the requirements of Section 21-27(a)(2) or (a)(3) of the School Code and consists of:

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- A) *high-quality professional development for new and experienced teachers or school counselors, as applicable; and/or*
- B) *assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process. (Section 21-27(a)(2) of the School Code; Section 21-27(a)(3) of the School Code)*

d)e) Requirements for Professional Development and Assistance to NBPTS Candidates

- 1) As verification that he or she qualifies of his or her eligibility for the applicable incentive payment, an eligible individual the holder of the master certificate who provides professional development to new or experienced teachers or school counselors under subsection (c)(b) of this Section shall submit to the State Superintendent of Education a written log of the assistance provided, using a format specified by the State Superintendent, demonstrating that he or she addressed one or more of the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) as relevant to the classroom-based needs of the recipient teachers, or one or more of the standards set forth in 23 Ill. Adm. Code 23.110 (Standards for the School Counselor), as applicable. Each recipient of professional development shall be identified by name, shall be working in an Illinois public educational setting, and shall sign the log as verification of the dates and hours of service indicated.
- 2) As verification that he or she qualifies of his or her eligibility for the applicable incentive payment, an eligible individual the holder of the master certificate who assists other Illinois educators others in preparing for certification by the National Board for Professional Teaching Standards under subsection (c)(b) of this Section shall submit to the State Superintendent of Education a written log of the assistance provided, using a format specified by the State Superintendent. This record shall identify the activities performed and verify that these activities addressed specific requirements candidates must meet for NBPTS certification.

d) ~~In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of~~

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~~the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:~~

- ~~1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;~~
- ~~2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State Superintendent of Education; and~~
- ~~3) he or she agrees in writing, using a format prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced-price lunches, or both. (Section 21-27(3) of the School Code)~~

## e) Requirements for Mentoring

- 1) Mentoring provided in accordance with subsection ~~(c)(4)~~ of this Section shall be conducted either:
  - A) as part of and in conformance with a mentoring program formally established by a school district; or
  - B) under the terms of a written agreement among the mentor ~~teacher~~, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more ~~recipients~~~~recipient teachers~~, and those recipients, that describes the goals of the mentoring, the duration of the ~~mentor's~~~~mentor teacher's~~ involvement, and the amount of time expected to be devoted to each recipient ~~teacher~~.
- 2) Mentoring may be provided to recipients either individually or in groups, provided that the mentor must address one or more of the areas of ~~teaching~~ practice enumerated in subsection ~~(d)(1)(e)(1)~~ of this Section as relevant to the ~~classroom-based~~ needs of each recipient ~~teacher~~.

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- 3) An individual who provides mentoring under ~~subsection (d) of~~ this Section shall notify his or her employing district (if different from that of the ~~recipients~~~~recipient teacher or teachers~~) to this effect and, as verification ~~that he or she qualifies of his or her eligibility~~ for the applicable incentive payment, shall submit to the State Superintendent of Education a written log that:
- A) meets the requirements of subsection ~~(d)(1)(e)(1)~~ of this Section; and
  - B) discusses how the mentoring was related to the academic needs of the recipient teachers' students or the needs of the students served by the recipient counselors, as applicable.
- f) Certified teachers shall receive incentive payments only for providing mentoring and professional development to other teachers, and certified school counselors shall receive incentive payments only for providing mentoring and professional development to other school counselors. In any given school year, and in addition to the annual payment discussed in Section 21-27(a)(1) of the School Code, a particular individual may qualify for any combination of the payments discussed in Section 21-27(a)(2) and (a)(3) of the School Code, provided that the logs submitted by the individual demonstrate that no portion of the individual's service to other teachers or school counselors is counted toward more than one incentive payment.
- f) ~~Insufficient Appropriations~~  
~~When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments will be prioritized.~~
- 1) ~~No annual stipends as described in subsection (a) of this Section shall be paid until all other payments pursuant to subsections (b) and (d) of this Section have been made.~~
  - 2) ~~The incentive payments described in subsection (d) of this Section shall take precedence over those described in subsection (b) of this Section.~~
- g) First-Time Application Fees

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If sufficient funds are available for all the qualifying individuals who have submitted timely requests, the State Superintendent shall reimburse each individual in the amount of \$2,000 or the actual amount of the application fee, whichever is less.

- h) Take One! Subsidy  
NBPTS permits an individual to submit one portfolio entry for review and scoring before making the decision to become a candidate for National Board certification. For purposes of reimbursement under this subsection (h), the schools deemed to be a priority by the State Board of Education (Section 21-27(a)(4)(B) of the School Code) shall be those in academic watch status, and teachers shall be considered members of cohorts whenever at least three from the same school sign up for Take One! If sufficient funds are available for all the qualifying individuals who have submitted timely requests, the State Superintendent shall reimburse each individual in the amount of \$395 or the actual amount of the Take One! fee, whichever is less.
- i) Retake Subsidy  
NBPTS permits a candidate to submit portfolio entries and assessment exercises as "retakes" if the required fee for each has been paid by the January 31 that follows the release of original scores in November. If sufficient funds are available for all qualifying individuals who have submitted timely requests, the State Superintendent shall reimburse each individual for the fees paid for as many as three portfolio entries or assessment exercises, in any combination. However, all qualifying individuals shall receive reimbursement for one retake before any individual receives reimbursement for a second retake, and all qualifying individuals shall receive reimbursement for two retakes, as applicable, before any individual receives reimbursement for a third retake.
- j) Renewal Subsidy  
NBPTS establishes a schedule for certificate renewal and for payment of the required fee. If sufficient funds are available for all qualifying individuals who have submitted timely requests, the State Superintendent shall reimburse each individual in the amount of \$850 or the actual amount of the NBPTS renewal fee, whichever is less.
- k) In the event that funds remain available for any fiscal year after accounting for all payments described in subsections (a) through (j) of this Section and for necessary expenditures related to the electronic system identified in Section 21-27(c) of the

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School Code, those remaining funds shall be devoted to one or more initiatives under Section 21-27(d) of the School Code, as the State Superintendent may deem appropriate in light of the amount available and the needs of Illinois public schools.

- 1) "Candidate support" shall include efforts designed to support candidates in completing NBPTS' certification process, such as mentoring and observation.
- 2) "Candidate recruitment" shall include efforts designed to increase the pool of candidates for certification by NBPTS, particularly in areas of shortage identified by the State Board of Education.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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

Subject to the provisions of this Section, an entity that is required to employ certified teachers may receive short-term approval to employ an individual who does not hold the qualifications required for a vacant teaching position, other than a special education teaching position, when the employing entity has been unable to recruit a fully qualified candidate for that position. Short-term authorization as described in this Section shall be available not only with respect to individuals who lack full qualifications in a subject area, but also with respect to individuals who have not completed the six semester hours of coursework specified at 23 Ill. Adm. Code 1.720 for teachers of middle grades (see Section 1.720(a)(2)(A) and (B)). The requirement expressed in subsection (a)(2) of this Section shall not apply when the employing entity's need for short-term authorization has arisen due to the unforeseen departure of a teacher who was fully qualified for the assignment in question.

- a) The employing entity shall file with the regional superintendent:
  - 1) a description of the vacant position, including the subject area and the grade level;
  - 2) evidence of inability to fill the position with a fully qualified individual, ~~including a list of the candidates who applied, a list of those who were interviewed, and the reason each was not interviewed or was not selected, as applicable;~~

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- 3) a statement that the employing entity has not honorably discharged anyone in the past year who was fully qualified for the position;
- 4) the name and Social Security number of the individual the entity wishes to employ for the position, as well as a list of the certificate numbers and types held by that individual;
- 5) a written assurance that the district will provide the teacher to be employed with mentoring and high-quality professional development each year in the subject area to be taught;
- 6) one of the following:
  - A) a written assurance from an institution of higher education that operates a program approved pursuant to Subpart C of this Part that leads to certification in the subject area to be taught that the individual who will be employed is enrolled in coursework that is designed to meet the standards applicable to that subject area, or
  - B) a written assurance from the certification officer of another institution of higher education that offers one or more approved educator preparation programs that the individual is enrolled in courses that will enable him or her to qualify for the endorsement, or
  - C) other evidence of enrollment in relevant coursework supplied by the individual who will be employed, or
  - D) a written assurance signed by the individual who will be employed, indicating his or her intention to enroll in one or more identified courses at a specified institution of higher education in the next semester; and
- 7) a statement of intent, signed and dated by the individual who will be employed, stipulating that he or she will complete all requirements for an endorsement in the subject to be taught (see Section 25.100 of this Part or 23 Ill. Adm. Code 1.720, as applicable) within three school years after the issuance of authorization under this Section.

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

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.485 Certification of Persons with Certificates Previously Denied, Suspended, or Revoked~~Provisional Recognition of Institutions (Repealed)~~**

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A previous denial of certification or another action against an individual's certificate may indicate that issuance, renewal, or registration of a certificate would also currently be inappropriate. Accordingly, each applicant for the issuance, renewal, or registration of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has ever had a certificate denied, suspended or revoked in Illinois or any other state.

- a) Each individual providing an affirmative response to this question shall be required to submit a copy of the notice issued by the responsible agency in the state where the action occurred that includes:
- 1) the date of the action;
  - 2) the reasons for the action;
  - 3) any penalties that were imposed; and
  - 4) the ending date of each penalty, if applicable.
- b) The State Superintendent of Education shall review the information submitted pursuant to subsection (a) of this Section and shall determine whether issuance, renewal, or registration of a certificate or issuance of one or more additional credentials, as applicable, is appropriate in light of the circumstances surrounding the previous denial, suspension, or revocation (including the applicant's age and the background of the applicant at the time of the action), any penalty that was imposed, and any evidence the applicant has provided concerning his or her good character that may mitigate the defect in his or her record.

(Source: Old Section repealed at 23 Ill. Reg. 7231, effective June 14, 1999; new Section adopted at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.486 Certification of Persons Who Are Delinquent in the Payment of Child Support**

Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], each State agency must require an applicant for a license to affirm on the application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child

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support order. Accordingly, each applicant for the issuance, renewal, or registration of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to make this affirmation on the relevant form.

- a) Each individual who fails to provide the affirmation required pursuant to this Section shall be ineligible to receive, register, or renew a certificate or to receive an additional credential until he or she provides to the State Superintendent of Education a statement from the Illinois Department of Healthcare and Family Services, issued on that agency's letterhead, indicating the status of the current child support arrangements.
- b) The State Superintendent shall review the documentation provided by the applicant and determine whether issuance, renewal, or registration of a certificate or issuance of one or more additional credentials, as applicable, is appropriate based on whether the individual has remedied the delinquency and made satisfactory arrangements to meet future obligations.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.487 Certification of Persons with Illinois Tax Noncompliance**

Pursuant to Section 21-23(a) of the School Code [105 ILCS 5/21-23(a)], the State Board may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied. Accordingly, each applicant for the issuance, renewal, or registration of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has failed to comply with any of these requirements.

- a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, or renew a certificate or to receive an additional credential until he or she provides to the State Superintendent of Education either:
  - 1) a tax clearance form issued by the Illinois Department of Revenue, indicating that the individual has remedied the failure; or

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- 2) a statement from the Illinois Department of Revenue, issued on that agency's letterhead, that includes an explanation of the matter, including the relevant tax year, the amount owed, and the status of any disputed amount.
- b) If an individual provides the tax clearance form referred to in subsection (a)(1) of this Section, he or she shall no longer be ineligible for certification, certificate registration, certificate renewal, or issuance of one or more additional credentials based on the tax matter at issue. If an individual provides a statement under subsection (a)(2) of this Section, the State Superintendent shall review the documentation provided and determine whether issuance, renewal, or registration of a certificate or issuance of one or more additional credentials, as applicable, is appropriate based on whether the individual has made arrangements to remedy the failure that are satisfactory to the Department of Revenue.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.488 Certification of Persons Named in Reports of Child Abuse or Neglect**

Pursuant to Section 21-23(b) of the School Code [105 ILCS 5/21-23(b)], a certificate may be suspended for an appropriate length of time upon evidence that the holder has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act and upon proof that the holder has caused a child to be an abused child or neglected child as defined in the Act. Accordingly, each applicant for the issuance, registration, or renewal of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has been named as a perpetrator by a state agency responsible for child welfare in Illinois or any other state if the report was not reversed after exhaustion of any appeal.

- a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, or renew a certificate or to receive an additional credential until he or she provides to the State Superintendent of Education:
- 1) an official copy of the report, including the child's age and sex, the report number assigned by the Department of Children and Family Services or comparable out-of-state agency, the date of the report, and the status of the report ("indicated", "unfounded", or other) with supporting documentation for the determination;

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- 2) an explanation of the event in his or her own words, including a detailed explanation of his or her relationship to the child;
  - 3) original, signed statements from employers, civic leaders, college instructors, and others clearly indicating that they have knowledge that the applicant has been found to be a perpetrator of child abuse or neglect but can also attest to the individual's good character and rehabilitation; and
  - 4) an explanation of the status of any request to expunge, amend, or remove the report from the responsible state agency's records.
- b) The State Superintendent shall review the documentation provided by the applicant pursuant to subsection (a) of this Section and determine whether issuance, renewal, or registration of a certificate or issuance of one or more additional credentials, as applicable, is appropriate based on whether the evidence of good character and rehabilitation provided is convincing when taken together with the gravity of the offense, the individual's age and background at the time of the offense, and any criminal penalty that was imposed.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.489 Certification of Persons Who Are in Default on Student Loans**

Pursuant to Section 21-23(a) of the School Code, a certificate may be suspended for failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission. Accordingly, each applicant for the issuance, registration, or renewal of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she is in default on an Illinois student loan for which no satisfactory repayment plan has been established with the Commission. Each individual providing an affirmative response to this question shall be ineligible to receive, register, or renew a certificate or to receive an additional credential until he or she provides to the State Superintendent of Education a statement from the Commission, issued on the Commission's letterhead, indicating that the individual has entered into a satisfactory payment plan.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.490 ~~Rules for~~ Certification of Persons Who Have Been Convicted of a Crime**

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Pursuant to Section 21-23a of the School Code [105 ILCS 5/21-23a], convictions related to certain offenses lead to revocation of certificates. Further, convictions related to certain other offenses may lead to refusal of certification if they demonstrate individuals not to be of good character as required by Section 21-1 of the School Code [105 ILCS 5/21-1]. Accordingly, each applicant for the issuance, registration, or renewal of an Illinois certificate or for the addition of another credential (e.g., endorsement, approval, designation), including any credential issued under Subpart G of this Part, shall be required to indicate on the relevant form whether he or she has ever been convicted of a felony or of any sex, narcotics, or drug offense in Illinois or any other state.

- a) Each individual providing an affirmative response to this question shall be ineligible to receive, register, or renew a certificate or to receive an additional credential if the offense was one of those enumerated in Section 21-23a of the School Code or, if the offense was not one of those enumerated, until he or she provides to the State Superintendent of Education:
- 1) a certified court record of the conviction;
  - 2) evidence that at least one year has elapsed since the end of the sentence for the criminal offense, where "sentence" includes any period of probation that was imposed either alone or in combination with a period of incarceration;
  - 3) an explanation of the event in his or her own words; and
  - 4) original, signed statements from employers, civic leaders, college instructors, and others clearly indicating that they have knowledge of the conviction but can also attest to the individual's good character and rehabilitation.
- b) The State Superintendent shall review the information submitted pursuant to subsection (a) of this Section and determine whether certification, certificate registration, certificate renewal, or issuance of one or more additional credentials, as applicable, is appropriate, based on whether the offense was one of those enumerated in Section 21-23a of the School Code and, if not, whether the evidence of good character and rehabilitation provided is convincing when taken together with the gravity of the offense, the individual's age and background at the time of the offense, and any criminal penalty that was imposed.

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- a) ~~Applicants shall complete their applications truthfully and honestly. Each application shall be reviewed separately. The gravity of the offense (misdemeanor, felony or other infamous nature), the circumstances surrounding its commission (including age and background of the applicant at the time of the offense), and any criminal penalty that was imposed shall be considered. An applicant with a criminal history shall be provided an opportunity to provide evidence of good character and/or rehabilitation to prove that he or she has overcome a defect in his or her record.~~
- b) ~~The State Teacher Certification Board will review evidence provided by the applicant and render a decision as to good character by weighing the evidence of bad character (the criminal conviction) against that of good character and rehabilitation. In making this determination, the State Teacher Certification Board may consider, without limitation, a personal statement from the applicant and letters from university instructors, employers, and any other persons with knowledge of the applicant's criminal history and rehabilitation.~~
- c) ~~The State Teacher Certification Board shall require a waiting period of one year from the time the sentence for the criminal offense ends before an application for certification will be considered, excluding minor traffic offenses.~~
- d) ~~For purposes of this Section, a "sentence" shall include any probationary period imposed either alone or in combination with a period of incarceration.~~

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.493 Part-Time Teaching Interns (Repealed)**

- a) ~~The entitlement officer of the college or university with an approved program leading to a master's degree of which a part-time teaching internship is a component, such as the Master of Arts in Teaching (MAT) program, shall submit a list of the students and the districts in which the part-time teaching internship is to occur to the State Superintendent of Education. Upon verification of the approved program, the Superintendent shall transmit a letter to the district superintendent authorizing the school board to employ such interns.~~
- b) ~~The colleges shall verify the student's bachelor's degree as one from a recognized institution of higher learning and shall specify the exact nature of the part-time~~

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~~teaching internship assignment in reporting to the State Superintendent.~~

- e) ~~Only those students who are enrolled in programs leading to a master's degree approved by the State Board of Education shall be eligible for employment as part-time teaching interns, and an individual's part-time teaching must be done in a field for which he or she is being prepared.~~

(Source: Repealed at 34 Ill. Reg. 1582, effective January 12, 2009)

SUBPART G: ~~THE UTILIZATION OF~~ PARAPROFESSIONALS AND  
OTHER ~~NONCERTIFICATED~~~~NONCERTIFIED~~ PERSONNEL

**Section 25.510 Paraprofessionals; Teacher Aides**

- a) The terms "paraprofessionals" and "teacher aides" shall be used to refer to the noncertificated personnel authorized by Section 10-22.34 of the School Code [105 ILCS 5/10-22.34] to be employed to assist in instruction. The terms "paraprofessional" and "teacher aide" shall be considered synonymous.
- b) Approval of Paraprofessionals
- 1) ~~Employment~~~~Service~~ as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, any certificate indicative of completion of at least a bachelor's degree, or a provisional vocational certificate. Paraprofessionals first employed in programs for students with disabilities on or before June 30, 2005, shall be subject to this requirement as of July 1, 2007.
  - 2) Each individual who is required to hold a statement of approval shall submit an application to the State Superintendent of Education, accompanied by evidence that he or she meets the requirements of subsection (c) of this Section. Each individual who wishes to serve as a paraprofessional in a targeted assistance program and is paid with federal funds provided under Title I, Part A, or in a school-wide program that is supported with ~~those~~~~such~~ funds, other than an individual who holds a certificate indicative of completion of at least a bachelor's degree or a provisional vocational certificate, shall submit an application for approval accompanied by evidence that he or she meets the requirements of

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subsection (d) of this Section. Each applicant who qualifies shall be issued a statement of approval, which shall indicate whether it applies to programs supported with federal Title I, Part A, funds.

- c) Each paraprofessional shall be of good character and shall be a citizen of the United States or legally present and authorized for employment. Each paraprofessional shall be subject to that portion of Section 24-5 of the School Code [105 ILCS 5/24-5] that requires physical fitness and freedom from communicable disease, including evidence of freedom from tuberculosis. Each paraprofessional shall hold a high school diploma or its recognized equivalent. To receive approval to serve as a teacher aide, an individual shall:
- 1) present evidence of having completed 30 semester hours of college credit at a regionally accredited institution of higher education; or
  - 2) ~~complete a training program for paraprofessionals that has been approved either by the Illinois Community College Board or by the State Board of Education in consultation with the State Teacher Certification Board;~~ ~~or~~ 3) pass the ParaPro test offered by the Educational Testing Service (ETS) with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board; or
  - 3) 4) pass the Work Keys test offered by ACT with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board ~~and present verification by the employing district or other entity that: A) the individual's classroom performance was observed as part of a formal evaluation that yielded a satisfactory rating; or B) the individual's classroom performance was observed prior to employment and the district's representative has concluded that the individual was effective in performing the assigned duties.~~
- d) In addition to meeting the requirements of subsection (c) of this Section, each paraprofessional employed to assist with instruction in a targeted assistance program and paid with federal funds provided under Title I, Part A, or employed in a school-wide program that is supported with such funds is subject to the additional requirements of Section 1119 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110; see also 34 CFR 200.58 (2003), no later editions of or revisions to these regulations are included). No paraprofessional may be assigned to serve in

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such a capacity after the deadline established in federal law for the group of which he or she is a member unless he or she holds a statement of approval that is specific for this purpose, any certificate indicative of completion of at least a bachelor's degree, or a provisional vocational certificate. To qualify for this approval purpose, an individual shall either have completed two years of study at an institution of higher education, hold an associate's or higher degree, or successfully complete a formal State or local assessment.

- 1) Completion of "two years of study at an institution of higher education" means completion of at least 60 semester hours of college coursework at an accredited institution of higher education.
- 2) "Formal State assessment" means:
  - A) either of the tests discussed in subsections (c)(3) and (c)(4) of this Section; or
  - B) possession of a statement of approval issued under subsection (c)(1) or (c)(2) of this Section and presentation to the State Superintendent of Education of evidence that the individual has accumulated 300 Professional Training Points (PTPs).
    - i) Work experience as a paraprofessional in a public or nonpublic school shall be credited at the rate of 30 PTPs per year, up to a maximum of 150 PTPs. The required evidence of completion for this experience shall be a letter signed by the chief administrator or other designated official of the employing district, other public entity, or nonpublic school documenting the nature and duration of the individual's employment.
    - ii) College coursework shall be credited at the rate of 15 PTPs per semester hour. The required evidence of completion for college coursework shall be official transcripts issued by the institutions at which it was completed.
    - iii) Completion of the Paraprofessional Test Preparation Curriculum developed by the Illinois Community College Board in partnership with the Illinois State Board of

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Education shall be credited as 15 PTPs. The required evidence for completion of this curriculum shall be a certificate of completion issued to the individual.

- iv) Additional training activities shall be credited at the rate of one PTP per hour of the individual's direct participation, provided that training activities shall be creditable only if they address or enhance the paraprofessional's ability to assist in the academic content areas of reading/language arts, writing, or mathematics or in reading readiness, writing readiness, or mathematics readiness. The required evidence of completion for each training activity that occurred prior to July 1, 2004, shall include a description of the event, including its subject, date, location, and provider if known; and, if available, a program, outline, or completion form supplied by the provider to indicate the individual's attendance at the event. The required evidence of completion for each training activity that occurred on or after July 1, 2004, shall include a description of the event, including its subject, date, location, and provider; a program or outline if available; and a completion form supplied by the provider to indicate the individual's attendance at the event. In all cases the required evidence shall include a signed statement by the individual indicating the length of his or her participation and verifying that the activity addressed one of the areas required by this subsection (d)(2)(B)(iv).
- 3) "Formal local assessment" means a local assessment that conforms to the guidelines established in section C-5 of the Draft Non-Regulatory Guidance of November 15, 2002, published on the subject of Title I Paraprofessionals by the United States Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.
- e) Revocation of Approval
  - 1) When the State Superintendent of Education receives information indicating that an individual who holds approval as a teacher aide or

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

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

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.520 Other Noncertificated Personnel (Repealed)**

- a) ~~In accordance with Sections 10-22.34 and 10-22.34a of the School Code [10 ILCS 5/10-22.34 and 10-22.34a], noncertificated personnel may be employed or utilized on a volunteer basis, and may be utilized for school activities not directly connected with the academic program of the schools. Such areas of utilization include:~~
  - 1) ~~Clerical duties, as in an office or library;~~
  - 2) ~~Chaperones or sponsors;~~
  - 3) ~~Playgrounds, during free play and not during part of an organized physical education period.~~

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- b) ~~In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize noncertificated persons who are completing their clinical experiences and/or student teaching.~~
- 1) ~~All requirements affecting utilization of noncertificated personnel are waived for candidates participating in clinical experiences as part of a preparation program when the following conditions are met:~~
- A) ~~The candidate is an enrolled student at a recognized Illinois teacher education institution;~~
- B) ~~The candidate engages in clinical experience as part of an approved teacher education program; and~~
- C) ~~Agreements involving public schools as clinical sites incorporate the requirements in Section 10-22.34 of the School Code:~~
- i) ~~When noncertificated candidates assist in instruction, they must be under the immediate supervision of a teacher holding a valid certificate and who is directly engaged in teaching the subject matter or conducting other learning activities; and~~
- ii) ~~The cooperating teacher must constantly evaluate the candidate's activities and be able to control or modify them.~~
- 2) ~~Noncertificated personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that such activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and such teaching is performed in accordance with Section 25.620 of this Part (see Section 10-22.34 of the School Code [105 ILCS 5/10-22.34]).~~

(Source: Repealed at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.530 Specialized Instruction by Noncertificated Personnel (Repealed)**

- a) ~~The School Code authorizes the use of noncertificated persons, under the~~

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~~direction of a certificated teacher, to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill.~~

- b) ~~The following guidelines shall be used by the Superintendent of an Educational Service Region to determine whether specialized instruction should be approved:~~
- ~~1) The certificated person in charge of the educational setting associated with the specialized instruction must specify the material to be covered and the amount of time to be allotted for the specialized instruction.~~
  - ~~2) Specialized instruction may be provided in the school or away from the school facility provided that the school district has ascertained that the environment for the student is safe and wholesome.~~
  - ~~3) Before specialized instruction by a noncertificated person may be initiated, the superintendent of the district must receive written approval from the Superintendent of the Educational Service Region as to the qualifications of the particular noncertificated person, the specific instruction to be provided, the precise functions to be served, the total number of hours for such instruction, and any compensation to be paid that person.~~
  - ~~4) Professional competence or outstanding proficiency in the specialization area to be taught must be identified by the district superintendent.~~

(Source: Repealed at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.540 Approved Teacher Aide Programs (Repealed)**

~~The State Teacher Certification Board approves the Illinois Community College Board supervision and recommendations of Community College teacher aide training programs.~~

(Source: Repealed at 34 Ill. Reg. 1582, effective January 12, 2009)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

**Section 25.705 Purpose – Severability**

- a) This Subpart establishes procedures and requirements for the Illinois Certification

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Testing System, as required by Section 21-1a of the School Code [105 ILCS 5/21-1a].

- b) When specific tests are made available both as paper-and-pencil tests and as computer-based tests, certain testing procedures shall differ according to the format selected by a particular examinee, as described in the relevant provisions of this Subpart I.
- c) If any provision of this Subpart or application of that provision thereof to any person or circumstance is held invalid, its invalidity shall not affect other provisions or applications of this Subpart that can be given effect without the invalid provision or application, and to this end the provisions of this Subpart are declared to be severable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.710 Definitions**

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

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

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

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

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

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set.

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Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

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

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

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary
- Assessment of Professional Teaching – Special
- Basic Skills
  - Language Arts
  - Mathematics
  - Reading Comprehension
  - Writing
- Biological Science
- Blind and Partially Sighted
- Business/Marketing/Management
- Chemistry
- Chief School Business Official
- Computer Science
- Dance

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Deaf and Hard of Hearing  
Early Childhood  
Educable Mentally Handicapped  
Elementary/Middle Grades (K-9)  
English  
English as a Second Language  
English Language Proficiency  
French  
General Administrative  
General Science  
General Supervisory (available through June 30, 2003)  
German  
Guidance  
Health  
Health Occupations  
Hebrew  
History  
Family and Consumer Sciences  
Industrial Technology Education  
Italian  
Latin  
Learning Disabilities  
Mathematics  
Media  
Music (K-12)  
Music (6-12)  
Physical Education (K-12)  
Physical Education (6-12)  
Physically Handicapped  
Physical Science  
Physics  
Reading  
Russian  
School Nurse  
School Psychology  
School Social Work  
Social/Emotional Disorders  
Social Science  
Spanish

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Speech  
Speech and Language Impaired  
Superintendent  
Theatre Arts  
Trainable Mentally Handicapped  
Transitional Bilingual Education  
Arabic  
Cantonese  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Spanish  
Urdu  
Vietnamese

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

Agricultural Education  
Assessment of Professional Teaching  
Early Childhood  
Elementary  
Secondary  
Special  
Basic Skills  
Business, Marketing, and Computer Education  
Chief School Business Official  
Dance  
Director of Special Education (required beginning July 1, 2005)  
Drama/Theatre Arts  
Early Childhood  
Early Childhood Special Education

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Elementary/Middle Grades (K-9)  
English Language Arts  
English Language Proficiency  
English as a New Language  
Family and Consumer Sciences  
Foreign Languages  
    Arabic (available in September 2008)  
    Chinese (Cantonese or Mandarin)  
    French  
    German  
    Hebrew  
    Italian  
    Japanese  
    Korean  
    Latin  
    Russian  
    Spanish  
General Administrative  
Guidance (through June 30, 2005)  
Health Education  
Health Careers  
Library Information Specialist  
Mathematics  
Music  
Physical Education  
Reading Teacher  
Reading Specialist  
School Counselor (beginning July 1, 2005)  
School Nurse  
School Psychologist  
School Social Worker  
Sciences  
    Biology  
    Chemistry  
    Earth and Space Science  
    Environmental Science  
    Physics  
Social Sciences  
    Economics

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Geography  
History  
Political Science  
Psychology  
Sociology and Anthropology  
Superintendent  
Technology Education  
Technology Specialist  
Transitional Bilingual Education – Language Proficiency  
Arabic  
Cantonese  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Spanish  
Urdu  
Vietnamese  
Visual Arts

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

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

"Unauthorized aids" are materials and devices that candidates are prohibited from bringing to a test administration. These include notes, calculators, calculator watches, calculator manuals, cellular phones, electronic communication devices, visual or audio recording or listening devices, and any other items whose use may compromise the security or validity of a test. However, any material or device that is permitted as part of an accommodation arranged pursuant to Section 25.740 of this Part shall not be considered an unauthorized aid. Furthermore, a

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calculator shall not be considered an unauthorized aid when its use is authorized pursuant to the current ICTS registration bulletin and the contractor's web site.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.720 Applicability of Testing Requirement and Scores**

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- b) **Basic Skills Test**

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

  - 1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.
  - 2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
  - 3) *A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills.* (Section 21-1a of the School Code [105 ILCS 5/21-1a]) For purposes of this subsection (b)(3), a "comparable certificate" is one that either:
    - A) was issued on or before June 30, 2004; or
    - B) was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.
  - 4) The provisions of subsection (b)(3) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.

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- 5) When a person who was not required to take the basic skills test pursuant to subsection (b)(3)(A) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection (b)(3) of this Section.
- c) Content-Area Tests
- 1) Except as provided in subsection (c)(2) of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test for program completion.
  - 2) *A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a certification test in another state or territory that is directly related in content to the specific area of certification.* (Section 21-1a of the School Code) For purposes of this Section, a test is "directly related in content" if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement.
  - 3) A person who has passed a test of language proficiency in order to qualify for a transitional bilingual certificate and received that certificate shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.
- d) Assessment of Professional Teaching (APT)
- Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a

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subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:

- 1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or
  - 2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.
- e) Except as provided in subsections (b)(1), (c)(3), and (d)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than ten years old at the time application is made. The ten-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than ten years old will not be accepted as part of an application.
- 1) The ten-year period discussed in this subsection (e) shall apply to each score that forms part of an application received on or after July 1, 2008.
  - 2) The ten-year period discussed in this subsection (e) shall also apply to each score that forms part of an application that is pending as of June 30, 2008, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427 of this Part.
- f) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (h) of this Section, an individual who has taken a paper-and-pencil~~Any person may retake any~~ test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration,~~subject only to registration in accordance with the provisions of this Subpart I.~~
- g) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (h) of this Section, an individual who has taken a computer-based test may retake that test by computer after no fewer than 120 days but also may retake that test during any subsequent, regularly scheduled administration of the test in paper-and-pencil format.

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- h) Subsequent to January 1, 2010, no individual may attempt to pass the same test more than five times in any combination of the two formats.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.730 Registration – Paper-and-Pencil Testing**

Information about the tests and registration will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001, and at [www.isbe.net](http://www.isbe.net).

- a) Registration may be submitted by mail or conducted on line at [www.icts.nesinc.com](http://www.icts.nesinc.com) or by mail. If accomplished electronically, an individual's registration must be received by the testing contractor chosen by the State Board of Education on or before the emergency registration deadline. If sent through the mail, an An individual's registration must be either received by the testing contractor ~~chosen by the State Board of Education~~ on or before the registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor by the late registration deadline as specified in Section 25.732 of this Part. An individual's registration must include the following:
- 1) Registrant's name, mailing address, both daytime and evening telephone numbers, Social Security number, date of birth, and gender, ~~and ethnicity~~;
  - 2) Name and identification number of tests;
  - 3) Test date and first and second test site identification numbers;
  - 4) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;
  - 5) An assurance that the registrant has not had and will not seek access to any secure test materials, either prior to or after the test date, and will not disclose any of the content of test materials to any individual for a period of ten years after the date of the test administration; and
  - 6) The registrant's signature, which shall signify that the facts and assurances presented are true to the best of the registrant's knowledge and that the

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registrant agrees to abide by the testing conditions.

- b) The testing contractor will acknowledge receipt of registrations within four weeks after their receipt.
- c) An individual may amend or cancel his or her registration by submitting a properly completed change notice to the testing contractor. The change notice must be received by the testing contractor on or before the late registration deadline as specified in Section 25.732 of this Part. Changes that may be made by an individual to his or her registration are:
  - 1) changing the test site or test date;
  - 2) adding a test or tests; and
  - 3) deleting a test or tests.
- d) All requests for changes to a registration, except for deletion of a test or tests, must be accompanied by payment of the appropriate fee.
- e) An individual who cancels her or his registration in accordance with this Section, including meeting the specified deadline, will receive a partial refund. An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.
- f) The registration deadline for each test administration will be six calendar weeks prior to the test administration date.
- g) The ~~testing contractor~~ ~~State Board of Education~~ may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death, provided that:
  - 1) a written request is received by the State Board of Education no later than six months ~~after~~ ~~from~~ the date of the missed test administration, and
  - 2) a written statement from a member of the medical profession or funeral home documenting the reason for the absence accompanies the request.

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(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.731 Registration – Computer-Based Testing**

Information about the tests and registration will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001, and at [www.isbe.net](http://www.isbe.net).

- a) Registration shall be accomplished on line at the contractor's web site identified in the registration bulletin that is applicable to the time period of testing and shall be completed no later than three business days prior to the date of the test administration. An individual's registration must include the following:
- 1) Registrant's name, mailing address, both daytime and evening telephone numbers, Social Security number, date of birth, and gender;
  - 2) Name and identification number of tests;
  - 3) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;
  - 4) An assurance that the registrant has not had and will not seek access to any secure test materials, either prior to or after the test date, and will not disclose any of the content of test materials to any individual for a period of ten years after the date of the test administration; and
  - 5) An assurance that the facts and assurances presented are true to the best of the registrant's knowledge and that the registrant agrees to abide by the testing conditions.
- b) The testing contractor will electronically send an authorization to test within 24 hours after receipt of an individual's registration, which will permit the individual to schedule a testing appointment with the contractor.
- c) An individual may amend or cancel his or her registration by submitting the relevant information electronically no later than 24 hours prior to the scheduled testing time. Changes that may be made by an individual to his or her registration are:
- 1) changing the test site or test date;

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- 2) adding a test or tests; and
- 3) deleting a test or tests.
- d) No fees shall apply to changes in registration relative to computer-based testing.
- e) An individual who cancels his or her registration under this Section no later than 24 hours prior to the scheduled time of test administration will receive a partial refund. An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.
- f) An individual requesting special accommodations should register as soon as possible in order to be reasonably assured that the accommodations can be provided.
- g) The testing contractor may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death, as provided in Section 25.730(g) of this Part.

(Source: Added at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.732 Late Registration**

Late registration for individuals not meeting the deadlines established in Section 25.730 of this Part will be permitted. This Section shall not apply to registration for computer-based testing.

- a) An individual's late registration must be received by the testing contractor no later than the close of business three weeks before the date of test administration and must include the information specified in Section 25.730(a) of this Part.
- b) The testing contractor will acknowledge receipt of late registrations-within two weeks after their receipt.
- c) All requests for a late registration must be accompanied by payment of a late fee in addition to the payment for each test to be taken.
- d) The late registration fee will be waived for examinees who failed the examination

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at its most recent administration but whose score reports were not released before the next regular registration deadline.

- e) Late registration requests for the accommodation of persons with special needs as specified in Section 25.740 of this Part or a special test date as specified in Section 25.745 of this Part will be honored by the testing contractor only if space, staff, and time constraints allow.
- f) An individual may amend or cancel his or her registration or late registration by submitting a properly completed change notice. The notice must be received by the testing contractor by the late registration deadline. Changes that may be made by an individual to his or her registration or late registration are:
  - 1) changing the test site or test date;
  - 2) adding a test or tests; and
  - 3) deleting a test or tests.
- g) All requests for changes to a late registration, except for deleting of a test or tests, must be accompanied by the appropriate fee for a change in registration.
- h) The late registration deadline for each test administration will be three calendar weeks prior to the test administration date.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.733 Emergency Registration**

A limited number of emergency registrations per test administration will be allowed on a space-available basis and for paper-and-pencil testing only. This Section shall not apply to registration for computer-based testing.

- a) Emergency registration will be offered at a limited number of test sites throughout the state, as identified in each year's "Illinois Certification Testing System Registration Bulletin."
- b) Emergency registrations will be accepted up until the close of business on the Tuesday before the Saturday test date.

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- c) All requests for emergency registration must be made by telephone or via the Internet to the testing company identified in the "Illinois Certification Testing System Registration Bulletin." Fees will be payable only by Visa or Master Card as specified in Section 25.780(j) of this Part.
- d) All individuals registering by emergency registration over the telephone must complete, prior to testing, a registration form and sign an assurance that they will abide by all the conditions set forth in Section 25.750 of this Part. Registration forms and assurance statements will be available at the test sites on the day of the test.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.735 Frequency and Location of Examination**

- a) The tests of basic skills and subject matter knowledge will be administered in paper-and-pencil format no fewer than three times a year and at no fewer than six sites each time at locations throughout the State. The English language proficiency test and the target language proficiency test in Spanish will be administered in paper-and-pencil format four times per year at one site in the Chicago area. Target language proficiency tests in ~~target~~ languages other than Spanish will be administered in paper-and-pencil format twice per year at one site in the Chicago area. Specific tests may be administered in paper-and-pencil format at such additional times and locations as the State Board of Education deems advisable. ~~For example, the State Board may elect to offer the language proficiency test in Spanish at a site in Mexico.~~
- b) Each test that is made available as a computer-based test will be offered during no fewer than four "testing windows" annually, and each examinee may register to take an available computer-based test at any of the testing sites in the United States that are operated by the contractor chosen by the State Board of Education. Testing sites and testing windows shall be identified in the registration bulletin and any other published material pertaining to the testing system, as well as on the web sites of the State Board and its testing contractor.
- c) Registration deadlines and procedures for paper-and-pencil testing may vary from those stated in Section 25.730 of this Part when testing is conducted outside the fixed schedule set forth in subsection (a) of this Section.

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~~d)e)~~ All test sites will be accessible to persons with disabilities.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.740 Accommodation of Persons with Special Needs**

- a) Persons with special needs include those with visual, physical, or other disabilities who would not be able to take the required ~~teststest(s)~~ under standard conditions. ~~Each request for an accommodation shall be~~The State Board of Education will honor each request for special accommodations from such a person, provided the request is:1) submitted on a form ~~specified~~supplied by the State ~~Superintendent Board~~Superintendent Board of Education and made available on the web site of the testing contractor, and received on or before the regular deadline; and
- ~~b)2)~~ Each request for an accommodation must include ~~accompanied by~~ a signed statement from a medical or human services professional licensed in this or any other state, such as but not limited to a physician, psychiatrist or psychologist, describing the handicapping condition and specifying the exact nature of the needed accommodations. If an examinee's registration is being sent through the mail, this statement shall accompany the registration materials. If an examinee's registration is being accomplished electronically, the signed statement shall be sent either through the mail or by facsimile to be matched with the registration materials.
- 1) Each request for special accommodations in connection with paper-and-pencil testing must be submitted with the examinee's registration materials and in time to ensure receipt by the testing contractor no later than the regular registration deadline for the desired test administration. The testing contractor will notify each person of the disposition of his or her request no later than two weeks prior to the date of testing.
- 2) Requests for special accommodations in connection with computer-based testing will be honored if possible, subject to the capabilities of the testing location requested. An examinee needing accommodations is advised to register and submit his or her request well in advance of the applicable deadline, in order to provide the greatest possible amount of time for the testing contractor to make the necessary arrangements. The testing contractor will notify each person requesting an accommodation for

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computer-based testing as soon as the disposition of the request has been determined.

- b) ~~The testing contractor will notify each person requesting special accommodations of the disposition of such request no later than two weeks prior to the test date.~~
- c) Special test administration procedures may include, but will not be limited to:
- 1) testing arrangements for visually handicapped persons, such as:
    - A) a special examiner to read the test and/or execute the examinee's choice of answers~~fill in the answer sheet~~; and/or
    - B) permission to circle answers directly in the test booklet; and/or
    - C) permission to use magnifying devices; and/or
    - D) the use of either a large print or Braille version of the test;
  - 2) testing arrangements for hearing-impaired persons, such as:
    - A) providing written instructions for administering the tests; and/or
    - B) providing a sign language interpreter for any audio-taped material or the testing instructions; and
  - 3) other arrangements determined on a case-by-case basis, as warranted by the individual's needs and the availability of appropriate means for meeting them~~arrangements for persons with other disabilities, such as special seating or use of assistive devices (i.e., page turners, communication boards).~~
- d) Special test administration procedures for persons for whom English is not the first language shall be limited to the allotment of extra time and shall be available in conjunction with paper-and-pencil testing only.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.745 Special Test Dates**

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This Section shall not apply to computer-based testing. All paper-and-pencil tests will be administered on Saturdays, except that arrangements will be made to accommodate persons whose religious convictions prohibit their taking tests on the regularly scheduled test administration date, provided that each such person submits, along with his or her registration materials, a written request for an alternate test date accompanied by a letter signed by a member of the clergy and corroborating the religious basis of the request.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.750 Conditions of Testing**

All candidates shall abide by the rules of test participation and other terms, conditions, and policies stated in the applicable ICTS registration bulletin and on the contractor's web site. These include, but are not limited to, the conditions set forth in this Section.

**a) Identification and Admission – Paper-and-Pencil Testing**

On the day of the test, each person shall present the admission ticket received following test registration and two pieces of positive identification, one of which ~~is government-issued and includes~~shall include a photograph taken within the last four years. Positive identification includes, but is not limited to, a driver's license, student identification card, Illinois identification card, passport, employee identification card, Social Security card, birth certificate, or selective service registration card. Any person lacking sufficient identification will be required to sign a declaration of identity statement. Any person lacking sufficient identification and refusing to sign a declaration of identity statement will be refused admission. Copies of proof of identity may be made at the discretion of staff at the testing site.

**b) Identification and Admission – Computer-Based Testing**

On the day of the test, each person shall present one piece of current, government-issued identification, issued in the name in which the examinee registered and bearing a photograph and the examinee's signature.

**c) On-Site Verification of Identity**

1) ~~Each Beginning September 1, 2007, each~~ person taking a paper-and-pencil test shall be required to provide a right thumbprint in a designated area on the personalized answer document in order to be admitted to the test site,

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except that a person who is unable to provide a right thumbprint due to a physical condition shall be admitted if he or she provides a print of the left thumb or, if unable to provide a left thumbprint, a print of another finger. The test proctor shall indicate which finger was used, if other than the right thumb.

2) Each person taking a computer-based test shall be required to provide a digital fingerprint or palm print and a digital signature.

3) Any person refusing to provide a thumbprint, ~~or~~ other fingerprint, palm print, or signature in accordance with this subsection (c) shall be refused admission.

4) Additional procedures that are designed to confirm examinees' identities or provide for test security, such as video recordings and repeated photographing of examinees, may be employed during test administration. Any person refusing to accede to these procedures shall be refused admission.

d) Late Arrival – Paper-and-Pencil Testing

Persons arriving more than 30 minutes after a test administration has begun will be refused admission. Persons arriving within 30 minutes after a test administration has begun will be required to sign an acknowledgment of late arrival specifying that no additional time will be allotted beyond that already given to the other examinees for the session.

e) Late Arrival – Computer-Based Testing

Persons arriving after their respective scheduled testing times will be refused admission if admitting them would cause a delay in subsequent testing appointments.

f)d) No refund of fees will be made to any person refused admission under subsection (a), (b), ~~or~~ (c), (d), or (e) of this Section.

g)e) Each person admitted to a testing site shall abide by the instructions of the proctors administering the test in all matters relating to the test, including but not limited to seating arrangements and security measures. Each person authorizes the proctors to serve as his or her agents in maintaining a secure test administration.

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- ~~h) f)~~ Each person beginning a test shall take every section of that test. The score of a person not completing all sections of a test will be reported as set forth in Sections 25.765 and 25.775 of this Part, unless ~~the such~~ person ~~cancel requests voiding of~~ that score as provided in Section 25.755 of this Part.
- ~~i) g)~~ No refund will be made to any person ~~canceling requesting that~~ his or her score ~~be voided~~, nor will credit be given toward the fee for any future test.
- ~~j)~~ Examinees may perform intermediate work that is necessary to enable them to answer test questions. Persons taking paper-and-pencil tests shall use as scratch paper only the blank sheets furnished as part of the test materials. Persons taking computer-based tests shall use only the erasable noteboard and marker provided for this purpose.
- ~~k) h)~~ No person may:
- 1) bring written notes into a testing site or use written notes during a test;
  - 2) make notes or copies of the contents of a test or remove any test materials from the testing site~~booklet~~;
  - 3) bring into the testing site or use unauthorized aids (see Section 25.710 of this Part)~~scratch paper~~;
  - 4) bring any personal item into a computer-based testing room or use any personal item during computer-based testing, unless permitted as part of an accommodation arranged pursuant to Section 25.740 of this Part~~bring into the testing site or use any mechanical or electronic device, except as expressly permitted in the registration materials (i.e., use of a nonprogrammable, solar or battery-powered calculator during the chemistry, mathematics, and physics subject matter tests)~~;
  - 5) bring into the testing site or use any communications device (e.g., telephone, pager) ~~or~~ communicate in any way with other examinees or any person other than the proctors during a test session;
  - 6) ~~remove any test materials from the testing site; 7)~~ engage in behavior that disrupts or gives unfair advantage or disadvantage to other examinees;

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- ~~7)8)~~ fail to sign the ~~documents~~~~document(s)~~ on which he or she is directed to record his or her answers; or
- ~~8)9)~~ fail to follow the oral or written instructions or directions of the proctors dealing with the administration of the test.
- ~~1)i)~~ An individual who wishes to object to any of the testing conditions or procedures set forth in this Section shall notify the testing contractor in writing of the basis for this objection no later than six weeks prior to the test administration date. An individual who wishes to object shall not register using the late or emergency registration procedures described in Sections 25.732 and 25.733 of this Part.
- 1) The testing contractor shall inform the registrant as to whether his or her objection will be honored.
  - 2) If an individual's objection is not honored, the testing contractor shall inform the individual that he or she will not be registered for the test administration.
  - 3) An individual who objects to a condition of testing after using late or emergency registration procedures for paper-and-pencil testing may be prohibited from taking the test, or his or her score may be voided.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.755 Cancellation of Scores; Voiding of Scores**

- a) A person shall have the right to ~~cancel~~~~void~~ his/her test ~~score~~~~score(s)~~. A cancellation~~Such a~~ request must be submitted in writing and received by the State ~~Superintendent~~~~Board~~ of Education within seven calendar days after the date of the test. However, a person's right to cancel his or her scores shall be superseded by the right of the State Superintendent of Education to void scores when subsection (b) or (c) of this Section applies.
- b) A person's ~~score~~~~score(s)~~ will be voided by the State ~~Superintendent~~~~Board~~ of Education due to violation by the person of any of the conditions of testing enumerated in Section ~~25.750(g) and (k)~~~~25.750(d) and (g)~~ of this Part.
- c) The Illinois State ~~Superintendent~~~~Board~~ of Education will also void any affected

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test score in situations such as, but not limited to, the followingif:

- 1) any person taking the test violates any of the rules of test participation or terms, conditions, or policies stated in the current ICTS registration bulletin and website~~engages in any form of misconduct, including but not limited to the actions listed in Section 25.750(g)~~, having the purpose or effect of:
  - A) giving any person taking the test an unfair advantage over other examinees,
  - B) affecting, either positively or negatively, the performance of any person taking the test, or
  - C) representing the performance of the named registered examinee by the performance of another person;
- 2) there is any testing irregularity that calls into question:
  - A) the accuracy of the test scores as measures of the actual performances of the examinees, or
  - B) the validity of the test scores as measures of the performances of the examinees in light of the conditions and circumstances under which the test was administered.
- d) The State ~~Superintendent~~Board of Education shall notify the person of the action taken within six weeks after the test date. If any person's test materials reveal irregularities that warrant further investigation, the State ~~Superintendent~~Board shall forward those materials, including the person's thumbprint, fingerprint, or palm print, as applicable, to the appropriate law enforcement authority and shall notify the affected person within ten days after taking that action. The State ~~Superintendent~~Board of Education may require the person to provide a thumbprint or alternate print, if applicable, to the appropriate law enforcement authority for comparison with that provided on the personalized answer document and may void the test score earned by a person who refuses to do so.
- e) No refund will be given to any person whose score is cancelled or voided.

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- f) If a score is cancelled or voided for any reason, it will not be reported or entered on any records. Cancellation of an individual's score shall not limit his or her right to retake the test. Voiding of an individual's score shall not limit his or her right to retake the test unless subsection (g) of this Section applies.
- g) ~~In~~However, in some instances, scores are voided for reasons that render individuals ineligible for certification in Illinois, ~~regardless of any future testing.~~ When an individual is found to have violated a condition of testing with the intent of falsifying his or her identity or unfairly affecting his or her performance in the current or a future test administration, the violation shall be taken as evidence that the individual is not of good character as required by See Section 21-1 of the School Code [105 ILCS 5/21-1].
- 1) In addition to voiding of the person's score on the test at which the violation occurred, any other score achieved by the person during the same test administration shall be voided, and the individual shall be ineligible for any future certification testing in Illinois.
  - 2) A person who is subject to this subsection (g) shall be ineligible to receive any certificate in Illinois.
  - 3) If a person who is the subject to this subsection (g) already holds any Illinois certificate, the State Superintendent of Education shall initiate the suspension or revocation of that certificate as provided in Section 21-23 of the School Code [105 ILCS 5/21-23].
- h) In ~~the~~these instances described in subsection (g) of this Section, records of the individuals' test responses may be maintained by the testing contractor and by ISBE for further investigation. In all other cases when scores are cancelled or voided, examinees' answer documents, including electronic media,~~records of the person's test responses, including but not limited to answer sheets and electronic media records,~~ will be destroyed and will be irretrievable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.780 Fees**

Each fee or refund required pursuant to this Section shall be established by the State Superintendent of Education in consultation with the testing contractor and published in all

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written materials related to the testing program. The fee schedule shall be maintained in the offices of the State Board of Education and shall also be available upon request.

- a) Each registration shall be accompanied by payment of a fee for each test to be taken. The registration fee for a test to be administered by the testing contractor outside the United States may be different from other registration fees.
- b) Each request for re-scoring of a test shall be accompanied by payment of a fee, which shall be refunded if the original scoring is found to be in error.
- c) Each request for an additional individual score report shall be accompanied by payment of a fee.
- d) Each request for a change in the testtest(s), test date or test site for which the individual is scheduled, other than changes related to computer-based testing, shall be accompanied by payment of a fee.
- e) Each request to add a test or tests to an individual's registration shall be accompanied by payment of a fee.
- f) An individual who cancels his or her registration in accordance with Section 25.730 of this Part shall receive a partial refund for each test for which he or she registered.
- g) Each late registration for paper-and-pencil testing shall be accompanied by payment of a fee in addition to the payment of the fee for each test to be taken.
- h) A fee of \$20 shall be charged for any test payment that does not clear.
- i) Only cashiers' checks and money orders will be accepted for payment of fees by mail; payment of fees associated with registration transactions made via the Internet shall be made by Visa or Master Card only. Payment for computer-based testing shall be made via the Internet only and by VISA or MasterCard only.
- j) Payment of fees for emergency registration (applicable to paper-and-pencil testing only) must be made by Visa or Master Card only, as identified in the current year "Illinois Certification Testing System Registration Bulletin-".
  - 1) A fee in addition to the fee for each test to be taken as specified in

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subsection (a) of this Section will be charged for each emergency registration.

- 2) No refund or credit of any kind shall be made to any person who registers by emergency registration.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

| SUBPART J: RENEWAL OF STANDARD AND MASTER **TEACHING** CERTIFICATES**Section 25.805 Continuing Professional Development Options**

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

- a) *Completion of an advanced degree from a regionally accredited institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)])*
- b) *Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in Section 21-14(e)(2)(A) of the School Code. (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14(e)(3)(B)])*
- c) *Completion of all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D)]). The presence of an individual's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.*
- d) *Receipt of a subsequent Illinois certificate or endorsement may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(K) of the School Code [105 ILCS 5/21-14(e)(3)(K)])*

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- e) *Becoming "highly qualified" in an additional teaching area may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(L) of the School Code [105 ILCS 5/21-14(e)(3)(L)]) The criteria applicable to Illinois teachers and the required evidence of completion shall be as set forth in Appendix D to this Part. Each individual using this option shall have completed at least some portion of the requirements in the additional field during the period of validity to which the professional development credit is attributed.*
- f) *Successful completion of four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)] and Section 25.915 of this Part. (Section 21-14(e)(3)(M) of the School Code [105 ILCS 5/21-14(e)(3)(M)])*
- g) *Successful completion of four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)] and Section 25.920 of this Part. (Section 21-14(e)(3)(N) of the School Code [105 ILCS 5/21-14(e)(3)(N)])*
- h) ~~Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870 of this Part) may be used to fulfill 100% of the requirement for continuing professional development.~~ Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement.
- ~~i)j)~~ A certificate-holder may choose any combination of the types of activities described in subsections (b) ~~and~~; (h), ~~and (i)~~ of this Section, provided that the total effort represents the equivalent of 120 CPDUs ~~or 24 CEUs~~. For purposes of calculating combinations from different categories, ~~1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and 2) one CEU shall be considered the equivalent of 5 CPDUs.~~
- ~~j)k)~~ The provisions of subsections (b), (h), ~~and (i)~~, ~~and (j)~~ of this Section shall be

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subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt and shall also be subject to any applicable reductions provided in Section 21-2(c)(8) of the School Code for any individual whose application for certificate renewal is received or processed on or after July 1, 2004. (See Section 25.880 of this Part.)

- | ~~k)~~ A given professional development activity may be attributed to all of the purposes to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.
- | ~~l)m)~~ Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.835 Review of and Recommendation Regarding Application for Renewal**

- a) An LPDC shall review each application it receives that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, shall forward the application to the regional superintendent of schools accompanied by the LPDC's recommendation regarding certificate renewal, provided on a form supplied by the State Board of Education.
- | b) If the recommendation is for nonrenewal of the affected ~~certificate~~certificate(s), notification to this effect shall be provided concurrently to the certificate-holder, including a return receipt and an explanation of the LPDC's rationale for recommending nonrenewal.
- c) The certificate-holder may appeal to the responsible RPDC for consideration of his or her application for renewal if the LPDC does not respond within the time allowed under subsection (a) of this Section.
- d) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded by an LPDC, the certificate-holder may appeal the recommendation to the RPDC. Such an appeal shall be transmitted on a form

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supplied by the State Board of Education, shall include a return receipt, and shall include:

- 1) the required evidence of completion for the activities upon which the appeal is based; and
  - 2) any other relevant documents.
- e) Within 45 days after receiving such an appeal, the RPDC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the material received from the certificate-holder under subsection (d) of this Section.
- f) Within 14 days after receiving the last recommendation required under subsections (a) through (e) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of any recommendation for nonrenewal shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the ~~certificate~~certificate(s) held, or if information provided on the application makes indicates the individual subject to the requirements of any of Sections 25.485 through 25.490 of this Part ~~is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments~~, the certificate-holder's copy shall be sent by certified mail, return receipt requested.
- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal or is recommending renewal without the involvement of any LPDC. This list shall be prepared on a form supplied by the State Board of Education.

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- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the material received from the certificate-holder under subsection (e) of this Section;
  - B) the RPDC's recommendation and any additional material received by the RPDC pursuant to subsection (e) of this Section; and
  - C) the regional superintendent's rationale for recommending renewal.
- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the LPDC's recommendation, if any;
  - B) the RPDC's recommendation, the material called for in subsection (d) of this Section, and the material received pursuant to subsection (e) of this Section, if any; and
  - C) the regional superintendent's rationale for recommending nonrenewal.
- g) Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her ~~certificates~~ certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.
  - 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.
    - A) Appeals shall be addressed to:

State Teacher Certification Board Secretary

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100 North First Street  
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
  - C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.
- 2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:
- A) evidence that he or she has satisfactorily completed activities sufficient to meet the requirements of Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable;
  - B) any other relevant documents.
- h) Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete activities sufficient to meet the requirements of Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.840 Action by State Teacher Certification Board; Appeals**

- a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(h) of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)], subject to the certificate-holder's right of appeal as specified in that Section.
- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

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- 1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.
  - 2) *The State Teacher Certification Board may request that the certificate-holder appear before it. (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]) The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.*
  - 3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, *the State Teacher Certification Board shall review:*
    - A) *the recommendation of the regional superintendent of schools;*
    - B) *the Regional Professional Development Review Committee's recommendation, if any;*
    - C) *the Local Professional Development Committee's recommendation, if any; and*
    - D) *all relevant documentation.*
- c) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the individual's certificate~~certificate(s)~~, the notification shall state the reasons~~reason(s)~~ for that decision.
- 1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Subpart J may apply for a reinstated certificate valid for one year.
  - 2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she presents evidence of having:

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- A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
- B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.
- d) The State Teacher Certification Board shall not renew any certificate if information provided on the application makes the holder subject to the requirements of any of Sections 25.485 through 25.490 of this Part~~has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding~~. Any disciplinary action taken against a certificate-holder under any of those Sections for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with ~~that Section and~~ the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.855 Approval of Illinois Providers**

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

- a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which

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the provider wishes to secure approval, the application shall include:

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

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standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;

- 2) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education; and
  - 3) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; ~~and 4) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.~~
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- f) ~~A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that: 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter areas; 2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated; and 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development pursuant to Section 21-14(e)(2) of the School Code.~~  
g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:
- 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter areas; and
  - 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.

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- ~~g)~~h) The State Board of Education ~~will~~shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the types of activities for which an entity has received approval.
- ~~h)~~i) Approval of a provider shall be valid for three years. To request renewal of ~~such~~ approval, a provider shall, no later than March 1 of the year of expiration, submit an application on a form supplied by the State Board of Education and containing:
- 1) a description of any significant changes in the material submitted as part of its approved application; or
  - 2) a certification that no such changes have occurred.
- ~~i)~~j) A provider's approval shall be renewed if the application conforms to the requirements of subsection ~~(h)~~i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.
- ~~j)~~k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time.
- 1) In the event an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider.
  - 2) Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.
  - 3) Pursuant to Section 21-14(e)(3)(H) of the School Code [105 ILCS 5/21-14(e)(3)(H)], *a teacher may not receive credit for any activity that is designed for entertainment, promotional, or commercial purposes or that is solely inspirational or motivational, and the State Board and the State Teacher Certification Board may jointly disapprove any activity found to be of this nature.*

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- A) When an activity is disapproved under this subsection ~~(j)(3)(4)(3)~~, the provider may continue to offer the activity but shall immediately revise all relevant notices and advertisements to indicate the nature of the activity. The provider shall be required to state in each such notice or advertisement that the activity generates no credit applicable to certificate renewal. Individuals who complete the activity once it is accurately described shall not claim credit for it.
- B) Individuals who have completed an activity that is later disapproved under this subsection ~~(j)(3)(4)(3)~~ shall not be penalized with respect to continuing professional development credit accrued for that activity.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.860 Out-of-State Providers**

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

- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
- 1) the certificate-holder documents his or her participation by maintaining on file:
    - A) the program, agenda, or other announcement of the event; and
    - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and

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- 2) if the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, the program, agenda, or other announcement of the event is found to demonstrate that there is an apparent correlation between the content of the training received and one or more of the purposes the recipient must address in his or her continuing professional development.
- c) ~~When an entity not based in Illinois conducts an activity outside Illinois, a certificate holder may receive CEUs with respect to that activity, provided that: 1) the requirements of subsection (b) of this Section are met; and 2) each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.~~ d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.865 Awarding of Credit for Activities with Providers**

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

- a) This form shall be provided to each participant who completes the activity, who shall maintain it as evidence of completion (see Section 25.875(k) of this Part). In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.
- b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.

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- c) ~~The provider shall indicate the number of CEUs issued, if applicable.~~ d) The number of CPDUs to be credited shall be in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.
- d)e) If the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, ~~CEUs or~~ CPDUs claimed shall be affirmed only when the standard form is presented.

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

**Section 25.870 Continuing Education Units (CEUs) (Repealed)**

~~Continuing education units shall be credited only for professional development activities that are conducted or sponsored by an organization, entity, or firm that has been approved to issue CEUs pursuant to Section 25.855 of this Part, unless the activity completed is subject to the requirements of Section 25.872 of this Part.~~

- a) ~~One CEU shall be issued for five clock hours of a certificate holder's direct involvement, exposure, or participation in activities (including related assignments) that contribute to his or her professional knowledge, competence, performance, or effectiveness in education.~~
- b) ~~Time spent in organizational or administrative activities related to the conduct of a professional development activity or event or related to other business of the sponsoring entity shall not be included in the calculation of time for which CEUs will be issued.~~

(Source: Repealed at 34 Ill. Reg. 1582, effective January 12, 2009)

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

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

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- a) A certificate-holder may accrue professional development credit for an activity under this Section if the provider of the activity is approved for the applicable subject area pursuant to subsections (b) through (f) of this Section. Alternatively, a certificate-holder may accrue credit for an activity without an approved provider by meeting the requirements of subsection (h) of this Section.
- b) Each provider wishing to receive approval under this Section shall submit an application using a format prescribed by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall describe:
- 1) the intended offerings in terms of relevant standards to be addressed;
  - 2) the qualifications and experience the provider will require of the presenters, moderators, and facilitators to be assigned in each area;
  - 3) the means by which individuals' participation and participants' identities will be verified, consistent with subsection (e)(4) of this Section;
  - 4) the assistance that the provider will furnish to participants to foster their understanding of the material covered in the activity and their ability to complete the activity's requirements successfully; and
  - 5) the documentation that the provider will furnish to each individual who completes a continuing professional development activity; ~~and 6) whether the provider intends for CEUs or CPDUs to be available to participants.~~
- c) Each application shall provide assurances that the following requirements will be met.
- 1) ~~The provider shall submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it.~~ 2) The provider shall verify individuals' participation in its training activities, provide documentation indicating whether those who participated in a particular activity have completed it, and require participants to complete evaluations of the activities that will gather at least thesuch information as

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specified by the State Board of Education. ~~The provider shall issue CEUs, if applicable, based upon the average or expected time required to complete a given activity and in accordance with Section 25.870 of this Part. The~~For activities generating CPDUs, the evidence of completion provided to participants shall indicate the average or expected time required so that one CPDU per hour of participation may be documented.

~~2)3)~~ The provider shall maintain participants' evaluations for a period of not less than three years and make them available for review upon request by staff of the State Board of Education.

~~3)4)~~ The provider shall maintain records of participation and completion for each activity it conducts or sponsors for a period of not less than five years.

- d) Applicants may be asked to clarify particular aspects of their materials.
- e) A provider shall be approved under this Section only if all of the following conditions are met.
- 1) There is an apparent correlation between the content of the training activities, the standards applicable to their intended participants, and one or more of the purposes the participants are required to address in their continuing professional development pursuant to Section 21-14(e)(2) of the School Code.
  - 2) The activities will be developed and presented by persons with education and experience in the applicable subject areas~~area(s)~~.
  - 3) The provider makes available to participants a mentor or facilitator who is qualified by education and experience to serve as a presenter of the activity.
  - 4) Participation in or completion of any portion of the activity that is not designed to be attended in person is verified by some other means. That is, each individual's participation yields either a product (e.g., a lesson plan, a tape of teaching performance, a completed test) or a record of interaction with a representative of the provider or with other participants (e.g., a discussion board). These products and records are available for

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evaluation by the provider, and each participant's receipt of the evidence of completion for the activity is contingent upon their presentation to the provider along with a brief written statement in which the certificate-holder discusses the skills and/or knowledge acquired and indicates, where applicable, how the skills or knowledge will be applied in the context of his or her teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.

- 5) Each participant who completes the activity receives verification from the provider to that effect.
- f) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- g) A certificate-holder may receive continuing professional development credit for an activity conducted by a provider approved under this Section to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder.
- h) A certificate-holder may receive continuing professional development credit for an activity not conducted by a provider approved under this Section (to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder) by meeting the requirements of this subsection (h).
  - 1) The certificate-holder shall maintain a syllabus, program, or summary prepared by the provider or a summary written by the certificate-holder.
  - 2) The certificate-holder shall maintain any documents or other products developed during the activity and any verification of completion supplied by the provider.
  - 3) The certificate-holder shall maintain a brief written statement meeting the requirements of subsection (e)(4) of this Section.
  - 4) The certificate-holder shall maintain a statement issued by the provider indicating the average or expected amount of time required for completion of the activity, which shall serve as the basis for credit in the form of

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CPDUs at a rate of one per hour of direct participation ~~or CEUs in accordance with Section 25.870(a) of this Part, as applicable.~~

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

SUBPART K: REQUIREMENTS FOR RECEIPT OF  
THE STANDARD TEACHING CERTIFICATE**Section 25.910 Requirements for Induction and Mentoring**

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

- a) The program selected by a certificate-holder must have been approved for this purpose by the State Board of Education in consultation with the State Teacher Certification Board. Two or more school districts or other organizations may jointly offer a program of induction and mentoring under this Section. An entity or group of entities that wishes to offer an approved program of induction and mentoring shall submit to the State Superintendent of Education a written plan for the program that conforms to the requirements of Section 21-2(c)(2)(A) of the School Code [105 ILCS 5/21-2(c)(2)(A)]. A program shall be approved if the plan demonstrates that the program will meet the specifications of subsections (b) through (g) of this Section. Entities that were conducting programs of induction and mentoring prior to July 1, 2003, may apply to the State Superintendent under this Section for verification that those programs met the requirements of this Section so that individuals who have completed them may fulfill the requirements of this Subpart K on that basis. The State Board of Education shall annually publish a list of induction and mentoring programs that have been approved for this purpose.
- b) A formally trained mentor shall be assigned to assist each new teacher, ~~and no mentor shall be assigned to assist more than five new teachers during any given school year.~~ Mentors holding a full-time teaching assignment shall be assigned to only one new teacher during any given year. To the extent possible, mentor teachers shall hold the same type of certificate as the new teachers with whom they will work. Each mentor teacher assigned shall hold, or shall have retired while holding, a standard or master certificate and shall have completed a training program that addresses all the following topics:

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- 1) Content Knowledge and Pedagogy;
  - 2) Adult Learning Theory;
  - 3) Verbal and Non-Verbal Communication Skills;
  - 4) Attributes and Styles of Positive Critiques;
  - 5) Classroom Observation Skills Related to Assessment of Performance;
  - 6) Strategies for Providing Constructive Feedback and Social Support;
  - 7) Problem-Solving Skills; and
  - 8) Formative Assessment and Self-Assessment.
- c) Each new teacher shall receive formal mentoring, which may include mentoring conducted electronically, consisting of an established sequence of sessions no less than two school years in duration. The planned sequence for each teacher shall comprise no fewer than three episodes of observation, which may be conducted using videoconferencing or videotaping, that include preparation with the mentor teacher prior to observing the new teacher in the classroom; observation of the new teacher's teaching practice; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.
- d) The program shall afford mentor teachers and new teachers systematic opportunities for contact with each other so that new teachers will receive professional and social support in the school environment. The program shall include a formal mechanism for orienting new teachers to the school improvement and professional development plans that apply and for assisting them in understanding their respective employers' expectations with regard to the Illinois Professional Teaching Standards and the relevant content-area standards.
- e) New teachers shall be afforded at least one opportunity during each semester to participate in professional development opportunities that involve:
- 1) observing teaching practice modeled by experienced teachers and discussing selected aspects of teaching practice with these teachers; or

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- 2) participating in workshops, conferences, symposia, seminars, or other, similar training events that are designed to increase teachers' knowledge and skills with respect to the Illinois Professional Teaching Standards or the content-area standards that apply to their respective areas of certification or assignment.
- f) The program shall require formative assessment of new teachers' professional development. The mentor teacher shall participate in formative assessment by providing written feedback after observing the teaching performance of the new teacher and by providing written analysis of written materials prepared by the new teacher. The new teacher shall participate in formative assessment by preparing at least one written reflection on his or her teaching practice for each quarter of a school year, for review by the mentor teacher. New teachers' written reflections shall be required to focus on relevant aspects of the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) and the content-area standards that apply to their assignments and areas of certification and to issues identified in the feedback received from mentor teachers.
  - g) Each plan for an induction and mentoring program shall include a specific method for collecting and maintaining information that will permit evaluation of the program and will contribute to an overall assessment of the effectiveness of induction and mentoring. For each program, at least the following information shall be collected and supplied to the State Board of Education upon request:
    - 1) the length of time during which recipients of the program remain employed as teachers (if known) or remain employed as teachers in the district where mentoring and induction were received;
    - 2) the percentage of recipient teachers who received ratings of "satisfactory" or "excellent" each year since completing the program;
    - 3) any savings realized in the cost of recruiting new teachers due to increased retention; and
    - 4) any decrease in the number or percentage of teachers teaching outside their respective fields.
  - h) As evidence of completion for this requirement, the candidate for a standard certificate shall maintain verification, in a format specified by the State Board of

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Education, signed by the administrator of the approved mentoring and induction program.

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

(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

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**Section 25.APPENDIX A Statistical Test Equating – Certification Testing System**

The Z-score formula set forth below will be used in all cases except where none of the scorable items on a test form has appeared on any previous test form. In such cases, the linear equating formula will be used.

## Z-Score Formula

The following formula is used for z-score equating.

1. Define:

$\bar{X}$   $\equiv$  the mean raw score achieved on the new test form's scorable items

$s_x$   $\equiv$  the standard deviation of X

$\bar{Y}$   $\equiv$  the mean raw score achieved on the previous test form's scorable items

$s_y$   $\equiv$  the standard deviation of Y

$X_i$   $\equiv$  a given raw score on the new test form

$Y_i$   $\equiv$  the raw score equivalent to  $X_i$  expressed in the raw score metric of form Y

2. Set  $z_x = z_y$

$$\frac{X_i - \bar{X}}{s_x} = \frac{Y_i - \bar{Y}}{s_y}$$

3. In order to find the equivalent passing score on the new form, solve for  $X_i$ , where  $Y_i$  = the passing score on the previous form rounded to one decimal place.

$$X_i = \bar{X} + \left( \frac{s_x}{s_y} \right) (Y_i - \bar{Y})$$

The linear equating formula is as follows.

1. Define:

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$\bar{X}$   $\equiv$  mean total test score on a new test form

$s_x^2$   $\equiv$  variance of total test scores on the new form

$\bar{U}_x$   $\equiv$  mean of common items on the new form

$s_{u_x}^2$   $\equiv$  variance of common item scores on the new form

$s_{xu}$   $\equiv$  covariance of total test and common item set for the new form

$n_x$   $\equiv$  number of candidates taking the new form

$\bar{Y}$ ,  $s_y^2$ ,  $\bar{U}_y$ ,  $s_{u_y}^2$ ,  $s_{yu}$ , and  $n_y$  are corresponding statistics for the previous test form

2. Compute estimated descriptive statistics for the total group (i.e., candidates from new and previous test form administrations).

$$\bar{U}_t \equiv \frac{\bar{U}_x + \bar{U}_y}{2}$$

$$s_{u_t}^2 \equiv \frac{\left( \frac{\bar{U}_x - \bar{U}_y}{2} \right)^2 + (n-1)(s_{u_x}^2 + s_{u_y}^2)}{2n-1}$$

where  $n \equiv$  the smaller of  $n_x$  or  $n_y$

$$b_{xu} \equiv \frac{s_{xu}}{s_{u_x}^2}$$

$$b_{yu} \equiv \frac{s_{yu}}{s_{u_y}^2}$$

$$\bar{X}_t \equiv \bar{X} + b_{xu}(\bar{U}_t - \bar{U}_x)$$

$$s_{x_t}^2 \equiv s_x^2 + b_{xu}^2(s_{u_t}^2 - s_{u_x}^2)$$

$$\bar{Y}_t \equiv \bar{Y} + b_{yu}(\bar{U}_t - \bar{U}_y)$$

$$s_{y_t}^2 \equiv s_y^2 + b_{yu}^2(s_{u_t}^2 - s_{u_y}^2)$$

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3. In order to find the equivalent passing score on the new form, solve for  $X_i$ , where  $Y_i$  = the passing score on the previous form rounded to one decimal place.

$$\underline{X_i} \equiv \underline{\bar{X}_t + (s_x / s_{y_t})(Y_i - \bar{Y}_t)}$$

1. Define:

$\bar{X}$  = mean score on previous form scorable items

$s_x$  = standard deviation of X

$\bar{Y}$  = mean score on revised form scorable items

$s_y$  = standard deviation of Y

2. Set  $zy = zx$

$$\frac{Y_i - \bar{Y}}{s_y} = \frac{X_i - \bar{X}}{s_x}$$

3. Solve for  $Y_i$

$$Y_i = \bar{Y} + (s_y / s_x)(X_i - \bar{X})$$

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~~Linear Equating Formula~~1. ~~Define:~~ ~~$\bar{X}$  = mean total test score on the revised test form~~ ~~$s_x^2$  = variance of total test scores on the revised form~~ ~~$\bar{U}_x$  = mean of common items on the revised form~~ ~~$s_{u_x}^2$  = variance of common item scores on the revised form~~ ~~$s_{xu}$  = covariance of total test and common item set for the revised form~~ ~~$n_x$  = number of examinees taking the revised test form~~ ~~$\bar{Y}, s_y^2, \bar{U}_y, s_{u_y}^2, s_{yu}$  and  $n_y$  are corresponding statistics for the previous test form~~2. ~~Complete estimated descriptive statistics for the total group (i.e., examinees from revised and previous test form administrations)~~

~~$$\bar{U}_t = (\bar{U}_x + \bar{U}_y) / 2$$~~

~~$$s_{u_t}^2 = ((n(\bar{U}_x - \bar{U}_y)^2) / 2 + (n - 1)(s_{u_x}^2 + s_{u_y}^2)) / (2n - 1)$$~~

~~where  $n$  = the smaller of  $n_x$  or  $n_y$~~ 

~~$$\bar{X}_t = \bar{X} + b_{xu}(\bar{U}_t - \bar{U}_x)$$~~

~~$$s_{u_t}^2 = ((n(\bar{U}_x - \bar{U}_y)^2) / 2 + (n - 1)(s_{u_x}^2 + s_{u_y}^2)) / (2n - 1)$$~~

~~$$\bar{Y}_t = \bar{Y} + b_{yu}(\bar{U}_t - \bar{U}_y)$$~~

~~$$s_{y_t}^2 = s_y^2 + b_{yu}^2(s_{u_t}^2 - s_{u_y}^2)$$~~

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(Source: Amended at 34 Ill. Reg. 1582, effective January 12, 2009)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF MILITARY AFFAIRS

Heading of the Part: Illinois Military Family Relief Fund Act

Code Citation: 95 Ill. Adm. Code 200

<u>Section Numbers:</u>	200.5	200.50
	200.10	200.60
	200.20	200.70
	200.30	200.71
	200.40	200.80
	200.41	

Date Originally Published in the Illinois Register: 12/18/09  
33 Ill. Reg. 17161

At its meeting on January 12, 2010, the Joint Committee on Administrative Rules objected to the Department of Military Affairs including in its emergency rule titled Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200; 33 Ill. Reg. 17161) provisions effective November 23, 2009, prior to the December 9, 2009 effective date of this emergency rule. JCAR also objected to the inclusion in this emergency rule of changes in existing programs that are unrelated to the recently enacted Public Act the Department cites as its rationale for use of emergency rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

Agency: Department of Human Services

Heading of the Part: Autism Research Fund Scientific Review Committee

Code Citation: 59 Ill. Adm. Code 270

Section Numbers: 270.10  
270.20  
270.30  
270.40

Date Originally Published in the Illinois Register: 5/29/09  
33 Ill. Reg. 7054

Date Filing Prohibition Published in Illinois Register: 10/2/09  
33 Ill. Reg. 13945

Date Filing Prohibition Became Effective: 9/15/09

Date Filing Prohibition Withdrawn: The date DHS adopts the rulemaking with the agreed upon modifications

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, at its meeting on January 12, 2010, it has withdrawn the Prohibition against the filing of the Department of Human Services' rulemaking, contingent upon and effective with DHS' adoption of the rulemaking with the proffered grant application procedures and review standards. The Committee originally issued this Filing Prohibition at its 9/15/09 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking with the Secretary of State, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules and the modifications submitted in response to the Objection and from enforcing or invoking the rule.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

Agency: Department of Human Services

Heading of the Part: Temporary Assistance for Needy Families

Code Citation: 89 Ill. Adm. Code 112

Section Numbers:

112.9	112.151
112.65	112.152
112.69	112.153
112.127	112.305
112.150	112.307

Date Originally Published in the Illinois Register: 4/10/09  
33 Ill. Reg. 5201

Date Filing Prohibition Published in Illinois Register: 10/2/09  
33 Ill. Reg. 13946

Date Filing Prohibition Became Effective: 9/15/09

Date Filing Prohibition Withdrawn: The date DHS files a Notice of Withdrawal of this proposed rulemaking

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, at its meeting on January 12, 2010, it withdrew the Prohibition against the filing of the Department of Human Services' rulemaking contingent upon and effective with DHS' filing of a Notice of Withdrawal of this rulemaking. The Committee originally issued this Filing Prohibition at its 9/15/09 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYWITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

Agency: Department of Human Services

Heading of the Part: General Assistance

Code Citation: 89 Ill. Adm. Code 114

Section Numbers: 114.9            114.251  
114.223            114.252  
114.250            114.408

Date Originally Published in the Illinois Register: 4/10/09  
33 Ill. Reg. 5228

Date Filing Prohibition Published in Illinois Register: 10/2/09  
33 Ill. Reg. 13947

Date Filing Prohibition Became Effective: 9/15/09

Date Filing Prohibition Withdrawn: The date DHS files a Notice of Withdrawal of this proposed rulemaking

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, at its meeting on January 12, 2010, it has withdrawn the Prohibition against the filing of the Department of Human Services' rulemaking contingent upon and effective with DHS' filing of a Notice of Withdrawal of the rulemaking. The Committee originally issued this Filing Prohibition at its 9/15/09 meeting.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2009. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

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## NOTICE OF PUBLIC INFORMATION

Construction Contractors  
Delivery Charges  
Exempt Organizations  
Food  
Food, Drugs & Medical Appliances Gross Receipts  
Hotel Operators' Tax  
Interstate Commerce  
Invested Capital Tax  
Leasing  
Local Taxes  
Manufacturing Machinery & Equipment  
Medical Appliances  
Miscellaneous  
Motor Fuel Tax  
Motor Vehicles  
Rolling Stock Exemption  
Sale for Resale  
Service Occupation Tax  
Telecommunications Excise Tax  
Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.tax.illinois.gov/](http://www.tax.illinois.gov/).

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney  
Legal Services Office  
101 West Jefferson Street  
Springfield, Illinois 62794

217/782-2844

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## CONSTRUCTION CONTRACTORS

ST 09-0145-GIL 11/03/2009 Persons who permanently affix tangible personal property to real estate act as construction contractors and incur Use Tax liability on their cost price of tangible personal property they physically incorporate into realty. See 86 Ill. Adm. Code 130.1940.

ST 09-0148-GIL 11/09/2009 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 09-0160-GIL 12/21/2009 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

ST 09-0164-GIL 12/23/2009 This letter discusses the tax liability of construction contractors. See 86 Ill. Adm. Code 130.1940.

ST 09-0167-GIL 12/23/2009 When a construction contractor permanently affixes tangible personal property to real property, the contractor is deemed the end user of that tangible personal property. As the end user, the contractor incurs Use Tax on the cost price of that tangible personal property. See 86 Ill. Adm. Code 130.1940 and 86 Ill. Adm. Code 130.2075.

## DELIVERY CHARGES

ST 09-0150-GIL 11/13/2009 The Department's regulation on the treatment of transportation and delivery charges under the Retailers' Occupation Tax Act may be found at 86 Ill. Adm. Code 130.415.

ST 09-0163-GIL 12/23/2009 Charges designated as delivery or transportation charges are not taxable if it can be shown that they are both agreed to separately from the selling price of the tangible personal property which is sold and that such charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 09-0165-GIL 12/23/2009 Charges designated as delivery or transportation charges are not taxable if it can be shown that they are both agreed to separately from the selling price of the tangible personal property which is sold and that such charges are actually reflective of the costs of shipping. See 86 Ill. Adm. Code 130.415.

## EXEMPT ORGANIZATIONS

ST 09-0009-PLR 10/08/2009 This letter concerns the documentation to be retained by retailers making sales to exempt organizations holding an E-number. See 86 Ill. Adm. Code 130.2005.

ST 09-0141-GIL 10/26/2009 Please be advised retail sales made directly to Medicare and Medicaid are exempt from tax as sales to a government body so long as the exemption is properly documented. See 86 Ill. Adm. Code 130.2080(a).

## FOOD

ST 09-0011-PLR 12/07/2009 Where an establishment sells both food which has been prepared for immediate consumption and grocery-type items and also provides facilities for on-premises consumption, the lower rate of tax can be charged on the grocery-type items if the selling areas are separated and served by separate means of collection. See 86 Ill. Adm. Code 130.310 and 130.ILLUSTRATION C.

ST 09-0138-GIL 10/16/2009 This letter provides a brief summary of when the high rate of tax for food and the low rate of tax for food apply. See 86 Ill. Adm. Code 130.310.

## FOOD, DRUGS &amp; MEDICAL APPLIANCES

ST 09-0139-GIL 10/16/2009 This letter discusses tax on soft drinks. See Public Acts 96-34, 96-37, and 96-38 and 35 ILCS 120/2-10.

## GROSS RECEIPTS

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 09-0143-GIL 10/28/2009 Illinois Retailers' Occupation Tax is imposed upon gross receipts from the sale of tangible personal property to end-users and no deductions shall be taken by a taxpayer from gross receipts on account of the cost of the property sold, the cost of materials used, labor costs, or any other expense whatsoever. See 86 Ill. Adm. Code 130.410.

ST 09-0146-GIL 11/09/2009 This letter concerns whether the gross receipts from a sale of kerosene included the tax imposed on the producer under 26 USCA §4081. See 86 Ill. Adm. Code 130.445(b).

## HOTEL OPERATORS' TAX

ST 09-0161-GIL 12/21/2009 This letter explains the application of the Hotel Operators' Occupation Tax when rentals are made to persons holding "E" numbers.

## INTERSTATE COMMERCE

ST 09-0147-GIL 11/09/2009 This letter concerns sales in interstate commerce. See 86 Ill. Adm. Code 130.605.

## INVESTED CAPITAL TAX

ST 09-0166-GIL 12/23/2009 This letter concerns the payment of the invested capital tax by alternative gas suppliers. See 35 ILCS 615/2a.1.

## LEASING

ST 09-0137-GIL 10/16/2009 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. As end users of tangible personal property located in Illinois, lessors owe Use Tax on their cost price of such property. See 86 Ill. Adm. Code 130.220 and 130.2010.

ST 09-0140-GIL 10/23/2009 Information regarding the tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## LOCAL TAXES

- ST 09-0134-GIL 10/07/2009 The City of Chicago imposes a 3% Home Rule Municipal Soft Drink Retailers' Occupation Tax. See 65 ILCS 5/8-11-6b.
- ST 09-0151-GIL 11/16/209 This letter discusses the imposition of local occupation taxes. See 86 Ill. Adm. Code 270.115.
- ST 09-0152-GIL 11/20/2009 This letter describes when local sales taxes are imposed in Illinois. See 86 Ill. Adm. Code 270.115.
- ST 09-0154-GIL 12/08/2009 This letter concerns the tax bases for Municipal Retailers' Occupation Taxes that are administered by the Department. See Public Act 85-1135 and 86 Ill. Adm. Code 693.120.

## MANUFACTURING MACHINERY &amp; EQUIPMENT

- ST 09-0136-GIL 10/16/2009 Under the Retailers' Occupation Tax Act, the manufacturing machinery and equipment exemption extends to machinery and equipment that is used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.
- ST 09-0149-GIL 11/09/2009 This letter discusses application of the manufacturing machinery and equipment explosives and related exemption to blasting equipment used for quarry blasting. See 86 Ill. Adm. Code 130.330.

## MEDICAL APPLIANCES

- ST 09-0144-GIL 10/30/2009 Medicines and medical appliances are not taxed at the general State rate of 6.25%. These items are taxed at a lower State rate of 1%. See 86 Ill. Adm. Code 130.310.

## MISCELLANEOUS

- ST 09-0156-GIL 12/08/2009 This letter concerns the Department's obligations regarding liens under the Retailers' Occupation Tax Act. 35 ILCS 120/5a & 5b.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## MOTOR FUEL TAX

ST 09-0157-GIL 12/09/2009 The International Fuel Tax Agreement governs the taxation and reporting of fuel tax liabilities for "commercial motor vehicles" as that term is defined in Section 1.16 of the Motor Fuel Tax Law.

## MOTOR VEHICLES

ST 09-0155-GIL 12/08/2009 This letter responds to a survey concerning taxation of vehicles and updates answers to a previous survey. See 86 Ill. Adm. Code 130.605(b)(1), 150.310(a)(7), 150.315, 151.101 et seq., and 180.101 et seq.

## ROLLING STOCK EXEMPTION

ST 09-0010-PLR 11/02/2009 This letter concerns the rolling stock exemption. See 86 Ill. Adm. Code Section 130.340.

## SALE FOR RESALE

ST 09-0133-GIL 10/02/2009 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1405.

ST 09-0142-GIL 10/26/2009 This letter describes the standard drop-shipment scenario and certificates of resale. 86 Ill. Adm. Code 130.225.

ST 09-0162-GIL 12/21/2009 This letter discusses the requirements for Certificates of Resale. 86 Ill. Adm. Code 130.1405.

## SERVICE OCCUPATION TAX

ST 09-0008-PLR 10/06/2009 This letter concerns a sale of service when no tangible personal property is transferred incident to that sale of service. See 86 Ill. Adm. Code Part 140.

ST 09-0158-GIL 12/21/2009 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

ST 09-0159-GIL 12/21/2009 Under the Service Occupation Tax, servicemen are taxed on tangible personal property transferred incident to a sale of service. See 86 Ill. Adm. Code Part 140.

## TELECOMMUNICATIONS EXCISE TAX

ST 09-0007-PLR 10/06/2009 The Chicago Transit Authority is exempt from the Telecommunications Excise Tax Act, the Telecommunications Infrastructure Maintenance Fee Act, and the Simplified Municipal Telecommunications Tax Act. See 70 ILCS 3605/33.

## USE TAX

ST 09-0135-GIL 10/09/2009 A person who purchases tangible personal property for the purpose of giving it away makes a taxable use of the property and incurs Use Tax upon such purchase. See 86 Ill. Adm. Code 150.305(c).

ST 09-0153-GIL 12/08/2009 Citizens of foreign countries are not exempt from Use Tax liability for purchases of merchandise at retail within the State of Illinois. See 86 Ill. Adm. Code 130.605.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 12, 2010 through January 18, 2010 and have been scheduled for review by the Committee at its February 9, 2010 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/25/10	<u>Department of Natural Resources</u> , Incidental Taking of Endangered or Threatened Species (17 Ill. Adm. Code 1080)	11/13/09 33 Ill. Reg. 15344	2/9/10
2/25/10	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	9/18/09 33 Ill. Reg. 12644	2/9/10
2/25/10	<u>Department of Human Services</u> , Supplemental Nutrition Assistance Program (89 Ill. Adm. Code 121)	8/14/09 33 Ill. Reg. 11772	2/9/10
2/25/10	<u>Department of Human Services</u> , Supplemental Nutrition Assistance Program (89 Ill. Adm. Code 121)	10/23/09 33 Ill. Reg. 14463	2/9/10
2/26/10	<u>Illinois Finance Authority</u> , Illinois Finance Authority (74 Ill. Adm. Code 1100)	7/17/09 33 Ill. Reg. 10187	2/9/10
2/27/10	<u>Department of Insurance</u> , Infertility Coverage (50 Ill. Adm. Code 2015)	11/6/09 33 Ill. Reg. 14927	2/9/10
2/27/10	<u>State Board of Education</u> , Driver Education (23 Ill. Adm. Code 252)	11/20/09 33 Ill. Reg. 15972	2/9/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/27/10	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	11/20/09 33 Ill. Reg. 15931	2/9/10
2/27/10	<u>State Board of Education</u> , School Construction Program (23 Ill. Adm. Code 151)	11/13/09 33 Ill. Reg. 15387	2/9/10
2/28/10	<u>Department of Transportation</u> , Tourist Oriented Directional Signing Program (92 Ill. Adm. Code 541)	11/30/09 33 Ill. Reg. 16540	2/9/10
2/28/10	<u>Department of Transportation</u> , Engine Braking Signs (92 Ill. Adm. Code 547)	11/30/09 33 Ill. Reg. 16552	2/9/10
2/28/10	<u>Department of Public Health</u> , Illinois Regenerative Medicine Institute Code (77 Ill. Adm. Code 995)	11/13/09 33 Ill. Reg. 15355	2/9/10

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 34, Issue 5 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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