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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 peremptory 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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015

19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
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33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
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39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
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48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) Section Number: 132.142 — Proposed Action: Amendment

4) Statutory Authority: Illinois Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to clarify that clients have the right to appeal any action taken by DHS or its designee.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: 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 amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132
MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

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132.10 Purpose
132.15 Incorporation by Reference
132.20 Clients' Rights and Confidentiality (Repealed)
132.25 Definitions
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132.30 Application, Certification and Recertification Processes
132.31 Certification Review Cycle
132.33 Certification of New Sites of Services
132.35 Recertification and Reviews (Repealed)
132.40 Certification for Additional Medicaid Community Mental Health Services and/or New Site(s) (Repealed)
132.42 Post-Payment Review
132.44 Appeal of Post-Payment Review Findings
132.45 Compliance with Certification Requirements (Repealed)
132.47 Suspension of Certification
132.48 Reinstatement Following Suspension of Certification
132.50 Revocation of Certification
132.55 Appeal of Certification Decisions
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SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section
132.65 Organizational Requirements
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132.85 Recordkeeping

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

132.90 Provider Sites
132.91 Accreditation
132.95 Utilization Review
132.100 Clinical Records
132.105 Continuity and Coordination of Services (Repealed)
132.110 Availability of Services (Repealed)
132.115 Provisions (Repealed)
132.120 Service Needs Evaluation (Repealed)
132.125 Treatment Plan Development and Modification (Repealed)
132.130 Psychiatric Treatment (Repealed)
132.135 Crisis Intervention (Repealed)
132.140 Day Treatment

SUBPART C: MENTAL HEALTH SERVICES

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132.142 Clients' Rights
132.145 General Provisions
132.148 Evaluation and Planning Services
132.150 Treatment Services
132.155 Family Intervention, Stabilization and Reunification Services (Repealed)
132.160 Provisions (Repealed)
132.165 Case Management Services
132.170 Rehabilitative Case Management Services (Repealed)

132.APPENDIX A Medicaid Community Mental Health Services Application Components (Repealed)
132.APPENDIX B Utilization Parameters (Repealed)
132.TABLE A Mental Health Clinic Program Client Services (Repealed)
132.TABLE B Rehabilitative Mental Health Services (Repealed)
132.TABLE C Family Intervention, Stabilization and Reunification Services (Repealed)

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended

at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10205, effective August 23, 1999; amended at 24 Ill. Reg. 17737, effective November 27, 2000; amended at 26 Ill. Reg. 13213, effective August 20, 2002; amended at 28 Ill. Reg. 11723, effective August 1, 2004; amended at 31 Ill. Reg. 9097, effective July 1, 2007; emergency amendments at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15805, effective November 8, 2007; amended at 32 Ill. Reg. 9981, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 1128, effective January 1, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 7719, effective April 28, 2011; amended at 35 Ill. Reg. 8860, effective May 26, 2011; amended at 36 Ill. Reg. 18582, effective December 13, 2012; amended at 38 Ill. Reg. 15550, effective July 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART C: MENTAL HEALTH SERVICES

Section 132.142 Clients' Rights

To assure that a client's rights are protected and that all services provided to clients comply with the law, providers shall ensure that:

a) A client's rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

b) The right of a client to confidentiality shall be governed by the Confidentiality Act and the Health Insurance Portability and Accountability Act of 1996.

c) Justification for restriction of a client's rights under the statutes cited in subsections (a) and (b) shall be documented in the client's record. Documentation shall include a plan with measureable objectives for restoring the client's rights that is signed by the client or the client's parent or guardian, the QMHP and LPHA. In addition, the client affected by such restrictions, his or her parent or guardian, as appropriate, and any agency designated by the client pursuant to subsection (d)(2) of this Section shall be notified of the restriction and given a copy of the plan to remove the restriction of rights.

d) Staff shall inform the client prior to evaluation services and annually of the following:

1) The rights in accordance with subsections (a), (b) and (c);

2) The right to contact the Guardianship and Advocacy Commission and Equip for Equality, Inc. Staff shall offer assistance to a client in contacting these groups, giving each client the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.;

3) The right to be free from abuse, neglect, and exploitation;

4) The right to be provided mental health services in the least restrictive setting;

5) The right or the guardian's right to present grievances up to and including the provider's executive director or comparable position. The client or guardian will be informed on how his or her grievances will be handled at the provider level. A record of such grievances and the response to those grievances shall be maintained by the provider. The executive director's decision on the grievance shall constitute a final administrative decision (except when such decisions are reviewable by the provider's governing board, in which case the governing board's decision is the final authority at the provider level);

6) The right not to be denied, suspended or terminated from services or have services reduced for exercising any rights;

7) The right to contact the public payer or its designee and to be informed of the public payer's process for reviewing grievances; ~~and~~

8) The right to have disabilities accommodated as required by the American With Disabilities Act, section 504 of the Rehabilitation Act and the Human Rights Act [775 ILCS 5]; and~~.~~

9) The right to an appeal of any action taken by DHS or its designee, including but not limited to:

A) refusal to accept an individual's application;

B) failure to act on the application;

C) denial of an application;

D) a decision to reduce, suspend or terminate, or change the amount of, assistance;

E) failure of DHS to take appropriate action on the individual's request, and any issues of DHS policy that, when applied, affect the individual's medical assistance as that term is defined in 89 Ill. Adm. Code 14.410.

e) The appeal process is detailed in 89 Ill. Adm. Code 14, Subpart D.

f~~e~~) The information in subsection (d) shall be explained using language or a method of communication that the client understands and documentation of such explanation shall be placed in the clinical record.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses

2) Code Citation: 77 Ill. Adm. Code 2060

3)

Section Number:	Proposed Action:
2060.323	Amendment

4) Statutory Authority: Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/55-5]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to clarify the appeal rights for patients.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citation:
2060.201	Amendment	38 Ill. Reg. 22011; December 1, 2014
2060.507	Amendment	38 Ill. Reg. 22011; December 1, 2014

11) Statement of Statewide Policy Objective: 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 amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: LICENSURE

PART 2060
ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT
AND INTERVENTION LICENSES

SUBPART A: GENERAL REQUIREMENTS

Section
2060.101 Applicability
2060.103 Incorporation by Reference and Definitions

SUBPART B: LICENSURE REQUIREMENTS

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2060.201 Types of Licenses
2060.203 Off-Site Delivery of Services
2060.205 Unlicensed Practice
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2060.229 Deemed Status (Repealed)

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

2060.307 Service Termination/Record Retention
2060.309 Professional Staff Qualifications
2060.311 Staff Training Requirements
2060.313 Personnel Requirements and Procedures
2060.315 Quality Improvement
2060.317 Service Fees
2060.319 Confidentiality – Patient Information
2060.321 Confidentiality – HIV Antibody/AIDS Status
2060.323 Patient Rights
2060.325 Patient/Client Records
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2060.329 Referral Procedure
2060.331 Incident and Significant Incident Reporting
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2060.403 Court Mandated Treatment
2060.405 Detoxification
2060.407 Group Treatment
2060.409 Patient Education
2060.411 Recreational Activities
2060.413 Medical Services
2060.415 Infectious Disease Control
2060.417 Assessment for Patient Placement
2060.419 Assessment for Treatment Planning
2060.421 Treatment Plans
2060.423 Continued Stay Review
2060.425 Progress Notes and Documentation of Service Delivery
2060.427 Continuing Recovery Planning and Discharge

SUBPART E: REQUIREMENTS – INTERVENTION LICENSES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
2060.501 General Requirements
2060.503 DUI Evaluation
2060.505 DUI Risk Education
2060.507 Designated Program
2060.509 Recovery Homes

AUTHORITY: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

SOURCE: Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4488, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10803, effective August 23, 1999; amended at 25 Ill. Reg. 11063, effective August 14, 2001; amended at 26 Ill. Reg. 16913, effective November 8, 2002; amended at 27 Ill. Reg. 13997, effective August 8, 2003; amended at 39 Ill. Reg. _____, effective _____.

SUBPART C: REQUIREMENTS – ALL LICENSES

Section 2060.323 Patient Rights

a) A written statement shall be provided to any patient at the time of acceptance for an intervention service or admission to a treatment service which describes the rights of all patients as specified in Article 30 of the Act as follows:

1) access to services will not be denied on the basis of race, religion, ethnicity, disability, sexual orientation or HIV status;

2) services will be provided in the least restrictive environment available;

3) confidentiality of HIV/AIDS status and testing and anonymous testing as specified in Section 2060.321 of this Part;

4) the right to nondiscriminatory access to services as specified in the American's With Disabilities Act of 1990 (42 USC 12101);

5) the right to give or withhold informed consent regarding treatment and regarding confidential information about the patient;

6) a description of the route of appeal available when a person disagrees with an organization's decision or policies;

7) confidentiality of patient records as specified in Section 2060.319 of this Part;

8) the right to refuse treatment or any specific treatment procedure and a right to be informed of the consequences resulting from such refusal.

b) The patient will attest by signature that he or she has received a copy of the written statement of patient rights and this signatory document shall be maintained in the patient record.

c) The statement of patient rights shall be posted in an area accessible to patients at all times.

d) Each patient shall be given the statement of patient rights. If a patient is unable to read such written statement, it shall be read to the patient in a language the patient understands.

e) If the organization is required to comply with HIPAA, the patient shall also be given written notice of the uses and disclosures of protected health information that will be collected and maintained, and the rights provided by HIPAA with respect to such information as set forth in 45 CFR 164.520 and referenced in part in Sections 2060.319 and 2060.325(u) of this Part.

f) Patients who are enrolled with a Managed Care Entity, as that term is defined in 89 Ill. Adm. Code 14.410, who receive subacute alcoholism and substance abuse treatment services pursuant to 89 Ill. Adm. Code 148.340, 148.370 and 77 Ill. Adm. Code 2090, Subpart A shall have the right to file grievances with the Managed Care Entity.

g) Patients who receive subacute alcoholism and substance abuse treatment services pursuant to 89 Ill. Adm. Code 148.340, 148.370 and 77 Ill. Adm. Code 2090, Subpart A shall have the right to appeal any action taken by the Department or Managed Care Entity, as those terms are defined in 89 Ill. Adm. Code 14.410. The appeal process is set forth in 89 Ill. Adm. Code 14, Subpart D.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 39 Ill. Reg._____, effective_____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

2) Code Citation: 77 Ill. Adm. Code 2090

3)

Section Numbers:	Proposed Actions:
2090.10	Amendment
2090.20	Amendment

4) Statutory Authority: Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/55-5]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is necessary to include a definition for appeals and to indicate that the appeal process for Division of Alcohol and Substance Abuse (DASA) customers is further detailed in 89 Ill. Adm. Code 14, Subpart D.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: 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 these amendments 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
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Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER g: MEDICAID PROGRAM STANDARDS

PART 2090
SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section
2090.10 Purpose
2090.20 Definitions
2090.30 Medicaid Certification/Enrollment/Recertification
2090.35 General Requirements
2090.40 Reimbursable Services
2090.50 Quality Improvement
2090.60 Client Records
2090.70 Rate Setting
2090.80 Rate Appeals
2090.90 Inspections
2090.100 Sanctions for Non-Compliance/Audits
2090.105 Inspections (Renumbered)
2090.110 Sanctions for Non-Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1600, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5895, effective March 13, 1998; emergency amendment at 22 Ill. Reg. 12189, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; amended at 22 Ill. Reg. 22403, effective December 8, 1998; emergency amendment at 23 Ill. Reg. 8832, effective July 23, 1999, for a

maximum of 150 days; amended at 23 Ill. Reg. 13879, effective November 4, 1999; emergency amendment at 26 Ill. Reg. 4426, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12631, effective August 1 2002; amended at 27 Ill. Reg. 14022, effective August 8, 2003; emergency amendment at 35 Ill. Reg. 1465, effective January 7, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 7754, effective April 28, 2011, for the remainder of the 150 days; amended at 39 Ill. Reg. _____, effective _____.

Section 2090.10 Purpose

a) The requirements set forth in this Part establish criteria for participation by subacute alcoholism and other drug abuse treatment programs in the Illinois Medical Assistance Program operated by the Department of Healthcare and Family Services (HFS)~~Illinois Department of Public Aid (IDPA)~~.

b) The Department of Human Services (the Department), acting on behalf of HFS,~~IDPA~~ shall certify the eligibility of applicants for participation in subacute alcoholism and other drug abuse treatment programs who meet these requirements.

c) These requirements are in addition to licensure standards established in 77 Ill. Adm. Code 250 (Hospital Licensing Requirements) and 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), and are for the purpose of assuring that Medicaid recipients shall receive quality services in accordance with 42 CFR 440 and 456.

d) These requirements shall be used by the Department for certification, recertification, and periodic inspection of providers participating in the Medical Assistance Program.

e) In addition to the duties of the Department prescribed by this Section~~above~~, the Department shall also allocate monies within its budget, which shall be for the purpose of reimbursement to certified providers for Medicaid eligible services, as described in this Part, on behalf of HFS~~IDPA~~. The Department shall, together with and by agreement with HFS~~IDPA~~, provide for the~~such~~ reimbursement out of the~~such~~ funds allocated.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2090.20 Definitions

The following definitions shall apply to this Part:

"Adolescent": A person who is at least 12~~twelve~~ years of age and under 18~~eighteen~~ years of age.

"Appeal": The contesting of an action taken by the Department or its designee, as defined in 89 Ill. Adm. Code 14.410, by an applicant or recipient of services under this Part that results in an administrative hearing as set forth in 89 Ill. Adm. Code 14, Subpart D.

"Benefit Year": The State fiscal year.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Temporary Assistance for Needy Families (TANF); Medical Assistance, No Grant (MANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of 18~~eighteen~~ who would qualify for TANF but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140.7.

"Department" or "DHS": The Illinois Department of Human Services.

"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Professional Staff": Any person who provides clinical services as defined in 77 Ill. Adm. Code 2060 and who meets the requirements for professional staff as specified in 77 Ill. Adm. Code 2060.309. Professional staff may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.

"Provider": Any public or private agency, organization~~,~~ or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to ~~the requirements specified in~~ 77 Ill. Adm. Code 2060 and enrolled to provide treatment services under the Illinois Medical Assistance Program.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121].

"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060) or in a hospital, either of which is certified according to Section 2090.30 for purposes of Medicaid reimbursed alcoholism and/or other drug abuse services.

"Treatment Plan": An individually written plan for a client that~~which~~ identifies the treatment goals and objectives based upon a clinical assessment of the client's individual problems, needs, strengths and weaknesses.

"Under the Direction~~direction~~ of a Physician~~physician~~": Treatment services provided under the direct supervision of a physician who is on staff and continuously directs the provision of care.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 10

3)

Section Numbers:	Proposed Actions:
10.270	Amendment
10.280	Amendment
10.281	Amendment
10.282	Amendment
10.283	Amendment

4) Statutory Authority: Section 5 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7 and 12-13]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to update the requirements for an appellant to receive notice, update the requirements for an appellant to request an appeal continuance, and to clarify the time frames for filing an appeal.

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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: 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 these amendments 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section
10.101 Incorporation by Reference
10.110 Applicability
10.120 Definitions
10.130 Assistance Programs
10.140 Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section
10.210 Rights of Clients
10.220 Nondiscrimination
10.225 Grievance Rights of Clients
10.230 Confidentiality of Case Information
10.235 Case Records
10.250 Reporting Change of Circumstances
10.263 Reporting Child Abuse/Neglect
10.268 Reporting Elder Abuse/Neglect
10.270 Notice to Client
10.280 Right to Appeal
10.281 Continuation of Assistance Pending Appeal
10.282 Time Limit for Filing an Appeal
10.283 Examining Department Records
10.284 Child Care
10.290 Voluntary Repayment of Assistance
10.295 Correction of Underpayments
10.300 Recovery of Assistance
10.310 Estate Claims
10.320 Real Property Liens
10.330 Filing and Renewal of Liens

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

10.340 Foreclosure of Liens
10.350 Release of Liens
10.360 Personal Injury Claims
10.370 Convictions of Fraud – Eligibility
10.380 Single Conviction of Fraud – Administrative Review Board
10.390 Request for Case Transfer

SUBPART C: APPLICATION PROCESS

Section
10.410 Application for Assistance
10.415 Local Office Action on Application for Public Assistance
10.420 Time Limitations on the Disposition of an Application
10.430 Approval of an Application and Initial Authorization of Financial Assistance
10.438 General Assistance Approval Provisions
10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. 7170, effective May 24, 2001; amended at 28 Ill. Reg. 1083, effective December 31, 2003; amended at 28 Ill. Reg. 5650, effective March 22, 2004; amended at 29 Ill. Reg. 8148, effective May 18, 2005; amended at 31 Ill. Reg. 6962, effective April 30, 2007; amended at 31 Ill. Reg. 7638, effective May 15, 2007; amended at 32 Ill. Reg. 4375, effective March 12, 2008; amended at 33 Ill. Reg. 16814, effective November 30, 2009; amended at 33 Ill. Reg. 17345, effective December 14, 2009; amended at 34 Ill. Reg. 10079, effective July 1, 2010; amended at 35 Ill. Reg. 7670, effective April 29, 2011; emergency amendment at 36 Ill. Reg. 10421, effective July 1, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 11486, effective July 1, 2012, for a maximum of 150 days; emergency expired November 27, 2012; amended at 37 Ill. Reg. 1865, effective February 4, 2013; amended at 37 Ill. Reg. 3402, effective March 8, 2013; emergency amendment at 37 Ill. Reg. 16838, effective October 1, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 5375, effective February 7, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: RIGHTS AND RESPONSIBILITIES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 10.270 Notice to Client

a) All applicants~~Every applicant~~ for assistance shall be sent or given ~~a~~ written notice of the disposition of their applications~~the application~~.

b) Every client receiving~~recipient for~~ assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.

c) Notices denying, reducing, or discontinuing assistance shall contain the following information:

1) A clear statement of the action being taken.

2) A clear statement of the reason for the action.

3) A reference to the statute, rule~~,~~ or policy provision authorizing the action. In cases of an action based on a change in law, the circumstances under which a hearing will be granted.~~under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.~~

4) A complete statement of the client's right to appeal (see ~~subsection (d) below and~~ Sections 10.280 through 10.282), how to file an appeal, and a statement that the individual may represent himself or herself or may be represented by an attorney or other authorized representative.

5) The circumstances under which assistance is continued if an appeal is filed.

6) A clear indication of the date the notice was sent or given.

d) All notices shall be accessible to individuals who are limited in English and to individuals with disabilities, and may be provided electronically at an individual's option.

e) Timely Notice

1) All notices concerning local office reduction or discontinuance of assistance shall be "timely". A "timely" notice must~~shall~~ be sent~~mailed~~ or given at least 10~~ten~~ calendar days prior to the date the reduction or discontinuance is scheduled to take effect. The 10-day period shall begin on the day following the date the notice is sent or given. If the 10-day period ends after the date the reduction or discontinuance is scheduled to take effect, the reduction or discontinuance shall be delayed until the conclusion of the 10-day period.~~will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten-day period is the day following the date on the notice. Day ten may be no later than the date the reduction or discontinuance will occur.)~~

2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than 10~~ten~~ days before the date of change, the client may receive continued benefits if the appeal is filed within 10~~ten~~ days after the date of notice. (See 89 Ill. Adm. Code 112.302.)

f~~e~~) Temporary Assistance for Needy Families

1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.

2) Every recipient who makes a request for Crisis Assistance (89 Ill. Adm. Code 116) shall be sent or given a written notice of the disposition of the request within 45 days after the date of the request.

g~~f~~) A notice will be sent that contains the name of, and contact information for, the caseworker when a case is transferred per Section 10.390.

~~g) Approval of General Assistance as a Result of Cancellation of TANF or AABD or Reduction of TANF (Applicable Only in City of Chicago)~~

~~1) A notice of intended cancellation or reduction of benefits is sent to a TANF or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:~~

~~A) AABD: no longer blind, disabled.~~

~~B) TANF: no longer an eligible child in the home.~~

~~2) If a recipient from one of the programs listed in subsection (g)(1) of this Section applies for General Assistance (GA) within 30 days after the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA, such benefits shall be authorized with no gap in assistance (see also Section 10.430).~~

h) SNAP households shall be notified:

1) If there is no change in benefits following submission of a change report form.

2) If SNAP benefits are being reduced or discontinued, the following additional information shall be included on the notice:

A) the telephone number of the local DHS office;

B) a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and

C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone numbers of those individuals or organizations.

3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.

4) If the local office cannot act on an application by the 30th day because the

case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 10.280 Right to Appeal

a) Any individual who applies for or receives public assistance, as that term is defined in 89 Ill. Adm. Code 14.5,~~financial or medical assistance, social services or food stamp benefits~~ shall have the right to appeal any of the following actions:

1) Refusal to accept an application or reapplication;

2) Failure to act on an application within the mandated time period;

3) A decision to deny an application;

4) A decision to reduce, suspend, terminate or in any way change the amount of assistance/SNAP benefits~~food stamps~~ or the manner in which assistance~~it~~ is provided;

5) Failure to make a decision or take appropriate action on any request ~~that~~ the client makes;

6) A decision that affects~~affecting~~ the basis of issuance of SNAP benefits~~food stamps with which the client disagrees~~; or

7) An issue of Department policy, if the client is affected~~aggrieved~~ by the policy~~its application~~.

b) The appeal may be filed by the client or the client's authorized representative. For SNAP~~food stamp~~ clients, the request for a hearing may be made orally or in writing, and the appeal process is initiated effective with the date of the request. The appeal process is described in 89 Ill. Adm. Code 14.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 10.281 Continuation of Assistance Pending Appeal

a) If an individual submits a notice of appeal within 10 calendar days from when the letter explaining the action being appealed was sent or given~~if an appeal is initiated by the date a reduction or discontinuance will occur or within ten calendar days after the date of the adequate notice~~, assistance shall be continued at the level in effect prior to the proposed action, pending the results of the appeal ~~fair hearing~~ process, unless the individual specifically requests that the public ~~his/her~~ assistance benefits not be continued. If the ~~date the reduction or discontinuance will occur or the~~ 10th calendar day following notice is a Saturday, Sunday or ~~a~~ holiday, the time described in this subsection shall be extended to the end of the next business day. The letter is considered as sent or given on the day after the date on the letter~~client has until the end of the next work day to file his/her appeal~~.

b) If a SNAP~~food stamp~~ household files an appeal as the result of normal expiration of the certification period, or as a result of action taken on the initial or subsequent application, benefits shall not be continued at the previous level.

c) ~~If a food stamp household timely appeals a suspension from program participation for failure to file a Monthly Report by the date the suspended benefits would have been issued or within ten days from the date of notice of adverse action, whichever is later (see 89 Ill. Adm. Code 121.91(i)), and the household admits that it did not submit the Monthly Report, the household is not entitled to continuation of benefits.~~

~~d)~~ If an individual appeals the Department's decision to initiate a protective payment plan by the date initiation of the plan will occur, the protective payment plan shall not be initiated pending the results of the appeal~~fair hearing~~ process.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 10.282 Time Limit for Filing an Appeal

a) An~~The right of~~ appeal (except for SNAP~~food stamp~~ cases) must be filed~~exercised~~ within 60 calendar days after the date~~of~~ the Department provides written notification to~~Department's action to notify~~ the client as described in Section 10.270. ~~All written notifications to clients are to bear the same date as the date of mailing or delivery.~~

1) Day one of the 60-day time period shall be the day following:

A~~1~~) The date on a written notice of an application decision or a decision to reduce or discontinue assistance; or~~notification of a decision on an application, reduction, suspension, termination or discontinuance of assistance and/or food stamp benefits, absent definitive evidence to the contrary that the notification was mailed (or delivery attempted) on a different date;~~

B~~2~~) The date of the Department's notification of denial of a request or other action that aggrieves the client, if~~when~~ that denial or action is other than an application decision or a decision to reduce, suspend or terminate assistance for which written notice is required.

2) For Medical Assistance appeals, as that term is defined in 89 Ill. Adm. Code 14.410, notice is considered received five days after the date on the notice, unless the individual demonstrates that he or she did not receive the notice within that five-day period.

b) The Department's failure~~60 day time limitation does not apply when the Department fails~~ to send a required written notification, ~~fails to~~ take action on a specific request, or inform a client of a denial of~~denies~~ a request tolls the 60-day period for filing an appeal~~without informing the client~~.

c) SNAP~~Food stamp~~ clients may request a hearing on any action or loss of benefits that occurred in the prior 90 days.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 10.283 Examining Department Records

At any time during the regular office hours of the Department, the Department shall permit a client (as defined at Section 10.120) and/or a client's authorized representative to examine the client's case records in the presence of a Department employee and to obtain copies of the~~such~~ case record materials upon payment of a charge for reproduction. However, the Department may withhold confidential information, such as private information relating to other clients or applicants included in the case record.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 14

3)

Section Numbers:	Proposed Actions:
14.1	Amendment
14.5	Amendment
14.10	Amendment
14.11	Amendment
14.20	Amendment
14.21	Amendment
14.22	Amendment
14.25	New Section
14.30	Amendment
14.35	Amendment
14.45	Amendment
14.50	Amendment
14.60	Amendment
14.70	Amendment
14.80	Repeal
14.310	Amendment
14.330	Amendment
14.340	Amendment
14.400	New Section
14.410	New Section
14.420	New Section
14.430	New Section
14.440	New Section
14.450	New Section
14.460	New Section
14.470	New Section
14.480	New Section
14.490	New Section
14.500	New Section
14.510	New Section
14.520	New Section
14.530	New Section
14.540	New Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

14.550	New Section
14.560	New Section
14.570	New Section
14.580	New Section
14.590	New Section
14.600	New Section

4) Statutory Authority: Section 5 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7 and 12-13]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is necessary to update the requirements for an appellant to initiate an appeal, update the definitions, subpoena requirements, continuance requirements, and withdrawal requirements, and to define burden of proof and clarify time frames for filing an appeal. In addition, this rulemaking creates a new Subpart D to address the unique requirements for Medical Assistance appeals that are a result of changes to 42 CFR 431 and the implementation of Managed Care Organizations.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: 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 these amendments 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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 14
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: PUBLIC ASSISTANCE APPEAL (NON-MEDICAL)

Section

14.1 Purpose of this Part
14.2 Incorporation By Reference
14.5 Definitions
14.10 Initiation of an Appeal
14.11 Pre-Hearing Conference~~Meeting~~
14.12 Review of Case Record
14.15 Notice of Hearing
14.20 Venue and Conduct of Hearings
14.21 Representation
14.22 Appellant Participation in Hearing
14.23 Evidentiary Requirements
14.25 Burden of Proof
14.30 Subpoenas
14.35 Amendment of Appeal
14.40 Consolidation of Appeals
14.45 Postponement or Continuation of Hearings
14.50 Withdrawal of Appeal
14.55 Closing of Hearing Record
14.60 Dismissal of Appeal
14.70 Final Administrative Decision
14.80 Public Aid Committee (Repealed)

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

14.100 Responsible Relative and Joint Payee Petitions
14.101 Petition for Hearing
14.102 Conduct of Administrative Support Hearings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)~~FOOD STAMP~~ ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section
14.300 Suspected Intentional Violation of the Program
14.310 Advance Notice of Administrative Disqualification Hearing
14.320 Postponement of Hearing
14.330 Administrative Disqualification Hearing Procedures
14.340 Failure to Appear
14.350 Participation While Awaiting a Hearing
14.360 Consolidation of Administrative Disqualification Hearing with Fair Hearing
14.370 Administrative Disqualification Hearing Decision and Notice of Decision
14.380 Appeal Procedure

SUBPART D: MEDICAL ASSISTANCE APPEALS

14.400 Purpose
14.410 Definitions
14.420 Initiation of Appeal Process
14.430 Appealable Issues
14.440 Pre-Hearing Conference
14.450 Appellant's Rights
14.460 Notice of Hearings
14.470 Venue and Conduct of Hearings
14.480 Representation
14.490 Appellant Participation in Hearing and Review of Case Record
14.500 Evidentiary Requirements
14.510 Burden of Proof
14.520 Subpoenas
14.530 Amendment of Appeal
14.540 Consolidation of Appeals
14.550 Postponement or Continuation of Hearings
14.560 Withdrawal of Appeal
14.570 Hearing Record
14.580 Dismissal of Appeal
14.590 Hearing Officers
14.600 Final Administrative Decision

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 [305 ILCS 5/11-8 through 11-8.7, 12-4.9 and 12-4.25] and authorized by Section 80-30 of the Department of Human Services Act [20 ILCS 1305/80-30].

SOURCE: Adopted at 25 Ill. Reg. 5335, effective March 15, 2001; amended at 25 Ill. Reg. 14860, effective October 30, 2001; amended at 25 Ill. Reg. 15253, effective October 31, 2001; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: PUBLIC ASSISTANCE APPEAL (NON-MEDICAL)

Section 14.1 Purpose of this Part

This Part applies to public assistance~~Public Assistance~~ appeals filed by or on behalf of applicants or recipients of assistance under the Department of Human Services. 89 Ill. Adm. Code 10 provides general administrative provisions. Subpart D of this Part provides information specific to medical assistance appeals. Nothing in this Part shall limit the ability of a State agency to enter into an Intergovernmental Agreement subject to the Intergovernmental Cooperation Act [5 ILCS 220].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.5 Definitions

"Action" – includes, but is not limited to, the following by the Department or its designee:

refusal to accept an individual's application;

failure to act on the application;

denial of an application;

a decision to reduce, suspend or terminate, or change the amount of assistance;

failure of the Department to take appropriate action on the individual's request;

a decision affecting the basis for issuances of SNAP; and

any issues of Department policy that, when applied, affect the individual's Public Assistance.

"Actions" do not include grievances, as defined in this Section.

"Administrative Disqualification Hearing" or "ADH" − means a hearing conducted pursuant to 7 CFR 273.16 regarding alleged intentional program violations of the Supplemental Nutrition Assistance Program (SNAP)Food Stamp Program. ADHs are administered pursuant to 89 Ill. Adm. Code 14.300 through 14.380.

"Appeal" or "Hearing" or "Fair Hearing" − means the contesting of an action taken by the Department or its designee by an applicant or recipient of public assistancePublic Assistance services through a formal process. Such action may include but is not limited to the following: refusal to accept an individual's application; failure to act on the application; denial of an application; a decision to reduce, suspend or terminate, or change the amount of assistance; failure of the Department to take appropriate action on the individual's request; a decision affecting the basis for issuances of food stamps; and any issues of Department policy that, when applied, aggrieve the individual.

"Appellant" − means the individual or his/her authorized representative who has applied for, received, or been denied publicfinancial assistance, medical assistance or food stamps and is appealing an action or inaction of the Department or its designee. All references to appellant include any authorized representative.

"BOH" − the Department's Bureau of Hearings. This is the Bureau within the Department charged with administering the hearing process for public assistance and medical assistance appeals.

"BOI" − the Illinois Department of Healthcare and Family Services' Bureau of Investigations.

"Business Day" − any day that the offices of the State of Illinois are open for business. This would exclude Saturdays, Sundays and State holidays.

"Day" – ~~means~~ a calendar day unless otherwise specified.

"Department" or "DHS" – ~~means~~ the Illinois Department of Human Services.

"FCRC" – the Family and Community Resource Center. This is the Department of Human Services' local office where individuals can apply for public assistance and medical assistance and where the case is managed.

"Filed" – a valid document shall be considered filed on the date it is postmarked, if mailed, or on the business day the document~~action~~ is received by the Department if it is delivered by hand, phone, ~~or~~ fax, via the individual's electronic account, or via other acceptable electronic means. Contact in person, ~~or~~ by phone, ~~or~~ by fax, via the electronic account, or via other acceptable electronic means shall be considered filed on a business day, if it is received prior to the close of business, 5:00 pm, on that date. If receipt is after 5:00 pm, the action shall be deemed filed on the next business day.

"Final Administrative Decision" or "FAD" – the concluding disposition of the fair hearing appeal process made by the Secretary that either upholds or does not uphold the appealed action, determines the Department lacks jurisdiction, modifies the Department's action, or dismisses or withdraws the appeal.

"Grievance" – an expression of dissatisfaction about any matter other than an action.

"Hearing Officer" – ~~means~~ the individual authorized by the Secretary to preside at the hearing.

"Notice of Action" – ~~means~~ written correspondence sent by the Department to an individual to inform the individual of actions taken by the Department. (See 89 Ill. Adm. Code 10.270~~102.70~~.)

"Party" – ~~means~~ the Department or *person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party* [5 ILCS 100/1-55] or the appellant.

~~"Public Aid Committee" means the committee of local government that consists~~

~~of the membership as spelled out in Section 11-8 of the Public Aid Code [305 ILCS 5/11-8] to hear appeals of applicants or recipients of General Assistance as governed by Article VI of the Public Aid Code [305 ILCS 5/Art. VI].~~

"Public Assistance" – ~~means~~ the provision of various programs of financial and medical assistance, including the following:

"AABD" – Aid to the Aged, Blind or Disabled financial assistance ~~and medical assistance~~ available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration. (See 89 Ill. Adm. Code 113.)

"Child Care" – Public assistance~~Assistance~~ to pay for the child care of eligible families under qualified circumstances.

"Financial Assistance" – Public assistance~~Assistance~~ paid in the form of a cash benefit to a recipient for income maintenance needs.

~~"Food Stamps" – Increased food purchasing benefits assistance to eligible recipients. (See 89 Ill. Adm. Code 121.)~~

~~"General Assistance" – Financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program. (See 89 Ill. Adm. Code 114.)~~

~~"KidCare" – Assistance in providing health insurance coverage to eligible children, under age 19, and pregnant women.~~

"Refugee Resettlement Program" – Assistance for refugees from any country.

"Repatriate Program" – Assistance for United States citizens and their dependents returned from a foreign country by the U.S. State Department.

~~"Medical Assistance Grant" (MAG) – Medical assistance paid on behalf of a recipient of financial assistance.~~

~~"Medical Assistance No Grant cases" (MANG) – Medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance. This assistance includes:~~

~~MANG(AABD) – Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Service; and~~

~~MANG(C) – Medical assistance to needy families with children is available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.~~

"Supplemental Nutrition Assistance Program" or "SNAP" – A food and nutrition supplement program available to individuals and families (see 89 Ill. Adm. Code 121). SNAP benefits are defined at 89 Ill. Adm. Code 10.120.

"Temporary Assistance for~~to~~ Needy Families" or "TANF"(TANF) – Financial and medical assistance available to eligible families with one or more dependent children~~.~~ (see~~See~~ 89 Ill. Adm. Code 112~~.~~).

"Representative" or "Authorized Representative" – ~~means~~ an attorney or other individual appointed~~authorized~~ by the appellant to act on the appellant's behalf in ~~the~~ proceedings under~~contained in~~ this Part. The representative's authorization shall be signed by the appellant and shall ~~in writing and~~ specify the scope of the representative's authority. The Department shall accept authorization in writing electronically, including telephonically recorded authorization, signatures and handwritten signatures transmitted by facsimile or other electronic transmission. The establishment of a representative will be accepted if it is received via hand, phone, fax, the individual's electronic account, or other acceptable electronic means.

"Secretary" – ~~means~~ the Secretary of the ~~Illinois~~ Department ~~of Human Services~~.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.10 Initiation of an Appeal

a) The~~For all appeals other than General and Transitional Assistance outside the City of Chicago, the~~ appeal process is initiated by the appellant by:

1) filing a written, signed request with the BOH~~Bureau of Assistance Hearings~~;

2) filing a written, signed request with the respective FCRC~~local office~~; or

3) telephoning a request to the BOH~~Bureau of Assistance Hearing's~~ toll free number for filing appeals.

b) A SNAP~~food stamp~~ appeal may also be initiated by an oral request of the appellant to the Department~~local office~~.

~~c) For General and Transitional Assistance outside the City of Chicago, the appeal process is initiated by the appellant filing a written, signed request with the Public Aid Committee. (See Section 14.80.)~~

c)~~d)~~ For purposes of an appellant initiating the appeal process, a facsimile of a written, signed request, an electronically signed email request, an electronic account request, or other valid electronic means for a fair hearing is considered the same as the original written, signed request.

d~~e~~) An appeal must~~may~~ be filed by the individual or authorized representative~~individuals~~ who applies~~apply~~ for or receives~~receive~~ public assistance~~financial assistance, medical assistance, or food stamps, or by their authorized representatives. Authorized representatives must provide a written, signed authorization from the individual designating them as the individual's representative~~.

e~~f~~) An appeal must be filed within the following time frames:

1) For a SNAP~~public assistance~~ issue, the appeal must be filed within 90~~60~~ days after the date on the Notice of Action~~Department's action to notify~~

~~the client~~; or

2) For all other public assistance issues~~a food stamp issue~~, the appeal must be filed within 60~~90~~ days after the date on the Notice of Action~~Department's action to notify the client~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.11 Pre-Hearing Conference~~Meeting~~

a) The FCRC~~local office~~ shall schedule a pre-hearing meeting or informal review with the appellant within 10 days after a notice of appeal is received. If the issue being appealed is a denial for expedited SNAP benefit~~food stamps~~, the FCRC~~local office~~ shall schedule a pre-hearing meeting within two~~2~~ business days after a notice of appeal is received.

b) If the appellant does not withdraw the appeal, pursuant to Section 14.50, following the conference~~meeting~~, the Department shall complete a written statement of facts supporting its action, as that term is defined in Section 14.5, ~~or inaction~~ and provide it to the appellant. The appellant must receive that statement at least two~~2~~ business days before the Hearing. If the statement is mailed, the FCRC~~local office~~ should allow at least two~~2~~ business days for receipt.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.20 Venue and Conduct of Hearings

a) All hearings will be conducted in the Department's FCRC that serves the appellant~~county in which the appellant resides or in another county acceptable to the appellant~~. *Hearings* under this Section *may be conducted with some or all of the parties, including the hearing officer, at different locations connected with each other by telephone* [305 ILCS 5/11-8.2].

b) *If the appellant is outside the State,* the hearing officer *may take depositions from* the appellant and the appellant's *witnesses or permit the appellant to present all relevant matter in support of this claim.* This may be accomplished *through witnesses acting in* the appellant's *behalf, or both by deposition or testimony of witnesses, depending upon the circumstances in each case.* [305 ILCS 5/11-8.2]~~.~~

c) All hearings will be conducted by a~~:~~ ~~1)An impartial~~ hearing officer authorized by the Secretary to consider issues under appeal covered by this Part~~; or 2)A Public Aid Committee for General and Transitional Assistance appeals outside the City of Chicago~~.

d) The hearing shall be open to such persons as the hearing officer ~~or the Public Aid Committee~~ deems necessary and proper for the orderly and efficient conduct of the hearing.

e) The Department shall provide reasonable accommodations under the Americans With~~with~~ Disabilities Act (42 USC 12101) for access to and participation in a hearing.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.21 Representation

a) The appellant may appear without representation at the hearing or may be represented by legal counsel or other approved~~authorized~~ representative, in which case the appellant need not be present at the hearing. Any~~The~~ representative must have ~~a written~~ authorization ~~signed~~ by the appellant prior to any action taken on behalf of the appellant. The action or inaction of the~~an authorized~~ representative shall be deemed to be action or inaction of the appellant.

b) The representative must agree to maintain the confidentiality of any information regarding the appellant provided by the Department.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.22 Appellant Participation in Hearing

a) The appellant shall have the opportunity to:

1) Present evidence and witnesses on~~in~~ the appellant's behalf.

2) Refute testimony or other evidence and cross-examine witnesses.

b) If an appellant dies before an appeal has been filed or before the date of hearing, the appeal process may be pursued only by an individual who has obtained approval from a court of competent jurisdiction to represent the estate of the appellant~~someone acting responsibly in the appellant's behalf~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.25 Burden of Proof

The appellant shall have the responsibility to prove, by the preponderance of the evidence, that the action by the Department was not in accordance with federal or State laws or regulations or DHS policy.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.30 Subpoenas

a) Subpoenas must be requested by the appellant prior to the hearing. Subpoenas may be granted at the discretion of the hearing officer or other BOH personnel~~assistance hearing administrator~~ if a hearing officer has not been appointed.

b) The Hearing Officer may require that the requesting party provide documentation showing that it has exhausted other avenues to obtain the information requested and that the information requested would be germane to the appeal and that the information is likely to affect the outcome of the appeal. The Hearing Officer's ruling on the subpoena request may be deferred while the requesting party obtains the documentation requested by the Hearing Officer.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.35 Amendment of Appeal

A request to amend an appeal may be made in writing prior to the hearing, or orally at the hearing. The appeal may be amended only if, in the judgment of the hearing officer, the amendment is germane to the subject matter of the original request for an appeal~~ hearing~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.45 Postponement or Continuation of Hearings

a) BOH~~The Department~~ may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.

b) A request for postponement shall~~or continuance may~~ be made by the appellant ~~or the appellant's authorized representative~~. Except for the appellant's request for the first postponement of a SNAP~~food stamp~~ appeal, a request to postpone a hearing must be in writing and received by the BOH~~Bureau of Assistance Hearings~~ at least two~~2~~ business days prior to the scheduled hearing date. A request for postponement made less than two~~2~~ business days prior to the scheduled hearing date will be granted only upon showing of good cause as defined in Section 14.60(e).

c) If the request for a continuance or postponement is granted, the BOH~~Bureau of Assistance Hearings~~ shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.

d) Requirements for Requests

1) In a SNAP~~food stamp~~ appeal, the appellant's first request for postponement or continuance does not require showing of good cause or timely submission.

2) For other appeals~~In a non-food stamp appeal~~, the appellant's first request for postponement or continuance does not require a showing of good cause, but a request for postponement does require timely submission.

3) All subsequent requests for postponement or continuance will be granted only upon timely submission and showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(e).

4) Except for the first request for a postponement in a SNAP~~food stamp~~ appeal, unless notified that the postponement has been granted, the

appellant and representatives are expected to appear at the hearing. Failure to appear shall cause the dismissal of the appeal as set forth in Section 14.60.

e) At the hearing, the hearing officer may grant a request to continue when the party or representative shows that good cause exists for not proceeding with the hearing. If the request is based on the unavailability of witnesses and/or documentary evidence, the hearing officer may defer ruling on the request until after the available evidence on the issues of the case has been presented.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.50 Withdrawal of Appeal

a) An appeal may be withdrawn by the appellant either prior to or at the hearing. For appeals other than SNAP, a~~A~~ withdrawal must be submitted in writing and signed by the appellant or must be submitted orally, so long as the withdrawal is recorded and made part of~~entered on~~ the record. For a SNAP appeal, a withdrawal must be submitted in writing and signed by the appellant.

b) Disposition by withdrawal has the same effect as disposition by FAD.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.60 Dismissal of Appeal

a) An appeal shall be dismissed if:

1) The appellant~~ or the appellant's authorized representative~~ does not appear at the time, date and place designated for the hearing; or

2) The appellant ~~or the appellant's authorized representative~~ fails or refuses to proceed with the hearing.

b) The appellant shall be informed of the dismissal by written notice.

c) When an appellant whose assistance has been continued unchanged as a consequence of a request for a hearing does not appear at a scheduled hearing,

and fails to advise the Department ~~or Public Aid Committee~~ of his or her inability to attend, the Department shall proceed with the planned change in public assistance ~~and/or food stamp benefits~~. This action will not be taken if the Department determines that there was good cause for the appellant's absence. (See subsection (e). ~~below~~)~~.~~

d) Request to vacate a dismissal must be in writing and signed by the appellant ~~or the appellant's authorized representative~~. The~~Such~~ requests must be filed with the BOH~~Bureau of Assistance Hearings~~ not more than 10 days after the date of the dismissal notice.

e) Dismissals shall be vacated only if good cause for non-appearance is shown. Good cause is defined as:

1) death in the family;

2) personal injury or illness that reasonably prevents~~prohibits~~ the appellant from attending the hearing; or

3) sudden and unexpected emergency or other circumstances beyond the appellant's control that reasonably prevent the appellant from attending the hearing.

f) Disposition by dismissal is an FAD~~a Final Administrative Decision~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.70 Final Administrative Decision

a) Following the hearing, a ~~Final Administrative Decision will be made by the Secretary that either upholds or does not uphold the appealed action or determines that the Department lacks jurisdiction. A~~ copy of the FAD~~decision~~ shall be mailed to the appellant and any representative.

b) Timeframes

1) If the appeal involves SNAP only, the Department shall issue and implement an FAD within 60 days after receipt of a request for a hearing,

unless additional time is required and allowed by SNAP's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

2) If the appeal involves any other public assistances~~Public Assistance~~ issues or both SNAP~~food stamp~~ and another public assistance~~Public Assistance~~ issues, the Department shall issue and implement an FAD~~a Final Administrative Decision~~ within 90 days after receipt of a ~~notice of appeal and~~ request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

~~c) If the appeal involves food stamps but not Public Assistance, the Department shall issue and implement a Final Administrative Decision within 60 days after receipt of a notice of appeal and request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.~~

c)~~d)~~ When the appealed action is not upheld, the Department shall take appropriate action, in accordance with the decision, including authorization of retroactive public assistance benefits, if necessary. In SNAP~~food stamp~~ cases, if the decision results in an increase in household benefits, the increase shall be reflected in the SNAP~~food stamp~~ benefit amount within 10 days after receipt by the FCRC~~local office~~ of the hearing decision. If the decision results in a decrease of SNAP~~food stamp~~ benefits, the decrease shall be reflected in the next scheduled issuance following receipt of the hearing decision.

de) An FAD~~A Final Administrative Decision~~, released by the Department ~~or a Public Aid Committee~~, is reviewable only through the Circuit Courts of the State of Illinois.

e~~f~~) After an FAD~~a Final Administrative Decision~~ is released, no petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, or correspondence in the nature of such a motion, nor any response by the Department to the~~such~~ correspondence or motion will delay the time for filing of a complaint in the Circuit Court.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.80 Public Aid Committee (Repealed)

~~In each county a Public Aid Committee to consider appeals shall have the following composition:~~

~~a) In counties under township organization (except Cook County), the Committee shall consist of the Chairman of the County Board and 4 County Board members.~~

~~b) In Cook County, the Public Aid Committee shall consist of 5 Supervisors of General Assistance appointed by the President of the Cook County Board of Commissioners from townships outside the City of Chicago.~~

~~c) In Commission form counties, the Public Aid Committee shall consist of the County Board of Commissioners.~~

(Source: Repealed at 39 Ill. Reg. _____, effective _____)

SUBPART C: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)~~FOOD STAMP~~ ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section 14.310 Advance Notice of Administrative Disqualification Hearing

a) The Department shall provide written notice to a household member suspected of intentional violation of SNAP~~the food stamp program~~ at least 30 days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall contain:

1)~~a)~~ The date, time and place of hearing.

2)~~b)~~ The charge against the household member.

3)~~c)~~ A summary of the evidence and how and where it can be examined.

4)~~d)~~ A warning that the decision will be based solely on information provided by the SNAP~~food stamp~~ office if the household member fails to appear.

5)~~e)~~ A statement that the household member or representative will have 10 days after the date of the hearing to present good cause for failure to appear in order to receive a new hearing. (See Section 14.60(e) for definition of good cause.)

6)~~f)~~ A warning that a determination of intentional violation of the program will result in a 12 month disqualification for the first violation, 24 month disqualification for the second violation, and a permanent disqualification for the third violation, and a statement of which penalty the Department believes is applicable to the case scheduled for hearing.

7)~~g)~~ A listing of the household member's rights.

8)~~h)~~ A statement that the hearing does not preclude a prosecution for civil or criminal fraud.

9)~~i)~~ Information about who to contact for~~A statement that the individual can call the food stamp office to get the name and phone number of someone who can give~~ free legal advice.

b) The household member is also sent a waiver of right to an administrative disqualification hearing pursuant to 7 CFR 273.16(f). If the household member wishes to waive the right to a hearing, that individual must sign the waiver and return it to the Department within 20 days after the date of notification.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.330 Administrative Disqualification Hearing Procedures

a) The Department shall conduct a hearing, issue a decision, and notify the household member and FCRC~~local office~~ of the decision within 90 days after the date the household member is notified in writing of the scheduling of an administrative disqualification hearing.

b) The hearing shall be conducted by a~~an impartial~~ hearing officer.

c) The household has the same rights during an administrative disqualification

hearing that it has during a fair hearing. (See Section 14.22.) In addition to the fair hearing rights, the household member shall be informed of the individual's right to remain silent concerning the charge, and that anything said or signed by the individual concerning the charge can be used against him or her in a court of law.

d) The hearing procedures shall be published and made available to any interested party.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 14.340 Failure to Appear

If the household member or representative cannot be located or fails to appear at the scheduled hearing without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing officer is required to consider the evidence and determine if an intentional violation of the program was committed based on clear and convincing evidence. If a determination of intentional violation of the program is made, and no proof of receipt of the scheduling notice has been obtained, the household member has 30 days after the date of the written notice of the hearing decision to request a new hearing based on a showing of non-receipt of the scheduling notice. In all other instances, the household member has 10 days after the date of the scheduled hearing to present reasons showing good cause for failure to appear. (See Section 14.60(e) for definition of good cause.) The BOH~~Bureau of Assistance Hearings~~ shall determine if the household member had good cause for not appearing and make a determination as to whether a new hearing should be scheduled.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: MEDICAL ASSISTANCE APPEALS

Section 14.400 Purpose

This Subpart applies to appeals filed by or on behalf of applicants or recipients of medical assistance programs as that term is defined in Section 14.410.

(Source: Added at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

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Section 14.410 Definitions

In addition to the definitions created in this Section, the definitions in Section 14.5 are applicable to this Subpart. If any definition is different here than in Section 14.5, the definition listed here will apply to this Subpart D.

"Action" − includes, but is not limited to, the following by the Department or its designee:

refusal to accept an individual's application;

failure to act on the application;

denial of an application;

a decision to reduce, suspend or terminate, or change the amount of, assistance;

failure of the Department to take appropriate action on the individual's request; and

any issues of Department policy that, when applied, affect the individual's medical assistance.

"Actions" do not include grievances, as defined in Section 14.5.

"Appeal" or "Hearing" or "Fair Hearing" or "State Fair Hearing" − the contesting of an action taken by the Department or its designee, including Managed Care Entities, by an applicant or recipient of medical assistance services through a formal process.

"Appellant" − the individual or the representative who has applied for, received or been denied medical assistance and is appealing an action of the Department or its designee. All references to appellant include the representative.

"Client Assistance Program" or "CAP" − has the meaning ascribed in 89 Ill. Adm. Code 521.20.

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"Department" or "DHS" – the Illinois Department of Human Services.

"Director" − the Director of the Illinois Department of Healthcare and Family Services or his/her designee.

"DRS" – DHS-Division of Rehabilitation Services.

"Hearing Officer" − the individual authorized by the HFS Director or the Secretary of DHS and appointed to conduct the hearing.

"HFS" − means the Illinois Department of Healthcare and Family Services.

"Local Office" − the DHS office where an individual may apply for services and have his or her case managed if he or she is approved for services.

"Managed Care Entity" or "MCE" − for purposes of this Subpart, a health care plan that manages care coordination for recipients of medical assistance and makes coverage determinations on medical services and items, including decisions to reduce, suspend or terminate, or change the amount of, a recipient's medical assistance.

"Medicaid" − medical assistance authorized by HFS under the provisions of Title XIX of the Social Security Act (42 USC 1396 et seq.).

"Medical Assistance" − for purposes of this Subpart, the provision of various programs administered by DHS, including the following:

> "AABD" – Aid to the Aged, Blind or Disabled medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration (see 89 Ill. Adm. Code 113).
>
> "ACA Adults" – Medical assistance available to individuals who meet the criteria defined by the Patient Protection and Affordable Care Act (42 USC 1396a(a)(10)(A)(i)(VIII) and the Illinois Public Aid Code [305 ILCS 5/5-2(18)].

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"All Kids" – assistance in providing health insurance coverage to eligible children under age 19 and pregnant women (see ALL KIDS Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

"DASA" – The subacute alcoholism and subacute abuse treatment services covered by Medicaid or by the DHS Division of Alcohol and Substance Abuse. The rules for these services can be found at 77 Ill. Adm. Code 2060 and 2090.

"Developmental Disability" − The program by the DHS Developmental Disabilities Division that provides services to the intellectually disabled, within the meaning of Title XIX of the Social Security Act, that is funded entirely through the State of Illinois.

"DMH" – The community mental health services covered by Medicaid or by the DHS Division of Mental Health. The rules for these services can be found at 59 Ill. Adm. Code 132.

"HSP" or "Home Services Program" − The program designed to enable Illinois residents who are at risk of unnecessary or premature nursing facility placement and who meet all other program requirements to receive necessary care and services in their home. The rules for this service can be found at 89 Ill. Adm. Code 676, 677, 679, 681, 682, 684, 686 and 688.

"Medical Assistance Grant" or "MAG" – Medical assistance paid on behalf of a recipient of financial assistance.

"Medical Assistance No Grant" or "MANG" – Medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance. This assistance includes:

MANG (AABD) – Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department; and

MANG (C) – Medical assistance to needy families with children is available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Notice of Action" − written correspondence sent by the Department or Managed Care Entity to an individual to inform the individual of actions taken by the Department (see 89 Ill. Adm. Code 10.270).

"Received" − the date on which the Notice of Action is received and is considered to be five days after the date on the notice, unless the customer shows that he or she did not receive the notice within the five-day period.

"Relevant Contact Information" − can include, but is not limited to, name, mailing address, phone, fax, email or other electronic method of communication.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.420 Initiation of Appeal Process

a) For appeals of actions by Managed Care Entities, the appeal process is initiated by filing a written, signed request or telephoning a request to the MCE within 60 days after the date on the Notice of Action. Appellants must exhaust the appeal procedures at the MCE before filing an appeal with BOH. If the MCE's decision on the appeal is not resolved wholly in favor of the appellant, the appellant may file an appeal for a fair hearing following the procedures set forth in subsection (b) within 30 calendar days after the date of the MCE's decision notice.

b) For all other medical assistance appeals, the appeal process is initiated by the appellant by:

1) Filing a written, signed request with the BOH; or

2) Filing a written, signed request with the respective local office.

c) For purposes of initiating the appeal process, a facsimile of a written, signed

request, electronically signed email request, electronic account request, or other electronic means are considered the same as the original.

d) An appeal must be filed by the individual who applies for or received medical assistance.

e) Appeals must be filed within 60 days after the date on the Notice of Action. The criteria for the Notice of Action can be found at 89 Ill. Adm. Code 10.270.

f) The appeal request should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested and specific identification of any other matter that is being appealed. If this information is not readily available to the appellant, the appellant must supply sufficient information for the Department to identify the specific action or inaction that is being appealed. Should an appellant improperly request an appeal, BOH will advise the appellant of the proper appeal process.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.430 Appealable Issues

a) The following Department actions may be appealed under this Subpart; this list is not exhaustive:

1) Refusal to provide any service the Department is authorized to provide;

2) Modification of services currently provided, termination of a service or case closure, unless agreed to by the individual and the Department;

3) A determination that a person is ineligible for services;

4) Inaction of Department employees to act within the timelines specified by program rules; or

5) An action by the Department with which the client disagrees and that affects the individual's medical assistance.

b) The following may not be appealed under this Subpart:

1) Changes in services or procedures over that the Department exercises no discretion or control;

2) Changes in services or procedures that are mandated by federal or State laws or regulations;

3) Failure to provide services that the Department, in accordance with federal or State laws or regulations cannot provide;

4) Issues challenging the legality of Department rules;

5) An appeal that has already been decided through the appeal process set forth in this Part; or

6) An action taken by the Department that does not affect the individual.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.440 Pre-Hearing Conference

a) Upon initiation of an appeal, BOH shall notify the Department, or its designee, that an appeal has been filed. If, prior to the hearing, there is mutual agreement on an issue under dispute, this will remove the need for a hearing on that issue.

b) The Department, or its designee, shall contact the appellant within 10 days after being notified that an appeal was filed and shall conduct an Informal Resolution Conference with the appellant. This is an informal review of the issues with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures [735 ILCS 5] do not apply. The appellant may choose to have a representative present at the conference.

c) The informal resolution is concluded either with a mutually agreed upon resolution of the issue or some of the issues or with the conclusion that the issues cannot be resolved and the appellant should proceed to hearing. At the conclusion of the informal resolution process, the Department shall reduce any mutually agreed upon resolutions to writing. The confirmation of the agreement must be signed by both the appellant and the Department representative. The agreement

should list all agreed issues and all outstanding issues. The confirmation must include the agreement of the appellant to withdraw the appeal on the agreed issues. If any issues remain for hearing, the written agreement shall be included as part of the Department's exhibits submitted at hearing.

d) Sessions held as part of the informal resolution process shall be scheduled in a timely manner and shall not deny or delay the appellant's right to pursue resolution of the dispute through a hearing held within the applicable time period set out in this Part or any other right under this Part.

e) These sessions can be held over the telephone, in the Department's office or in a third location mutually agreed upon by the parties.

f) Every proceeding in the informal resolution process is to be confidential and not open to the general public unless the appellant so requests.

g) The appellant and the Department may agree to resolve disputed issues, at any time during the appeals process, prior to the issuance of the FAD. If all issues are resolved, a document stating such must be signed by the appellant and submitted to BOH and the request for the hearing will be withdrawn.

h) If the individual is enrolled with a Managed Care Entity, this Section does not apply.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.450 Appellant's Rights

a) Request Interpreter or Reader
The appellant may request an interpreter or reader, with sign (if sign language is the appellant's usual mode of communication) or language (if the appellant's normally spoken language is other than English), to participate at the hearing. The request, or a request that the materials be provided in Braille, large print or audio tape, should be made to the local office in preparation for the hearing. The request must be made within five business days the appellant is informed of the hearing date.

b) Administrative Costs

DHS will assume all administrative costs of the appeal (i.e., interpreters and official record of the hearing) but will not assume costs personally incurred by the appellant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

c) Reasonable Venues
All meetings, including the hearing, with the appellant pursuant to this Subpart must occur at a reasonable time, date and place.

d) CAP Representation for HSP Appeals
If the appellant is a customer of the HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d), the appellant may have the right to the assistance of the Client Assistance Program in the preparation, presentation and representation of the matters to be heard. DRS will inform the appellant of this right at the time of request for services, application and referral for services, at service initiation or modification, and at closure, as well as when the appellant requests a hearing.

e) Service Notice

1) All Notices of Action to the client will follow the format described in 89 Ill. Adm. Code 10.270.

2) For HSP clients, DRS will send the customer a service notice at least 15 days prior to the effective date of the action.

f) Continuation of Benefits

1) To continue existing services until the dispute is settled through the appeals process, the customer must file the appeal within 10 days after the date of action. Continuances in the proceeding shall not be used for the purpose of extending services. Services will not continue during the appeal process if:

A) The services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer;

B) The service has been planned but not commenced; or

C) The customer requests the services be terminated.

2) A service that is the subject of an appeal will not continue if:

A) The change is initiated by the customer;

B) The change is unilaterally initiated by a service provider other than DRS;

C) The change is planned or authorized, but not commenced;

D) The change is contraindicated on the basis of medical or psychological information contained in the customer's case record; or

E) The sole issue is one of federal or State law or policy.

3) For managed care appeals, the Managed Care Entity may recover the cost of the services that were furnished to the appellant if the MCE's decision was upheld.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.460 Notice of Hearings

The Department shall send written notice to the appellant and representative of the time, date and place of the hearing. This notice shall be provided at least 10 days prior to the hearing.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.470 Venue and Conduct of Hearings

a) Venue

1) All hearings will be conducted in the local office that serves the appellant. *Hearings under this* Subpart *may be conducted with some or all of the parties, including the Hearing Officer, at different locations connected*

with each other by telephone [305 ILCS 5/11-8.2].

2) *If the appellant is outside the State*, the Hearing Officer *may take depositions from the appellant and the appellant's witnesses or permit the appellant to present all relevant material in support of his* or her *claim.* This may be accomplished *through witnesses acting on the appellant's behalf, or both by deposition or testimony of witnesses, depending upon the circumstances in each case*. [305 ILCS 5/11-8.2]

3) The Department shall provide reasonable accommodations under the Americans With Disabilities Act (42 USC 12101) for access to and participation in a hearing.

b) Conduct
The hearing shall be open to such persons as the Hearing Officer deems necessary and proper for the orderly and efficient conduct of the hearing.

c) Confidentiality
Every proceeding pursuant to this Subpart is to be confidential and not open to the general public unless requested to be so by the appellant.

d) The hearing shall be de novo and the Department's determination shall be independent of any prior determination.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.480 Representation

a) The appellant may appear without representation at the hearing or may be represented by legal counsel or other representative, in which case the appellant need not be present at the hearing. Any representative must have authorization by the appellant prior to any action taken on behalf of the appellant. The action or inaction of a representative shall be deemed to be action or inaction of the appellant.

b) The appellant may be represented by a representative during any informal meetings in regards to appeals or at the hearing.

c) The appellant must inform the BOH of the appointment of a representative by filing, no later than three business days in advance of a hearing, a Notice of Appearance stating the representative's name and relevant contact information and identity of the appellant represented. The notice shall be signed by the appellant. The notice must be accompanied by appropriate consent to the release of confidential information to the representative, if one is not already on file.

d) An appellant may only designate one representative at a time.

e) The designation must be in writing or on the record. A dismissal of a representative must also be in writing or on the record.

f) The Department must permit an individual to designate a representative at the time of application and at other times.

g) The power to act as a representative is valid until the individual modifies the authorization or notifies the Department that the representative is no longer authorized to act on his or her behalf, or the representative informs the Department that he or she no longer is acting in that capacity, or there is a change with the legal authority upon which the representative's authority is based.

h) The representative must agree to maintain the confidentiality of any information regarding the appellant provided by the Department.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.490 Appellant Participation in Hearing and Review of Case Record

a) The appellant shall have the opportunity to:

1) Present evidence and witnesses on the appellant's behalf; and

2) Refute testimony or other evidence and cross-examine witnesses.

b) If the appellant dies before the date of hearing, the appeal process may be pursued by someone acting responsibly on the appellant's behalf.

c) Review of Case Record

Before and during the appeal process, the appellant shall have the opportunity to examine the appellant's case record, including medical records and other related documents, and obtain copies of case record material. Copies of the parts of the case record relevant to the hearing shall be provided free if requested by the appellant.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.500 Evidentiary Requirements

Procedures set forth in the Code of Civil Procedure do not apply to the procedures contained in this Subpart.

a) The hearing shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but shall be conducted in a manner best calculated to conform to substantial justice.

b) Only information germane to the issue under review may be introduced from the appellant's case file. The Hearing Officer may not consider any information that has not been made available to the other party.

c) Either party may present information and evidence that must be made available to the other party at least three business days prior to the hearing or by stipulation at the hearing.

d) Either party may call any person as a witness and conduct examination and cross-examination. The parties may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.510 Burden of Proof

The appellant shall have the responsibility to prove, by the preponderance of the evidence, that the action by the Department was not in accordance with federal or State laws, regulations or DHS policy or, if relevant, the appellant's HSP Service Plan (see 89 Ill. Adm. Code 684).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.520 Subpoenas

a) Subpoenas must be requested by the appellant prior to the hearing. Subpoenas may be granted at the discretion of the Hearing Officer or other BOH staff if a Hearing Officer has not been appointed.

b) The Hearing Officer may require the requesting party to provide documentation showing that party has exhausted other avenues to obtain the information requested and that the information requested would be germane to the appeal and is likely to affect the outcome of the appeal. The Hearing Officer's ruling on the subpoena request may be deferred while the requesting party obtains the documentation requested by the Hearing Officer.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.530 Amendment of Appeal

A request to amend an appeal may be made in writing prior to the hearing or at the hearing. The appeal may be amended only if, in the judgment of the Hearing Officer, the amendment is germane to the subject matter of the original request for an appeal and the action was subsequent to the original request.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.540 Consolidation of Appeals

a) The BOH may consolidate a number of individual appeals for the purpose of conducting a single group hearing if it is determined that all of the appeals involve the same issue or similar issues, and the only issues in question are the application of State or federal law or policy.

b) An appellant may withdraw from the group and present an appeal individually if, in the judgment of the Hearing Officer, it is warranted by the circumstances.

c) The BOH may consolidate a number of appeals filed by the same individual into a single hearing.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.550 Postponement or Continuation of Hearings

The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.

a) Postponement

1) A request for postponement must be in writing and received by BOH at least two business days prior to the scheduled hearing date. A request for postponement made less than two business days prior to the scheduled hearing date will be granted only upon showing of good cause as defined in Section 14.580(e).

2) The appellant's first request for postponement does not require showing of good cause, bit does require timely submission.

3) All subsequent requests for postponement will only be granted upon timely submission and showing of good cause.

b) Continuance
At the hearing, the Hearing Officer may grant a request to continue when the appellant or representative shows that good cause exists for not proceeding with the hearing. If the request is based on the unavailability of witnesses and/or documentary evidence, the Hearing Officer may defer ruling on the request until after the available evidence on the issues of the case has been presented.

c) If the request for a postponement or continuance is granted, the BOH shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.560 Withdrawal of Appeal

An appeal may be withdrawn by the appellant either prior to or at the hearing. A withdrawal must be either in writing and signed by the appellant or entered orally on the record. Disposition by withdrawal has the same effect as disposition by FAD.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.570 Hearing Record

a) The record must consist only of:

1) The transcript or recording of testimony and exhibits, or an official report containing the substance of what happened at the hearing;

2) All papers and requests filed in the proceeding; and

3) The recommendation or decision of the Hearing Officer.

b) After adjournment of the hearing, the record shall be closed and no further evidence may be submitted. Prior to adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence specifically identified during the hearing may be granted by the Hearing Officer. Copies of any evidence presented after the hearing shall be provided to all parties.

c) The BOH shall make an electronic recording of the hearing proceedings and will, upon request, provide one copy to the appellant at no cost. If an electronic recording is not an accessible format for the appellant, upon request of the appellant, DHS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the appellant at no cost.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.580 Dismissal of Appeal

a) An appeal shall be dismissed if:

1) The appellant does not appear at the time, date and place designated for the hearing; or

2) The appellant fails or refuses to proceed with the hearing.

b) The appellant shall be informed of the dismissal by written notice.

c) When an appellant whose assistance has been continued unchanged as a consequence of a request for a hearing does not appear at a scheduled hearing and fails to advise the Department of the inability to attend, the Department shall proceed with the planned change in Medical Assistance. This action will not be taken if the BOH determines that there was good cause for the appellant's absence. Good cause is defined in subsection (e).

d) Requests to vacate a dismissal must be in writing and signed by the appellant. These requests must be filed with BOH not more than 10 days after the date of the dismissal notice.

e) Dismissals shall be vacated only if good cause for non-appearance is shown. Good cause is defined as:

1) Death in the family;

2) Personal injury or illness that reasonably prevents the appellant from attending the hearing; or

3) Sudden and unexpected emergency or other circumstances beyond the appellant's control that reasonably prevent the appellant from attending the hearing.

f) Disposition by dismissal is an FAD.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.590 Hearing Officers

a) All hearings under this Subpart will be conducted by a DHS Hearing Officer authorized by the HFS Director and who meets the standards for Hearing Officers detailed in 2 Ill. Adm. Code 1177.10. DASA and DMH hearings will be conducted by a DHS Hearing Officer authorized by the HFS Director or the

Secretary of DHS and who meets the standards for Hearing Officers detailed in 2 Ill. Adm. Code 1027.10.

b) All hearings will be conducted by a Hearing Officer who has not been directly involved in the initial determination of the action in question.

c) If the hearing involves medical issues such as those concerning a diagnosis, an examining physician's report, or a medical review team's decision, and if the Hearing Officer considers it necessary to have a medical assessment other than that of the individual involved in making the original decision, that medical assessment must be obtained at the Department's expense and made part of the record.

d) A Hearing Officer must have access to Department information necessary to issue a proper hearing decision, including information concerning State policies and regulations.

e) If the appellant believes the Hearing Officer selected to conduct the hearing is biased against the appellant, or has a conflict of interest, the appellant may make a written request to BOH at least five business days prior to the hearing, or by motion at the hearing, for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Hearing Officer. The request must be accompanied by an affidavit signed and dated by the appellant setting out specific facts upon which the claim of prejudice or conflict of interest is based. BOH will then decide whether to grant the appellant's request. If BOH grants the request, another Hearing Officer will be assigned.

f) The Hearing Officer has the power to:

1) Control the conduct of the hearing to prevent irrelevant or immaterial discussion;

2) Issue subpoenas requested by the appellant prior to the hearing. Subpoenas may be granted at the discretion of the BOH.

3) Rule upon all motions and other matters arising in the course of the hearing, including but not limited to, a party's motion or objection

concerning the admissibility of evidence;

4) Examine any of the witnesses at any time or request additional information from either party;

5) Require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence, including, but not limited to, the production of any and all documents, books, paper and accounts the Hearing Officer deems material or relevant to any issue;

6) Refuse to hear appeals pursuant to Section 14.430(b); and

7) Require cooperation by all parties.

(Source: Added at 39 Ill. Reg. _____, effective _____)

Section 14.600 Final Administrative Decision

a) Hearing recommendations must be based exclusively on evidence introduced at the hearing.

b) Following the hearing, a copy of the FAD shall be sent to the appellant and any representative. The Department shall issue and implement a FAD within 90 days after receipt of an appropriate request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. The time period shall be extended by any delay in the hearing process caused by the appellant.

c) When the appealed action is not upheld, the Department of its designee shall take appropriate action, in accordance with the FAD, including authorization of retroactive medical assistance if necessary.

d) An FAD released by the Department is reviewable only through the Circuit Courts of the State of Illinois.

e) After an FAD is released, no petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, or correspondence in the nature of such a

motion, nor any research by the Department into that correspondence or motion will delay the time for filing of a complaint in Circuit Court.

(Source: Added at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Appeals and Hearings

2) Code Citation: 89 Ill. Adm. Code 510

3)

Section Numbers:	Proposed Actions:
510.5	Amendment
510.10	Amendment
510.20	Amendment
510.30	Amendment
510.40	Amendment
510.50	Amendment
510.60	Amendment
510.80	Amendment
510.90	Amendment
510.100	Amendment
510.103	Amendment
510.105	Amendment
510.120	Amendment

4) Statutory Authority: Illinois Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (i)]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to move the requirements for appeals for the Home Services Program to the new section dedicated to appeals under Medicaid (89 Ill. Adm. Code 14, Subpart D). This rulemaking also clarifies communication timelines, dismissal requirements, hearing request submission allowed by electronic means, and modification of the name from ORS to DRS.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective: 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 these amendments 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, 3rd Floor
Springfield IL 62762

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 510
APPEALS AND HEARINGS

Section
510.5 Scope and Purpose
510.10 General Information
510.20 What May Be Appealed
510.30 What May Not Be Appealed
510.40 Grievant Rights
510.50 DHS Bureau of Hearings ~~ORS~~ Rights
510.60 Service Notice
510.70 Level I Hearings (Repealed)
510.80 Request for a Hearing
510.90 ~~Impartial~~ Hearings Officers
510.100 Informal Resolution Conference
510.103 Mediation Process for the Vocational Rehabilitation Program
510.105 Conduct of Hearings
510.110 Associate Director's Review for Residential/Training Programs for Persons with Visual Impairments
510.115 Associate Director's Decision for Hearings Regarding a Blind Vendor
510.120 Exhaustion of Administrative Remedies

AUTHORITY: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; Emergency Amendments at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20296, effective November 15, 1993; amended at 20 Ill. Reg. 8505, effective June 17, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 13195, effective November 15, 1999; amended at 27 Ill. Reg. 9576, effective June

13, 2003; amended at 32 Ill. Reg. 10047, effective June 26, 2008; amended at 39 Ill. Reg. _____, effective _____.

Section 510.5 Scope and Purpose

a) This Part governs the appeals process for customers of the Department of Human Services-Division~~Office~~ of Rehabilitation Services (DHS-DRS~~DHS-ORS~~). Specifically, this Part covers hearings of grievances under various DHS-DRS~~DHS-ORS~~ programs, including, Vocational Rehabilitation Services, ~~Home Services,~~ the Vending Facility Program for the Blind, Community and Residential Services for the Blind and Visually Impaired, and issues concerning school records and sex equity related to DHS-DRS~~DHS-ORS~~ State Schools.

b) The grievant and DHS-DRS~~DHS-ORS~~ may informally agree to resolve disputed issues at any time during the appeal process prior to the issuance of a hearing decision.

c) The hearings process for the Home Services Program is detailed at 89 Ill. Adm. Code 14, Subpart D.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.10 General Information

~~General Provisions~~

a) A grievant who is not satisfied with an action taken by DHS-DRS, or with the failure of DHS-DRS to take action, is entitled to a hearing. A customer of the Vocational Rehabilitation program may also request mediation. Mediation is described in detail in Section 510.103.

b) Any and all notices and communications to DHS-DRS made pursuant to this Part should be in writing. ~~Nonwritten communications will be accepted if the information required in subsection (b)(6) of this Section is provided.~~ All nonwritten communications shall be documented at or near the time of communication by DHS-DRS.

c) A grievant may appoint a representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant

may only designate one representative at a time. The designation must be in writing or on the record. A dismissal of a representative must also be in writing or on the record.

d) All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days after the date of postmark or on the day of delivery for hand-delivered items) or, if a nonwritten form of communication, on the date of documentation by DHS~~receipt~~.

e) A request for a hearing by any person not a "grievant" cannot be heard by DHS-DRS pursuant to this Part.

f) The request for a hearing should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DHS-DRS to identify the specific action or inaction that is being appealed.

g) Should a grievant improperly request an appeal and other procedures for appeal are available, DHS-DRS will advise the grievant of the proper appeal process.

h) Failure of a grievant to follow procedures as set forth in this Part or failure to request an appeal within the specified time frames found in Section 510.80, or failure to appear or refusal to proceed, shall result in dismissal of the appeal except if the failure to follow procedure was a result of DHS-DRS failure to provide required notice or information.

i) After a request for a hearing is filed, the grievant or DHS-DRS may initiate attempts to resolve the grievance informally. The grievant and the appropriate DHS-DRS employee may agree to resolve disputed issues, at any time during the appeals process, prior to the issuance of the hearing decision. If prior to the hearing there is mutual agreement on an issue under dispute, this will remove the need for a hearing on that issue.

j) DHS-DRS~~, and the Department of Healthcare and Family Services in the case of Home Services Program (HSP) hearings,~~ will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40(b), and record, pursuant to Section 510.80(e)) but will not assume costs personally incurred by the

grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.20 What May Be Appealed

The following may be appealed under this Part:

a) DHS-DRS'~~DHS-ORS'~~ refusal to provide any service it is authorized to provide;

b) modification of any service currently provided to the customer by DHS-DRS~~DHS-ORS~~, termination of a service or case closure, unless agreed to by the customer and DHS-DRS~~DHS-ORS~~;

c) a determination that a customer is ineligible for services;

d) issues related to sex equity at DHS-DRS~~DHS-ORS~~ schools, set forth in 89 Ill. Adm. Code 829;

e) refusal of the schools to permit modifications to a student's records, set forth in 89 Ill. Adm. Code 765.60(a)(1);

f) inaction of DHS-DRS~~DHS-ORS~~ employees as defined in Section 510.10;

g) dissatisfaction of a licensed vendor in the Business Enterprise Program for the Blind with any action of DHS-DRS~~DHS-ORS~~ arising from the administration of the Business Enterprise Program for the Blind; and

h) dissatisfaction of a customer of the Community Residential Services for the Blind and Visually Impaired (CRSBVI) program as set forth in 89 Ill. Adm. Code 730, Subpart D.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.30 What May Not Be Appealed

The following may not be appealed under this Part:

a) changes in services or procedures over which DHS-DRS~~DHS-ORS~~ exercises no discretion or control;

b) changes in services or procedures which are mandated by federal or State law or regulation;

c) failure to provide services which DHS-DRS~~DHS-ORS~~, in accordance with federal or State law, regulations, and the State VR Plan or other plans submitted to the federal government by DHS-DRS~~DHS-ORS~~ as a condition of receiving federal funding cannot provide;

d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code 828 (Educational Facilities), except as set forth in Section 510.20(d) and (e);

e) all recommendations for decisions and procedures for the adjudication of benefits under the federal Social Security Act which are made by DHS-DRS~~DHS-ORS~~ under its authority from the United States Department of Health and Human Services, Social Security Administration (42 USC 405);

f) issues challenging the legality of DHS-DRS~~DHS-ORS~~ rules;

g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 650;

h) student discipline, as set forth in 89 Ill. Adm. Code 827;

i) DHS-DRS~~DHS-ORS~~ findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530;

j) a grievance which has already been decided through the appeal process as set forth in this Part;

k) an action taken by DHS-DRS that~~DHS-ORS which~~ does not affect the grievant (e.g., a customer wishing to appeal DHS-DRS~~DHS-ORS~~ terminating sponsorship of another customer in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 590.270);

1) a grievance filed under the Americans with Disabilities Act (42 USC 12101); and

m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.40 Grievant Rights

a) DHS-DRS~~DHS-ORS~~ shall make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:

1) upon application for services;

2) upon denial of application;

3) after the initiation, or change, of services;

4) upon termination of a service;

5) upon closure;

6) upon enrollment in a DHS-DRS~~DHS-ORS~~ school; and

7) upon entrance into the Business Enterprise Program for the Blind.

b) The grievant may request an interpreter or reader, either sign (if sign-language is the grievant's usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. The request should be made 10 days before the date of the hearing. A visually impaired grievant may either request a reader to read materials provided by DHS-DRS~~DHS-ORS~~ in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 5 working days after being informed of the date of the hearing.

c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.

d) If the grievant is a customer of the VR Program (89 Ill. Adm. Code: Chapter IV,

Subchapter b)~~, HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d)~~ or Community Residential Services for the Blind and Visually Impaired (CRSBVI) program (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of the DHS-DRS~~DHS-ORS~~ Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. DHS-DRS~~DHS-ORS~~ must inform the customer of this right at the time of request for services, application and referral for services and at service initiation or modification, and at closure, as well as when the grievant requests a hearing.

e) After a request for a hearing is received by DHS-DRS~~DHS-ORS~~, the grievant will be provided with written notification of the grievant's right to:

1) review the case file and other related documents;

2) be represented by a representative during any informal resolution conference in accordance with Section 510.100(d), during any mediation process pursuant to Section 510.103(h) or at a hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);

3) an explanation of the appeal process as set forth in this Part;

4) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;

5) a timely and impartial hearing;

6) confidentiality of these proceedings, as set forth in 89 Ill. Adm. Code 505.10 and pursuant to either Section 510.100(a), 510.103(a) or 510.105(a);

7) a continuation of services, as set forth in Section 510.60; and

8) have DHS-DRS~~DHS-ORS~~ employees involved in the appealed action present at the hearing or any informal resolution conference, and to question them, with the exception listed in Section 510.105(g)(2).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 510.50 DHS Bureau of Hearings ~~ORS~~ Rights

DHS Bureau of Hearings (BOH) has the right to:

a) refuse to hear appeals pursuant to Section 510.30;

b) request~~have~~ a DHS-DRS~~DHS-ORS~~ attorney present at any proceeding under this Part;

c) cooperation by the grievant and DHS-DRS; and

d) consolidate into a single hearing all issues relating to a grievant or an issue raised by several grievants that arise out of the same set of facts and circumstances.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.60 Service Notice

a) This Section applies to VR ~~and HSP~~ customers only.

b) When an individual applies for VR ~~or HSP~~ services from DHS-DRS~~DHS-ORS~~, the individual must be informed that DHS-DRS~~DHS-ORS~~ notifies customers whenever it denies, modifies or terminates a service or services, if not mutually agreed upon, and of the right to action within 60 calendar days after a request for an application. DHS-DRS~~DHS-ORS~~ must send the customer a service notice at least 15 working days before the effective date of the action.

c) Any action mutually agreed upon must be so documented in the customer's case file.

d) The service notice must:

1) contain the name, address and telephone number of the person to whom the request for a hearing must be made;

2) outline the action;

3) state the basis for the action;

4) give the effective date of the action; and

5) inform the customer of the right to a hearing in the matter and of the specific means of initiating the hearing.

e) For issues related to the disposition of services during the hearing process, the customer must be advised that DHS-DRS~~DHS-ORS~~ will continue to provide the disputed services until the DHS-DRS~~DHS-ORS~~ final decision has been rendered unless:

1) the services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer;

2) the service has been planned but has not commenced; or

3) the customer, or as appropriate, the customer's parent, family member, guardian, advocate or duly authorized representative requests the service be terminated. Continuances in the proceeding shall not be issued for the purpose of extending services.

f) A service that is the subject of an appeal will not continue if the change is:

1) initiated by the customer;

2) unilaterally initiated by a service provider other than DHS-DRS~~DHS-ORS~~;

3) planned or authorized, but not commenced; or

4) contraindicated on the basis of medical or psychological information contained in the customer's case record.

g) In no event will a disputed service continue past the ending date on the Individualized Plan for Employment (IPE) for VR and Community Residential Services for the Blind and Visually Impaired (CRSBVI) customers unless the customer and counselor agree to an extension of the IPE to be in effect pending the outcome of the hearing.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 510.80 Request for a Hearing

a) If dissatisfied with any determination made by DHS-DRS~~DHS-ORS~~ concerning the furnishing, timeliness or denial of services, the customer may request a timely review of these determinations. This request for a hearing shall be made through the Hearings Coordinator or by completing a request for hearing form (IL 488-1949) and presenting it to DHS-DRS or BOH by hand, fax, mail, email or other acceptable electronic means~~DHS-ORS~~. The person receiving the request at the DHS-DRS office shall immediately forward it to the Hearings Coordinator.

b) A grievant must request a hearing within the following time limits:

1) if the request is for review of an action by DHS-DRS~~DHS-ORS~~ VR program~~ or HSP~~, it must be received within 60~~30~~ calendar days after the date on the notice sent to the grievant. The Department's failure to send a required written notification, take action on a specific request, or inform a client of a denial of a request, tolls the 60-day period for filing an appeal ~~receives notice, or knew or should have known of the issue being grieved, or 35 calendar days after the date of the post mark on the notice, if the customer was informed by mail, whichever is later~~;

2) if the request relates to an available vending facility location, it must be made within five~~5~~ working days after receipt by the grievant of the notice of selection; or

3) if the grievance pertains to the conduct of a customer in the adult residential training program for persons with visual disabilities, the request must be received within two~~2~~ working days after the date of the action or inaction being grieved.

c) The request for a hearing must state whether the grievant is unable to attend a hearing in the local DHS-DRS ~~DHS-ORS~~ facility due to the grievant's disability. The Hearings Coordinator or ~~Impartial~~ Hearing Officer will contact the grievant or, as appropriate, the grievant's representative to determine a mutually acceptable date for the hearing. ~~Except as set forth in Section 510.80(j)(3) and as specified by the Department of Public Aid for HSP hearings,~~ In~~in~~ no case shall the hearing be held later than 60 calendar days after receipt of the grievant's request, unless the parties agree to a specific extension of time.

d) At least 10 days prior to the scheduled date of the hearing, the DHS Hearings Coordinator or ~~Impartial~~ Hearing Officer~~officer~~ shall send the grievant a letter~~, certified mail, return receipt requested~~:

1) acknowledging the request for the hearing;

2) stating the date, time and location for the hearing;

3) stating the name and address of the individual who shall act as the ~~Impartial~~ Hearing Officer;

4) containing a statement of the issues being grieved;

5) informing the grievant of the rights accorded under this Part;

6) informing the grievant of the options of the informal resolution conference and, for vocational rehabilitation customers, of the Mediation Process; and

7) directing the grievant to the proper individual to whom to direct the request for these options in accordance with Sections 510.100 and 510.103 ~~of this Part~~.

e) DHS-DRS~~DHS-ORS~~ shall make an electronic~~audio tape~~ recording of the hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an electronic recording~~audio tape~~ is not an accessible format for the grievant, upon request of the grievant, DHS-DRS~~DHS-ORS~~ shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.

f) The official record of the hearing shall consist of:

1) all pleadings, motions~~,~~ and rulings;

2) evidence, including testimony and exhibits;

3) a statement of matters officially noticed;

4) offers of proof;

5) objection and rulings on objections~~thereon~~;

6) the ~~Impartial~~ Hearing Officer's decision or findings of fact and recommended decision, as applicable; and

7) if applicable, documents and decisions from an Associate Director's Review (Section 510.110).

g) For grievances arising from the VR Program, findings of fact and the decision, prepared by the ~~Impartial~~ Hearing Officer, will be mailed within 30 calendar days after the adjournment of the hearing~~Hearing~~. The decision of the ~~Impartial~~ Hearing Officer shall be binding on DHS-DRS~~DHS-ORS~~. DHS-DRS~~DHS-ORS~~ shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days after its receipt. No employee of DHS-DRS~~DHS-ORS~~ shall interfere with the implementation of the decision.

h) For grievances pertaining to the conduct of a customer in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within two~~2~~ working days after the adjournment of the hearing.

i) For a grievance arising from the selection of a vendor for a vending location in the Business Enterprise Program for the Blind, the ~~Impartial~~ Hearing Officer shall submit his/her recommended decision to the Associate Director within 15 days after the date of adjournment of the hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Associate Director shall mail the final decision on the appeal to the grievant, and as appropriate, the grievant's representative, within five~~5~~ working days after receiving the ~~Impartial~~ Hearing Officer's recommendation. The Associate Director's decision shall state the principal issues and relevant facts brought out at the hearing, pertinent provisions in law and DHS-DRS~~DHS-ORS~~ policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), and the effective date of the decision and shall have attached a copy of the ~~Impartial~~ Hearing Officer's recommendation.

~~j) For hearings arising from HSP, in addition to the other provisions contained in this Part, the following procedures shall apply:~~

~~1) after receipt of the request for the hearing, pursuant to Section~~

~~510.80(b)(1), the Hearings Coordinator shall forward the request to DPA which, pursuant to Medicaid Regulations, shall have administrative authority over all hearings arising from HSP;~~

~~2)~~ ~~the hearing shall be conducted by an Impartial Hearing Officer approved by DPA;~~

~~3)~~ ~~DPA's rules, as set forth at 89 Ill. Adm. Code 104, shall apply, except 89 Ill. Adm. Code 104.10, 104.11, and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;~~

~~4)~~ ~~DPA, DHS and the Impartial Hearing Officer shall make any reasonable accommodation necessary to ensure that the customer is able to file an appeal and participate in the hearing;~~

~~5)~~ ~~the hearing shall be held in the local DHS-ORS office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DHS-ORS office. In such instances, the hearing shall be held in the grievant's home; and~~

~~6)~~ ~~the decision shall be issued and implemented within 90 days after the date of the request for hearing; however, that time shall be extended by the length of any continuance or postponement requested or agreed to by the grievant.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.90 ~~Impartial~~ Hearing Officers

a) A hearing must be heard by an individual randomly selected from the list of DHS-DRS~~DHS-ORS~~ approved ~~Impartial~~ Hearing Officers and designated by the Associate Director except~~: 1)~~ for grievances arising from modification of school records or school sex equity, the ~~Impartial~~ Hearing Officer shall be the DHS-DRS~~DHS-ORS~~ Director of Education Services or his/her designee~~; and 2)for grievances arising from HSP, the Impartial Hearing Officer shall be approved by DPA~~.

b) If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the ~~Impartial~~ Hearing Officer

selected to conduct the hearing is biased against the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least five~~5~~ working days prior to the hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the ~~Impartial~~ Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based. The Bureau of Hearings will inform the grievant whether the request was granted.

c) When an affidavit, as described in subsection (b)~~ above~~, is received, the DHS Hearings Coordinator shall assign another individual to serve as the ~~Impartial~~ Hearing Officer if it is determined by the DHS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.

d) The ~~Impartial~~ Hearing Officer has the power to:

1) control the conduct of the hearing to prevent irrelevant or immaterial discussion;

2) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or objection concerning the admissibility of evidence;

3) examine any of the witnesses at any time or request additional information from either party; and

4) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence, including, but not limited to, the production of any and all documents, books, paper and accounts the ~~Impartial~~ Hearing Officer deems material or relevant to any issue.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.100 Informal Resolution Conference

a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless the grievant so requests.

b) The Informal Resolution Conference is an informal review of the decision with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures [735 ILCS 5] do not apply.

c) A grievant may request an Informal Resolution Conference, in the period between the filing of the appeal and the hearing decision, by contacting the office out of which the grievant receives services.

d) The grievant may choose to have a representative present at the conference.

e) If the grievance pertains to the customer's VR program~~ or HSP~~, the supervisor of the DHS-DRS~~DHS-ORS~~ employee whose action is being grieved must schedule and chair the Informal Resolution Conference at a time and date convenient to all parties. For grievances by a blind vendor, the chair shall be the Administrator of the Business Enterprise Program for the Blind or that vendor's~~person's~~ supervisor. The grievant must be notified of the name, address and telephone number of the DHS-DRS~~DHS-ORS~~ employee chairing the meeting. The Informal Resolution Conference~~informal resolution conference~~ shall be held in the local DHS-DRS~~DHS-ORS~~ facility unless, in the request, the grievant indicates that due to the grievant's disability the grievant cannot attend at the local DHS-DRS~~DHS-ORS~~ facility. In this case, the conference shall be held in the grievant's home.

f) During the Informal Resolution Conference the chair should:

1) initiate the conference with an opening statement explaining the purpose of the conference;

2) assist the parties in determining and clarifying the issues;

3) facilitate a fair and complete presentation and discussion of relevant information, both oral and written;

4) as appropriate, summarize the positions of the grievant and DHS-DRS~~DHS-ORS~~;

5) provide an opportunity to discuss settlement or agree on a course of

action; and

6) if no resolution is reached, assure the grievant is made aware of the next step of the appeal process.

g) The Informal Resolution Conference is concluded either with a mutually agreed upon resolution of the issue or some of the issues, or with the conclusion that the issues cannot be resolved and the grievance should proceed to hearing. At the conclusion of the informal resolution process, the DHS-DRS~~DHS-ORS~~ staff person chairing the conference shall reduce any mutually agreed upon resolutions to writing. The confirmation of the agreement must be signed by both the grievant and the chair. The confirmation must also include the agreement of the customer to withdraw the grievance on the agreed issues. The agreement should list all agreed issues and all outstanding issues. Unless circumstances prohibit, the agreement should be reduced to writing while all parties are still there. If all disputed issues are resolved, the parties should inform the Hearings Coordinator to withdraw the grievance.

h) Sessions held as a part of the Informal Resolution Conference~~informal resolution conference~~ shall be scheduled in a timely manner and shall not deny or delay the grievant's right to pursue resolution of the dispute through an impartial hearing held within the applicable time period set out in this Part or any other right under this Part.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.103 Mediation Process for the Vocational Rehabilitation Program

a) Every mediation pursuant to this Section is to be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. If deemed necessary by the assigned qualified and impartial mediator, parties to the Mediation Process may be required to sign a confidentiality pledge prior to commencement of the process.

b) The customer shall be informed of the availability of the Mediation Process each time the customer is advised of the right to appeal. The Mediation Process is available whenever a hearing concerning vocational rehabilitation services is requested under this Part.

c) The Mediation Process shall be voluntary on the part of the grievant and of DHS-DRS~~DHS-ORS~~ and shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The mediation may be terminated at any time by either party or by the mediator.

d) DHS-DRS~~DHS-ORS~~ shall maintain a list of qualified mediators who shall be knowledgeable in the laws and regulations relating to the provisions of vocational rehabilitation services. Mediators shall be selected from this list and assigned on a random basis by the Hearings Coordinator from the list of qualified mediators maintained by DHS-DRS~~DHS-ORS~~.

e) To request the assignment of a mediator to resolve the issues in dispute, the customer shall contact the Hearings Coordinator.

f) Sessions held as a part of the Mediation Process shall be scheduled in a timely manner and shall not deny or delay the grievant's right to pursue resolution of the dispute through an impartial hearing held within the applicable time period set out in this Part or any other right under this Part. Mediation sessions shall be scheduled by the mediator.

g) The mediation sessions shall be held at a reasonable date, time and location~~ that is mutually agreed upon~~.

h) The customer or, as appropriate, the customer's representative may submit evidence and information to support the position of the customer. The Department may also submit evidence and information that supports its position.

i) Any agreement reached by the parties during the mediation process shall be set forth in a written mediation agreement signed by both parties. The agreement must also include the agreement of the customer to withdraw the grievance on the agreed issues.

j) Nothing in this Section shall be construed to preclude the parties from informally resolving the dispute prior to proceedings under this Section.

k) The cost of the mediator shall be paid by DHS-DRS~~DHS-ORS~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 510.105 Conduct of Hearings

a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless requested to be so by the grievant.

b) Procedures set forth in the Code of Civil Procedure [735 ILCS 5], except as provided in subsection (g) of this Section, do not apply to the procedures contained in this Section.

c) The grievant must notify the DHS-DRS~~DHS-ORS~~ Hearings Coordinator of the appointment of a personal representative by filing, no later than three~~3~~ working days in advance of a hearing, a notice of appearance stating the personal representative's name, address and telephone number, identifying the grievant represented, and signed by the grievant. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the notice must be made no later than one~~1~~ working day in advance of the hearing. The notice must be accompanied by appropriate consent to the release of confidential information to the representative, if one is not already on file.

d) At least three~~3~~ working days prior to the hearing, the grievant and the DHS-DRS~~DHS-ORS~~ staff person who has taken the action being grieved must provide each other and the ~~Impartial~~ Hearing Officer with a list of witnesses, copies of documents not in the possession of the other party, and a summary of the evidence that they plan to present at the hearing. If the grievance pertains to the conduct of a customer of the adult residential training program for persons with visual disabilities, the information must be shared within one~~1~~ working day prior to the hearing.

e) All parties involved in the hearing must avoid repetitive continuances so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown be continued by the ~~Impartial~~ Hearing Officer. "Good cause" means death in the family, personal injury or illness that reasonably prohibits the grievant from attending the hearing, or sudden and unexpected emergency, or other circumstances beyond the grievant's control that reasonably prevents the grievant from attending the hearing. In the absence of an emergency, notice of the request must be given in writing to the other party and the ~~Impartial~~ Hearing Officer no later than three~~3~~ working days prior to the original hearing date. In the absence of an emergency, if the grievance pertains to the conduct of a customer of

the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the ~~Impartial~~ Hearing Officer no less than one~~1~~ working day prior to the original hearing date. ~~The granting of continuances for hearings arising from HSP shall be governed by DPA.~~

f) The grievant shall have the responsibility to prove by the preponderance of the evidence that the action or inaction by DHS-DRS~~DHS-ORS~~ was not in accordance with federal or State laws or regulations, against DHS-DRS~~DHS-ORS~~ policy, not in accordance with the grievant's IPE (89 Ill. Adm. Code 572) ~~or HSP Service Plan (89 Ill. Adm. Code 684),~~ or inappropriate for the customer. The ~~Impartial~~ Hearing Officer shall inform the grievant of this requirement at the beginning of the hearing.

g) Evidence

1) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed except that any relevant evidence not admissible under those rules of evidence that is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, has probative value, and is relevant and material to the facts and issues may be admissible.

2) DHS-DRS~~DHS-ORS~~ employees directly involved in the contested action will be present to testify and can be questioned by the grievant. However, if the person is no longer employed by DHS-DRS~~DHS-ORS~~ and declines to attend the hearing after DHS-DRS~~DHS-ORS~~ has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.

3) Only information bearing directly on the issue under review, pursuant to Section 510.20, may be introduced from the grievant's case file. The ~~Impartial~~ Hearing Officer may not consider any information that has not been made available to the other party.

4) Either party may present information and evidence in addition to the case file that must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing.

5) The grievant and DHS-DRS~~DHS-ORS~~ may call any person as a witness

and conduct examination and cross-examination.

6) The grievant and DHS-DRS~~DHS-ORS~~ may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.

h) The ~~following is the order of the~~ proceedings shall consist of the following elements:

1) presentation, arguments~~,~~ and disposition of all preliminary motions and matters;

2) opening statements;

3) evidence presented by the grievant;

4) evidence presented by DHS-DRS~~DHS-ORS~~;

5) rebuttal by either or both sides;

6) closing statements by the grievant;

7) closing statements by DHS-DRS~~DHS-ORS~~; and

8) rebuttal by grievant.

i) A hearing will not be adjourned until the ~~Impartial~~ Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

j) The ~~Impartial~~ Hearing Officer may take one of several courses of action in making a decision, which include, but are not limited to the following:

1) find in favor of the grievant;

2) uphold the determination or action of DHS-DRS~~DHS-ORS~~;

3) accept a withdrawal of the appeal confirmed in writing and signed by the grievant~~,~~ or, as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant that must be filed with the

Hearings Coordinator;

4) accept a settlement of the issues agreed to by the grievant and DHS-DRS,~~DHS-ORS~~ which shall~~must~~ include a written withdrawal of the appeal that shall~~must~~ be filed with the Hearings Coordinator.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 510.120 Exhaustion of Administrative Remedies

a) If the grievance pertains to the VR program, DHS-DRS~~DHS-ORS~~ administrative action becomes final:

1) at any time when a mutually agreed upon resolution is reached between DHS-DRS~~DHS-ORS~~ and the grievant; or

2) upon issuance of the hearing decision.

b) If the grievance pertains to the conduct of a customer at the adult residential training program for persons with visual disabilities, DHS-DRS~~DHS-ORS~~ administrative action becomes final:

1) seven~~7~~ working days after the date of the hearing decision, if no Associate Director's Review is performed; or

2) if an Associate Director's Review is performed, upon the decision of the Associate Director.

c) Any further appeal (other than by a vendor in the Business Enterprise Program for the Blind or by a grievant appealing sex equity or school records in DHS-DRS~~DHS-ORS~~ schools) must be made to the courts by common law writ of certiorari. A vendor in the Business Enterprise Program for the Blind must first file an appeal with the U.S. Department of Education in accordance with the Randolph-Sheppard Act (20 USC 107 et seq.). A grievance based on sex equity or school records must be filed with the State Board of Education.

d) Any decision under this Part shall be implemented when issued within the applicable time set out in Section 510.80. An appeal to a court shall not delay implementation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Program Definitions

2) Code Citation: 89 Ill. Adm. Code 521

3) Section Number: 521.20 — Proposed Action: Amendment

4) Statutory Authority: Illinois Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (i)]

5) A Complete Description of the Subjects and Issues involved: This rulemaking is necessary to update the definitions for hearings.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: 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 amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

217/785-9772

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 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 521
PROGRAM DEFINITIONS

Section
521.10 Purpose
521.20 Definitions

AUTHORITY: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 32 Ill. Reg. 10054, effective June 26, 2008; amended at 36 Ill. Reg. 6585, effective April 13, 2012; amended at 39 Ill. Reg. _____, effective _____.

Section 521.20 Definitions

"Act" means the Disabled Persons Rehabilitation Act [20 ILCS 2405].

"Advocacy" means pleading an individual's cause or speaking or writing in support of an individual that may include representation before public or private entities on the behalf of one's self, another individual or a group of individuals.

"Assistive Technology" means any item, piece of equipment, product or system, whether modified, customized or acquired commercially from the manufacturer or off the shelf, that is used to increase, maintain or improve the functional capabilities of an individual with a disability.

"Auxiliary Services" means services that reasonably accommodate a person with a disability and ensure equal access to service delivery (e.g., readers, interpreters, note-takers, computer assisted realtime captioning (CART), etc.). Auxiliary services may be necessary to assist a customer with the completion of a substantial service.

"Center for Independent Living" or "CIL" means a consumer-controlled, community based, cross-disability, nonresidential, private not-for-profit agency

that is designed and operated within a local community by individuals with disabilities and that provides an array of independent living services.

"Client Assistance Program" or "CAP" means a program funded under the federal Rehabilitation Act of 1973 (VR Act) (29 USC 701 et seq.) to provide assistance in informing and advising all customers and applicants of all available benefits under the VR Act and upon request of such a customer to assist in the customer's relationship with projects, programs and services provided by the VR Act. CAP services can include assistance and advocacy in pursuing legal, administrative or other appropriate remedies to ensure the protection of the customer's rights under the Act. CAP may also serve customers of the Home Services Program (see 89 Ill. Adm. Code 676).

"Comparable Benefit" means a service that is available at the time the service is needed by a customer and is used to determine eligibility (see 89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's Individualized Plan for Employment (IPE) (see 89 Ill. Adm. Code 572) that, when provided to DHS-DRS customers by a public or private agency or agencies other than DHS-DRS, offset costs that would otherwise be paid by DHS-DRS or the customer.

"Competitive Employment Outcome" means full-time or part-time work in the competitive labor market in an integrated setting, for which the customer is compensated with the customary wage and level of benefits, but not less than the minimum wage.

"Confidential Information" means all closed, active and future records and conversations (including Teletypewriter/Telecommunication Devices for the Deaf (TTY) and Nextalk) kept by DHS-DRS concerning the customer's program of services. Printouts from TTY conversations must be destroyed upon completion and documentation of the call.

"Customer" means a person who has requested, been referred for, is receiving, or has received any DHS-DRS services, including a student at a DHS-DRS school.

"Customer Financial Analysis" means a calculation using form IL 488-0265, developed by DHS-DRS to determine the customer and family financial participation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

"Customer Financial Participation" means the amount of money, as determined by the completion of the Customer Financial Analysis, that a customer or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer or his or her family wishes to contribute to the cost of services.

"Dependent" means an individual who receives half or more of his or her normal living expenses from his or her family. When a dependent customer is receiving training services at a post-secondary institution, the customer may retain dependent status up to the age of 24.

"DHS" means the Illinois Department of Human Services.

"DHS-DRS" means the Illinois Department of Human Services-Division of Rehabilitation Services.

"Director" means the Director of the Division of Rehabilitation Services.

"Employee" means any person employed by DHS-DRS to participate in the delivery of DHS-DRS programs. The term shall also include supervisory level personnel and others in management positions.

"Extended Period of Time" means a period of at least six months or longer.

"Extended Services" means services that are needed over an extended period of time to maintain a customer with a most significant disability who had participated in the Supported Employment Program. Extended services include both paid and unpaid services.

"Family", for purposes of identifying individuals included in the family when completing the Customer Financial Analysis, shall include the customer and all other family members. A family member is anyone who resides in the same household and is related to the customer by blood or marriage or has a close interpersonal relationship with the customer.

"Financial Contribution" means the amount of DHS-DRS' payment for services that are needed to determine eligibility or to assist in achieving an employment outcome.

"Financial Participation" means the amount of money, as determined by the completion of the Customer Financial Analysis, that a customer or the customer's family must contribute to the cost of services, and the amount of any voluntary contributions the customer or the customer's family wishes to contribute to the cost of services.

"Grievant" means any customer, or licensed vendor as specified in 89 Ill. Adm. Code 650 (Vending Facility Program for the Blind), who has been aggrieved by any action or inaction by DHS-DRS.

"Guardian" means the person appointed by a court as the guardian of the person of a minor or an adult.

"Hearing" means an administrative hearing of the appeal of the grievant as set forth in 89 Ill. Adm. Code 510.105, 595.10 and 650.130 and presided over by a~~an Impartial~~ Hearing Officer.

"Hearings Coordinator" means the DHS Chief, Bureau of~~ Administrative~~ Hearings, or the Chief's designee, who is responsible for communicating with the appellant~~grievant~~ about the appeal requests, docketing and scheduling hearings, and coordinating the appointment of~~ Impartial~~ Hearing Officers.

"~~Impartial~~ Hearing Officer" means the individual appointed to conduct the hearing (see 2 Ill. Adm. Code 1177.10~~89 Ill. Adm. Code 510.90~~).

"Inaction" means the failure of DHS-DRS to act within the time lines specified by the program rules.

"Income" means all earned and other income from all sources, including all types of public support; wages, tips, disability payments, Worker's Compensation, interest or dividends from investments, savings, trust funds, certificates of deposit, etc.; child support, spousal support, income from rental and leased property; and private sources. The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall not be considered as income for the purpose of completion of the Customer Financial Analysis, unless those assets have been established for the support or training of the customer. Income from all family members, 19 and older, will be included in the completion of the customer financial analysis.

"Independent Living Core Services" means the minimum services an organization must provide to be considered a CIL. These services are information and referral services, independent living skills training, peer counseling, including cross-disability peer counseling, and individual and system advocacy.

"Independent Living Plan" or "ILP" means a written plan that outlines the Independent Living Services that are to be provided to a customer determined eligible to receive Independent Living Services. The ILP must be jointly developed by the CIL and the customer, who will receive Independent Living Services. An ILP must be developed for each customer who receives Independent Living Services unless the customer specifically signs a statement waiving his or her rights to have an ILP.

"Independent Living Services" means services in addition to the Independent Living Core Services provided by a CIL that DHS would take into consideration when approving funding or continued funding for a CIL.

"Industry Recognized Credential" means a certificate, license or other documentation indicating that an individual has completed training that allows him or her to engage in a particular occupation.

"Informal Resolution Conference" means an attempt to informally resolve an appeal by the grievant and DHS-DRS, as set forth in 89 Ill. Adm. Code 510.100.

"Informed Choice" means an interactive process between DHS-DRS and the customer that provides sufficient, objective information and options that are designed to empower the customer in selecting services, providers and outcomes.

"Integrated Setting" means a setting typically found in the community in which customers interact with non-disabled individuals other than individuals who are providing service to the customer. With respect to an employment outcome, an integrated setting means a setting typically found in the community in which the customer interacts with non-disabled individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

"Job Coaching" means a method of providing ongoing support services through the use of a worker known as a "job coach" who is present with the customer at

the job site. These workers provide a variety of training, monitoring and support functions to customers receiving supported employment services.

"Mediator" means an individual who is qualified in mediation and knowledgeable of the laws and regulations relating to the provision of vocational rehabilitation services.

"Natural Supports" mean unpaid assistance provided in the work setting to a customer receiving supported employment services.

"Normal Living Expenses" means housing, food that is purchased for preparation and consumption at home, clothing and utilities.

"On-the-Job Evaluation" means the methods and determinations used to evaluate whether a customer has the capabilities to perform work tasks relevant to his or her~~their~~ ability to achieve an employment outcome.

"On-the-Job Training" means specific skills training provided at an employment site to a customer who has demonstrated the ability to perform the duties associated with the specific job title.

"Ongoing Support Services" means support services that are provided over a time-limited period that are designed to assist a customer with a most significant disability to maintain employment in a supported employment setting. Ongoing support services are provided in accordance with a support reduction schedule as described in the customer's IPE.

"Order of Selection" means the process that determines the priority in which customers are served, based on the categories listed in 89 Ill. Adm. Code 553.130.

"Parent" means either a natural or adoptive parent, except those whose parental rights have been terminated voluntarily or by order of a court, or otherwise restricted by order of a court.

"Personal Assistant" or "PA" means an individual employed to assist an individual with a disability to perform daily living activities that the individual would typically perform without assistance if the individual did not have a disability.

"Personal Representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings of a hearing.

"Physical & Mental Restoration" means medical or medically-related rehabilitation and therapeutic services that are likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

"Placement" means services necessary to assist a customer in obtaining employment in his or her chosen occupational area. Placement services shall include, but not be limited to: interviewing skills training; resume preparation; interview preparation; referral to other agencies and prospective employers; and identification of prospective employers.

"Post-employment Services" means a VR service provided to a customer, not lasting more than six~~6~~ months, to maintain, regain or advance in employment.

"Post-school Activities" means vocationally oriented activities undertaken by a customer or student after he or she leaves the secondary education system. These activities may include: post-secondary education; vocational training; integrated employment, including supported employment; continuing and adult education; VR services; and community participation.

"Proof of Income" means the portion of the most recent tax return that contains the adjusted gross income and the signature of the person submitting the return. Proof of income must be provided for each individual included in the definitions of "family" and "income" in this Section. An estimated annual income will be calculated based on current wage records if an annual federal tax return has not yet been completed or if the financial status has significantly changed since the last submitted tax return.

"Rehabilitation Closure" means a closure taken on a customer's case when he or she was provided substantial services over an extended period of time that enabled the customer to achieve a successful employment outcome.

"Rehabilitation Services Administration" or "RSA" is a division under the U.S. Department of Education that administers the federal VR program.

"Rehabilitation Technology" means systematic application of technologies, devices and services to meet the needs of people with disabilities and to address the barriers confronted by them.

"Representative" means an attorney, CAP representative or other individual designated by the customer who is authorized to act on the customer's behalf.

"Schools" means the three State Schools operated by DHS-DRS: the Illinois Center for Rehabilitation and Education-Roosevelt, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.

"Secondary Transitional Experience Program" or "STEP" means a program of transition services provided through cooperative agreement of DHS-DRS and a Local Educational Agency (LEA).

"Self-employment" means a customer working for himself or herself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.

"Services" means the services provided by and through DHS-DRS to customers of the Vocational Rehabilitation program as described in 89 Ill. Adm. Code 590 (Services).

"Standard Budget Allowance" or "SBA" means a figure equal to 70% of the State Median Income established by the Office of Community Programs of the U.S. Department of Health and Human Services that are published annually in the Federal Register.

"State Plan for Independent Living" means the plan jointly developed by DHS and the Statewide Independent Living Council (SILC) (see 89 Ill. Adm. Code 515) and approved by the Director and the Chairperson of SILC, which is submitted for review and approval by RSA. The State Plan includes outlines for services, goals and objectives of the DHS-DRS Independent Living Program, as well as the plan for Independent Living Services throughout the State, and is the basis for Part B Funds received from RSA.

"Statewide Independent Living Council" or "SILC" means the council established pursuant to the VR Act and the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a] and governed by 89 Ill. Adm. Code 515.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

"Substantial Services" means services such as training, restoration and/or placement that, when provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual.

"Successful Outcome" means, with respect to a customer:

entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

satisfying the vocational outcome of supported employment; or

satisfying any other vocational outcome recognized by RSA.

"Support Reduction Schedule" means a planned method of gradual reduction in the amount of ongoing support services provided to a customer receiving supported employment services. The purpose of the support reduction schedule is to reduce reliance on supports during the course of the customer's participation in supported employment services to the greatest degree possible while maintaining the customer in employment, and to assist the customer in making a transition to extended services.

"Support Services" means non-disability related services (e.g., tutors, transportation, books and supplies, etc.) needed to assist in the completion of a substantial service required to obtain the employment outcome.

"Supported Employment" means competitive employment in an integrated setting with ongoing support services for customers with the most significant disabilities:

for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of their disability; and

who, because of the nature of their disabilities, need intensive supported employment services in order to perform this work.

"Supported Employment Services" means ongoing services needed to support and maintain an individual with the most significant disability in supported employment. These services are provided for a period of time not to exceed 18

months, unless, under special circumstances, the time is extended to achieve the rehabilitation objectives identified in the IPE.

"Time-limited Services", in the context of supported employment services, means services that are provided for a period of no more than 18 months in accordance with a support reduction schedule. Under special circumstances this time period may be extended with the agreement of the customer and the counselor when an extension is needed to achieve the employment outcome.

"Transition" means a coordinated set of services for a customer or student, usually enrolled at the secondary education level, designed to promote movement from school to employment.

"Transitional Employment" means a series of temporary job placements in competitive work, in an integrated work setting with ongoing support services for individuals with the most severe disabilities due to mental illness.

"Un-served" or "Under-served" means groups or populations of individuals with severe disabilities living in the State that are not receiving sufficient services.

"Unusual Allowable Expenses" as related to the completion of the customer financial analysis, are expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services. These costs are currently being paid by the customer or customer's family and are not paid for through insurance or any other source. Cost associated with another family member attending post-secondary education, which is currently- paid by the family, shall also be included as an Unusual Allowable Expense. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation of each expense.

"VR Act" means the federal Rehabilitation Act of 1973 (29 USC 701 et seq.).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Racing Rules

2) Code Citation: 11 Ill. Adm. Code 1318

3) Section Number: 1318.90 Proposed Action: Amendment

4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

5) A Complete Description of the Subjects and Issues Involved: The Board recognizes that the use of the whip is a necessary tool in harness racing. Illinois is the only major racing jurisdiction that does not restrict one- handed whipping in harness racing. At any time during the running of the race, harness drivers in Illinois can put both lines in one hand and whip with one hand, unrestricted.

This proposed rulemaking will help ensure the welfare of the horse and promote the safety of the racing participants. Drivers shall keep a line in each hand from the start of the race until the beginning of the open stretch. One-handed whipping from the beginning of the open stretch to the finish of the race is restricted to elbow and wrist action only. The whipping arm shall not be raised above shoulder height or behind the driver. This proposed rulemaking also increases existing penalties for whip rule violations.

6) Published studies or reports and sources of underlying data used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule 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 in this Part? No

11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

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 which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND~~ LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10 Racing Conduct
1318.20 Complaints
1318.30 Disqualification of Entries
1318.40 Penalties
1318.50 Unsatisfactory Driving
1318.60 Driver Substitution
1318.70 Failure to Finish
1318.80 Improper Conduct
1318.90 Use of the Whip
1318.100 Goading Devices (Repealed)
1318.110 Accidents
1318.120 Use of Hopples
1318.130 Breaking
1318.140 Breaking on Purpose
1318.150 Call Out Breaks
1318.160 Right of Course
1318.170 Penalties
1318.180 Harness Tracks Without a Continuous Hub Rail
1318.190 Open Stretch Racing

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043,

effective September 1, 2005; amended at 30 Ill. Reg. 9188, effective May 1, 2006; amended at 34 Ill. Reg. 2324, effective January 27, 2010; amended at 35 Ill. Reg. 8500, effective May 23, 2011; amended at 39 Ill. Reg. _____, effective _____.

Section 1318.90 Use of the Whip

a) Drivers will be allowed whips not to exceed 4 feet in total length plus a snapper not longer than 6 inches. All whips are subject to inspection and measurement by the Board. Whips shall not be modified and snappers shall not be knotted.~~Alteration of whips, in any manner, shall be considered a violation of this Section.~~

b) Whipping below the shafts, including but not limited to the stifle area, is prohibited.

c) The following actions shall be considered as~~include, but not limited to,~~ excessive and/or abusive:

1) Whipping a horse during a post parade, scoring down, or after the finish of a race, except when necessary to control the horse;

2) Use of the~~ butt end of the~~ whip as a poking or goading device;

3) Striking any part of the horse under the tail ~~and/~~or between the legs;

4) Whipping a horse that is not advancing or is out of contention~~no longer in contention and showing no response to the whip~~;

5) Causing visible injury; or~~and~~

6) Use of any object or stimulating device~~ and/or application~~.

d) Whipping a horse during the race, when it is necessary to control the horse, shall not be considered excessive and/or abusive.

e) Drivers shall keep a line in each hand from the start of the race until the beginning of the open stretch. One handed whipping from the beginning of the open stretch to the finish of the race is restricted to elbow and wrist action only. The whipping arm shall not be raised above shoulder height or behind the driver. One-handed

whipping shall be prohibited entering the stretch the first time on a ½ mile racetrack.

f~~d~~) Penalties
~~1)~~Penalties for violation of any of the provisions of this Section are as follows:

1~~A~~) 1st offense − minimum fine of $200 to a maximum fine of $500~~$100 fine~~;

2~~B~~) 2nd offense within a 365 day period after the 1st offense − minimum fine of $400 to a maximum fine of $1,000~~$300 fine~~;

3~~C~~) 3rd offense within a 365 day period after the 1st offense − minimum fine of $1,000~~$500 fine~~ and a 7~~3~~ day suspension;

4~~D~~) For a 4th or subsequent offense within a 365 day period after the 1st offense − minimum fine of $2,000~~$1,000 fine~~ and a 10~~5~~ day suspension.

~~2)~~ ~~Subsequent offenses shall be referred to the Board for determination of penalties.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3)

Section Numbers:	Proposed Actions:
1.20	Amendment
1.70	Amendment
1.97	New Section
1.100	Amendment
1.210	Amendment
1.240	Amendment
1.420	Amendment
1.440	Amendment
1.442	Amendment
1.540	New Section
1.660	Amendment
1.705	Amendment
1.790	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: An explanation of the proposed amendments is presented below in the order in which the provisions appear in the rulemaking.

Section 1.70(d) (Graduation Cohort): Under the federal Elementary and Secondary Education Act (ESEA), each state must include in its measure of annual yearly progress ("AYP") a graduation rate that represents the percentage of students who graduate from secondary schools with a regular diploma in the "standard number of years". In order to provide a "uniform and accurate measure" of the rate at which students graduate – both within a state and across the country – federal regulations require states to calculate their graduation rate using an "adjusted cohort", i.e., the number of students who enter grade 9 for the first time in a particular school year and any students who transfer into the group, or cohort, later in grade 9 and over the next three years, minus any students who are removed from the cohort due to transfers out of the school, emigration to another country, or death.

Although requirements for determining the adjusted cohort graduation rate are set forth in ESEA guidance, the agency also must determine the date upon which a first-time, grade 9

cohort for a graduating class is established in order to comply with the federal mandate. For purposes of determining both a four-year graduation rate, and a five-year extended-year graduation rate, any student entering grade 9 between the start of a specific school year and October 1 of that school year will be placed into the graduating class cohort to be used to determine the graduation rate for that class.

New Section 1.97 (Survey of Learning Conditions): PA 98-648, effective July 1, 2014, amended Section 2-3.153 of the School Code to authorize the State Superintendent of Education to identify alternate instruments that school districts may choose to use to gauge learning conditions and school climate in lieu of using the 5Essentials Survey instrument. In accordance with the requirements of Section 2-3.153 of the School Code, the State Board identified the 5Essentials Survey, first administered in the 2013-2014 school year, as the instrument school districts would biennially administer to students and teachers, provided that sufficient state funding is available to cover the cost of the survey's administration. The 2013-14 survey not only established a statewide baseline, but also provided an opportunity for educators to provide feedback about the 5Essentials Survey process going forward.

New Section 1.97 generally sets forth deadlines and conditions for complying with the statute. Subsection (g) discusses the alternate survey that districts may use at their "sole cost and expense". Finally, subsection (h) identifies the process that will be used (when state appropriations are insufficient for statewide administration) to identify the low-performing schools that will be required to participate in the survey's administration, as well as how a "representative sample" of other school districts will be identified.

Section 1.420(h)(3) (Kindergarten Individual Development Survey (KIDS)): In response to its request for federal Race to the Top—Early Learning Challenge funding, the State Board piloted and implemented on a limited basis the Kindergarten Individual Development Survey, or KIDS. Under rules adopted in 2012, full implementation of KIDS by districts with full- or half-day kindergarten programs was to begin in the 2015-16 school year.

Over the last year, however, school administrators, teachers and others have expressed concerns to Early Childhood staff about implementing KIDS in the fall. As a result of these discussions, staff are proposing a revised implementation schedule that will allow for training to begin in the fall, a choice of full or limited implementation in the 2016-17 school year, and full implementation by all school districts in the 2017-18 school year.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

New Section 1.540 (epinephrine auto-injectors): PA 98-795, effective August 1, 2014, amended Section 22-30 of the School Code, in part, to authorize (but not require) the administration of an epinephrine auto-injector by school nurses (as that term is defined in Section 22-30) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an anaphylactic reaction". In such cases, the epinephrine auto-injector is "undesignated", meaning it is not prescribed to a particular individual.

Rather than creating new requirements, the proposed rules at Section 1.540 flesh out the process for the use of undesignated epinephrine auto-injectors by school nurses or trained personnel. The proposed Section addresses parental notification, availability of a school nurse or trained personnel to administer the undesignated epinephrine auto-injectorion, training and reporting.

Other changes being proposed in:

Sections 1.100 (waiver process) and 1.210 (school board member training) recognize a new independent authority that may be appointed under Section 2-3.25f-5 of the School Code [105 ILCS 5/2-3.25f-5], per PA 98-1155, effective January 9, 2015;

Section 1.440 (requirements for high schools) acknowledge the requirement contained in PA 98-885, effective August 15, 2014, that an Advanced Placement computer science course qualifies as a "mathematics-based, quantitative course for purposes of the fulfillment of State graduation requirements in mathematics", and, along with Section 1.442 (biliteracy), note the recodification of the Seal of Biliteracy from Section 2-3.157, as was initially enacted, to Section 2-3.159 of the School Code [105 ILCS 5/3-2.159];

Section 1.660 implement the provisions of PA 98-716, effective July 16, 2014, that aligns tuberculosis screening for certain employees to the rules of the Illinois Department of Public Health rather than requiring a screening be conducted 90 days before employment begins; and

Section 1.790 (substitute teachers) clarify that a person who holds a valid and active educator license and a bachelor's degree – regardless of whether the issuance of the license requires completion of a bachelor's degree – may serve as a substitute teacher without having to also apply for and receive a substitute teaching license.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes; see Sections 1.420(s) and 1.440.

10) Are there any other 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 of the publication of this Notice to:

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

217/782-5270
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 2015

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Licensure Information System (ELIS)
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
1.90 System of Rewards and Recognition − The Illinois Honor Roll
1.95 Appeals Procedure
1.97 Survey of Learning Conditions
1.100 Waiver and Modification of State Board Rules and School Code Mandates
1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Licensed Educators
1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

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

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 Home and Hospital Instruction
1.530 Health Services

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1.540 Undesignated Epinephrine Auto-injectors~~Pupil Personnel Services (Repealed)~~

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Paraprofessionals; Other Unlicensed Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for School Support Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Certification Quick Reference Chart (Repealed)
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.157, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006;

amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part or Section 22-60 of the School Code and Section 1.110 of this Part.

1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent. For the purposes of this Part, references to "regional superintendent of schools" shall be understood to include the chief administrator of the Intermediate Service Centers established in that portion of Cook County located outside of the City of Chicago. (See 105 ILCS 5/3-0.01.)

2) No later than October 15 of each year, each regional superintendent of

schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.

3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.

b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall assign a recognition status for each school and for each district as a whole, which will be posted on the Illinois State Board of Education's website at http://www.isbe.net/recognition/default.htm. In each case, the recognition status assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".

1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.

2) A school or district shall be placed on probation if it:

A) exhibits deficiencies that present a health hazard or a danger to students or staff;

B) fails to offer required coursework;

C) employs personnel who lack the required qualifications and who are not in the process of attaining these~~such~~ qualifications;

D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or

E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:

A) are not serious enough to warrant probation as delineated in subsection (b)(2)~~ of this Section~~; and

B) may be corrected prior to the end of the school year following the school year in which they were identified.

4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B)~~ of this Section~~.

c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. Any change in status that may occur during the subsequent school year will be posted in accordance with subsection (b)~~ of this Section~~ no later than 30 days after the change in status is determined.

d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.

e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f)~~ of this Section~~.

1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of

education as evidence that the board adopted a resolution authorizing its submission.

2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.

f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:

1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;

2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and

3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

g) If a district's plan is not approvable under subsection (f)~~ of this Section~~, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".

h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".

i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within

15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)

1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.

2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.

j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1.70 Additional Indicators for Adequate Yearly Progress

The indicators discussed in this Section shall apply to all subgroups represented in a school or district as well as to each school or district in the aggregate.

a) The graduation rate that is required for adequate yearly progress (AYP) in high schools shall increase from the original baseline of 65 percent for the 2002-03 school year according to the following schedule:

1) For 2003-04, 66 percent;

2) For 2004-05, 67 percent;

3) For 2005-06, 69 percent;

4) For 2006-07, 72 percent;

5) For 2007-08, 75 percent;

6) For 2008-09, 78 percent;

7) For 2009-10, 80 percent;

8) For 2010-11, 82 percent;

9) For 2011-12, 84 percent;

10) For 2012-13 and for 2013-14, 85 percent.

b) The attendance rate that is required for AYP in elementary or middle schools shall increase from the original baseline of 88 percent for the 2002-03 school year according to the following schedule:

1) For 2003-04, for 2004-05, and for 2005-06, 89 percent;

2) For 2006-07, for 2007-08, and for 2008-09, 90 percent;

3) For 2009-10, for 2010-11, and for 2011-12, 91 percent;

4) For 2012-13 and for 2013-14, 92 percent.

c) A district that includes both high schools and elementary or middle schools shall be required to reach both the targeted graduation rate among its high school students and the targeted attendance rate among its elementary or middle school students in order to achieve AYP for any given year.

d) The "beginning cohort" for purposes of calculating the adjusted four-year and five-year extended year graduation rates, in accordance with 20 USC 6301 et seq. and 34 CFR 200.19 (2011), shall be the number of students who are entering grade 9 for the first time starting at the beginning of a given school year and continuing until October 1 of that year.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 1.97 Survey of Learning Conditions

In accordance with Section 2-3.153 of the School Code [105 ILCS 5/2-3.153], each school district shall *administer, at least biennially*, a survey *instrument in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education.* The purpose of the survey is to *publicly report on selected indicators of learning conditions* in Illinois schools. The State Superintendent of Education shall identify the survey to be used for statewide administration according to the requirements set forth in Section 2-3.153 of the School Code.

a) Each school with students in any of grades 6 through 12 shall administer a survey to teachers and students in those grade levels no sooner than January 1 nor later than March 31, according to the schedule established under subsection (b). The State Superintendent of Education shall identify the survey to be used and post the specific dates of the survey's administration by September 1 annually at http://www.isbe.net/5essentials/default.htm. For the purposes of this Section:

1) "Teacher" means any individual who holds an educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] and whose primary responsibility is to provide instruction to students at any grade level of prekindergarten through grade 12 for more than 50 percent of the school day or school year. "Teacher" does not include paraprofessional educators, substitute teachers, tutors, instructional coaches who do not meet the criteria specified in this subsection (a)(1), or student teachers.

2) "School" includes any alternative school established by the school district, including Alternative Learning Opportunity Programs authorized under Article 13B of the School Code [105 ILCS 5/Art. 13B] operated at a location other than one of the district's schools.

b) The State Superintendent shall identify the school districts required to administer the survey in any given year to ensure that none is required to participate more than once every other year; however, school districts may choose to administer the survey annually.

c) A school district shall not require a student or teacher to participate in the survey nor respond to each question on the survey; however, at least 50 percent of the

teachers in a school must submit a survey in order for the school district to receive results.

d) Schools with fewer than eight teachers shall administer the survey to their student population only.

e) Survey results shall be used to meet the requirements of Section 10-17a(2)(E) of the School Code [105 ILCS 5/10-17a(2)(E)] regarding reporting, on the State and district school report cards, *2 or more indicators from any school climate survey*. School districts using a survey instrument identified under subsection (g), or those districts choosing to survey parents, shall submit the results to the State Superintendent of Education no later than August 1 for inclusion on the school report cards.

f) For purposes of Section 24A-20 of the School Code, the survey required under Section 2-3.153 of the School Code and this Section shall be the instrument to be used *to provide feedback to principals on the instructional environment within a school* (Section 24A-20 of the School Code). A school district may incorporate results from the survey into the principal evaluation rubric or instrument required under 23 Ill. Adm. Code 50.320 (Professional Practice Components for Principals and Assistant Principals).

g) *A school district may elect to use, on a district-wide basis and at the school district's sole cost and expense, an alternate survey of learning conditions instrument pre-approved by the State Superintendent.* (Section 2-3.153(b) of the School Code)

1) The State Superintendent shall post annually the survey instruments authorized under this subsection (g) no later than July 1 at http://www.isbe.net/5essentials/default.htm.

2) Any school district wishing to use a survey instrument authorized under this subsection (g) shall submit a form developed for this purpose and posted at http://www.isbe.net/5essentials/default.htm to the State Superintendent no later than August 1. The form shall state, at a minimum, the requirements for and conditions of administering a survey instrument authorized under this subsection (g) that are stipulated at Section 2-3.153(b) of the School Code.

3) A school district's failure to submit the form required under subsection (g)(2) shall result in the district's being required to use the survey identified for statewide administration and posted at http://www.isbe.net/5essentials/default.htm.

h) *If in any year the appropriation to the State Board of Education is insufficient for the State's costs associated with statewide administration of the instrument, the State Board of Education shall give priority to districts with low-performing schools and a representative sample of other districts.* (Section 2-3.153 of the School Code) For the purposes of this subsection (h), "low-performing schools" are those school districts that meet the criteria set forth at Section 2-3.25d of the School Code. The State Superintendent of Education shall identify additional school districts for purposes of administering the survey based upon factors such as demographics, economics and geographic location.

1) Not later than July 1, the State Superintendent of Education shall notify each low-performing school and each other school district selected as part of the "representative sample" of the requirement to administer the survey.

2) Within 15 calendar days after receiving the notification required under subsection (h)(1), a school district selected as part of the representative sample may petition the State Superintendent to be excused from the survey administration. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the survey. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 calendar days after it is received.

(Source: Added at 39 Ill. Reg. _____, effective _____)

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

a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], an eligible applicant, as defined in 2-3.25g(a), or *any Independent Authority established under Section 2-3.25f-5 of the School Code*~~a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], *a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education* or the governing board of an~~

~~Intermediate Service Center~~ may petition for:

1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

2) General Assembly approval of waivers of School Code mandates, which may be requested only to stimulate innovation or improve student performance.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.

1) Waivers from State Board rules or School Code mandates pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)] are not permitted.

A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement ESEA shall include all requirements for:

i) the entities to be held accountable for the achievement of their students;

ii) the participation of students in the various forms of the State assessment;

iii) the timing of administration of the State assessment;

iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;

v) the use of indicators other than test scores in determining the progress of students;

vi) the required qualifications of paraprofessional educators~~paraprofessionals~~;

vii) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;

viii) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;

ix) the appointment of school or district improvement panels for schools or school districts on academic watch status;

x) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and

xi) the appeals process set forth in Section 1.95~~ of this Part~~, and the authority of the State Board of Education to make final determinations on these appeals.

B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code [105 ILCS 5/Art. 24A], are not permitted and *on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate* (Section 2-3.25g(b) of the School Code).

2) Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested.

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

1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by

contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.

2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.

4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:

A) the intent of the rule or mandate to be achieved;

B) the manner in which the applicant will meet that intent;

C) how the manner proposed by the applicant will be more effective, efficient or economical; and

D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.

6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the

request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.

9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional superintendent.

10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.

d) Each applicant must attach to the application a dated copy of the notice of the public hearing that was published in a newspaper of general circulation, a dated copy of the written notifications about the public hearing provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, and a dated copy of the notice of the public hearing posted on the applicant's website, each of which must comply with the requirements of Section 2-3.25g of the School Code.

e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.

g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application's return as ineligible for consideration.

2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.

3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1)~~ of this Section~~ shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies.

h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:

1) is not based upon sound educational practices;

2) endangers the health or safety of students or staff;

3) compromises equal opportunities for learning; or

4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Division, 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

j) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3)~~ of this Section~~.

k) The State Superintendent of Education shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL GOVERNANCE

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code

Entities that offer professional development activities, such as training organizations, institutions, regional offices of education, firms, professional associations, teachers' unions, and universities and colleges, may apply to the State Board of Education for approval to conduct leadership training activities for members of Illinois boards of education or Independent Authorities established under Section 2-3.25f-5 of the School Code in each of the topics specified in Section 10-16a of the School Code [105 ILCS 5/10-16a].

a) Except as provided in subsection (b) ~~of this Section~~, each entity wishing to receive approval to offer the leadership training required under Section 10-16a of the School Code shall submit an application on a form supplied by the State Board of Education. An entity shall submit the application to the State Board of Education any time between March 1 and May 1 of each even-numbered year. Any application received after May 1 shall not be considered for that approval cycle. Each entity shall provide:

1) a description of the intended offerings in each of the required areas;

2) the qualifications and experience of the entity and of each presenter to be assigned to provide the leadership training, which shall include evidence of a presenter's specific skills and knowledge in the area or areas in which he or she will be assigned;

3) the mode of delivery of the professional development (e.g., in-person instruction, distance-learning); and

4) assurances that the requirements of subsection (c) ~~of this Section~~ will be met.

b) An organization that has one or more affiliates (e.g., regional offices, local chapters) 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 removed from the list of approved providers.

4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Section.

c) Each entity approved to provide leadership training under this Section shall:

1) verify attendance at its training activities, provide to participants a written confirmation of their completion of the training, and require participants to complete an evaluation of the training; and

2) maintain attendance and evaluation records for each event or 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) The State Superintendent of Education, in consultation with the Illinois Association of School Boards (IASB), shall respond to each application for approval no later than 30 days after receiving it.

f) An entity shall be approved to offer leadership training if the entity's application presents evidence that:

1) the leadership training that it sponsors or conducts will be developed and presented by persons with education and experience in the applicable areas to which they will be assigned; and

2) the proposed training meets the requirements of Section 10-16a of the School Code.

g) The State Board of Education shall post on its website at www.isbe.net the list of all approved providers. The website also shall indicate that the IASB is

authorized under Section 10-16a(c) of the School Code to provide leadership training.

h) Approval as a provider shall be valid for two calendar years (i.e., January 1 through December 31). To request renewal of approval, a provider shall submit a renewal application on a form supplied by the State Board of Education, within the timeframe specified in subsection (a)~~ of this Section~~, and containing:

1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred;

2) evidence that the material to be used in the renewal cycle conforms to current statute, rules and procedures of the State Board of Education; and

3) copies of the evaluations of the training that participants completed during the last approval period.

i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h)~~ of this Section~~, provided that the State Superintendent has received no evidence of noncompliance with the requirements of this Section.

j) The State Board of Education may evaluate an 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 leadership training, which the State Board may, at its discretion, monitor at any time. In the event an evaluation indicates that the requirements have not been met, the State Board of Education, in consultation with IASB, may withdraw approval of the provider.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1.240 Equal Opportunities for all Students

a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).

b) No school system may *exclude or segregate any pupil*, or discriminate against any pupil on the basis of *his or her* ~~*color,*~~ *race, color*~~*nationality*~~*, religion, sex, national origin*~~*sexual orientation*~~*, ancestry, age, marital status, or physical or mental disability, sexual orientation, pregnancy* [775 ILCS 5/1-102(A)], gender identity, *or status of being homeless* [105 ILCS 45/1-5 and 42 USC 11434a(2)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements. No school district shall impose requirements for enrollment more restrictive than those established under relevant Illinois and federal law. For example, no school system shall require court-ordered guardianship when an individual enrolling a student meets the legal custody requirements of Section 10-20.12b(a)(2)(iv) or (v) of the School Code [105 ILCS 5/10-20.12b(a)(2)(iv) or (v)], and each school system shall immediately enroll and serve homeless children without requiring the provision of any documentation, in accordance with the Illinois Education for Homeless Children Act [105 ILCS 45] and the McKinney-Vento Homeless Education Assistance Act [42 USC 11434].

c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence,

on line, or from other external sources, that can be disseminated to other schools within the State.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions~~,~~ and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting~~,~~ and evaluating supervisory and inservice programs.

f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.

A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.

B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) ~~of this Section~~.

D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.

A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.

B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.

C) All teachers hold educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas of instruction is held by all teachers.

4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

A) the name of the building that is being recommended for closure;

B) the specific public health emergency that warrants the closure; and

C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].

g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code

[105 ILCS 5/10-20.19a and 10-22.18]).

1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

   A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

   B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

   C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually to each student enrolled in kindergarten, ~~beginning in the 2015-16 school year~~except as otherwise provided under this subsection (h)(3). A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration or access to~~and establishment of a~~ professional development~~ system~~ for teachers and administrators.

A) For the purpose of this subsection (h)(3), "measure of school readiness" addresses, at a minimum, the five essential school readiness domains of:~~A school district may be asked to participate in a limited statewide implementation of KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the limited statewide implementation not later than July 1.~~

i) language and literacy development;

ii) cognition and general knowledge (to at least include mathematics);

iii) approaches toward learning;

iv) physical well-being and motor development; and

v) social and emotional development.

B) Each school district shall report electronically the results of the observations conducted and evidence collected as part of KIDS twice each school year (i.e., 40 days after the start of the school year and 170 days after the start of the school year). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a kindergarten classroom at least 30 days before the date on which the data is required to be reported.~~Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.~~

C) By October 15, 2015, each school district shall provide to the State Superintendent of Education, using a form prescribed for this purpose, the information required under this subsection (h)(3)(C).

i) The name, title, email address and telephone number for the administrator who the school district designates to serve as the KIDS coordinator. The person so designated shall hold a professional educator license endorsed in an administrative field pursuant to 23 Ill. Adm. Code 25.Subpart E (Requirements for Licensure of Administrative and Supervisory Staff) or for supervision pursuant to 23 Ill. Adm. Code 25.497 (Supervisory Endorsements).

ii) The current status of the school district's implementation of KIDS, as applicable.

iii) Information regarding the school district's use of assessments other than KIDS on a districtwide basis that measure school readiness, as that term is defined in subsection (h)(3)(A).

D) Each KIDS coordinator designated under subsection (h)(3)(C) shall participate in a KIDS orientation training sponsored by the State Board of Education during the 2015-16 school year.

E) For the 2016-17 school year only, a school district may choose to conduct a limited implementation of KIDS or a full implementation of KIDS. A school district choosing to conduct a limited implementation shall notify the State Superintendent of its intent by May 1, 2016. School districts that fail to submit the required notification by May 1, 2016 shall fully implement KIDS, as required under subsection (h)(3)(F). For the purposes of this subsection (h)(3)(E), "limited implementation" shall be either:

i) reporting the data required under subsection (h)(3)(B) for each student enrolled in kindergarten that at least addresses the domains of social and emotional development, language

and literacy development, cognitive development for mathematics and, additionally for English learners, English language development; or

ii) reporting the data required under subection (h)(3)(B) for at least 30 percent of students enrolled in each kindergarten classroom for each domain listed in subsection (h)(3)(A) and, additionally for English learners, English language development.

F) Beginning in the 2017-18 school year and thereafter, a school district shall administer the KIDS to, and report the data required under subsection (h)(3)(B) for, each student enrolled in kindergarten.

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

1) Programs for extra classroom activities shall provide opportunities for all students.

2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].

2) The superintendent of each unit or high school district shall maintain

evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12.

4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.

2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].

o) Library Media Programs
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

1) General
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy~~,~~ and support research, as appropriate to students of all abilities in the grade levels served. A~~No later than the beginning of the 2014-15 school year, a~~ district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction~~,~~ or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755~~ of this Part~~ and who is acting on behalf of the school district.

2) Financial Resources
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities
If there is no single location within a particular attendance center that is

specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755~~ of this Part~~, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A)~~ of this Section~~, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755~~ of this Part~~, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755~~ of this Part~~ unless he or she meets the requirements of that Section.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755~~ of this Part~~, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or

iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 ~~of this Part~~.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).

5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act* of 1987 [225 ILCS 60], *prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).

6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.

A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.

B) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities~~,~~ or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.

C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

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

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

1) Guidance and Counseling Needs;

2) Psychological Needs;

3) Social Work Needs;

4) Health Needs.

r) Social Sciences and History
Each school system shall provide history and social sciences courses that do the following:

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

2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);

3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);

4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);

5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);

6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and

7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).

s) Protective eye devices shall be provided to and worn by all students, teachers~~,~~ and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated~~ by this Part~~.

t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.

1) Language Arts

2) Science

3) Mathematics

4) History of the United States

5) Foreign Language

6) Music

7) Art

8) Career and Technical Education − Orientation and Preparation

9) Health Education (see the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110])

10) Physical Education (see Section 27-6 of the School Code [105 ILCS 110])

11) Consumer Education (see Section 27-12.1 of the School Code)

12) Conservation of Natural Resources (see Section 27-13.1 of the School Code)

13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] and 23 Ill. Adm. Code 252)

b) Required Participation

1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.

2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.

3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12.

4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)

c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or

she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.

1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination* on the subjects discussed in subsection (b)(4).

2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter grade 9 and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.

3) Credits earned by students prior to entry into grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.

d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

1) "Writing-Intensive" Courses
The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:

A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;

B) writing assignments will be an integral part of the course's content across the time span covered by the course;

C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the writing standards for those grades enumerated in the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see Appendix D); and

ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating~~,~~ and using information;

D) The writing-intensive study provided in at least one writing-intensive course is designed to address and integrate the elements of the writing process and to refine or apply research skills.

2) Foreign Language Courses
The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section 2-3.159~~2-3.157~~ of the School Code [105 ILCS 5/2-3.159~~2-3.157~~] and state the qualifications for receipt of the seal.

3) Advanced Placement Computer Science Course
The description for an Advanced Placement Computer Science course shall indicate that the course is *equivalent to a high school mathematics course and qualifies as a mathematics-based, quantitative* course for purposes of the fulfillment of State graduation requirements in mathematics. (Section 27-22(f-5) of the School Code)

e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

f) Additional requirements for graduation may be adopted by local boards of education. ~~Boards of education may accept courses completed in a community college toward graduation.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1.442 State Seal of Biliteracy

In accordance with Section 2-3.159~~2-3.157~~ of the School Code, a school district may establish a program *to recognize high school graduates who have attained a high level of proficiency in one or more languages in addition to English*, by designating on a student's transcript and high school diploma his or her receipt of the State Seal of Biliteracy, provided that all the conditions of this Section are met. For purposes of this Section, "foreign language" has the meaning prescribed in Section 2-3.159(a)~~2-3.157(a)~~ of the School Code.

a) Foreign Language Proficiency
A school district may award the State Seal of Biliteracy to any high school graduate *who attains a high level of proficiency, sufficient for meaningful use in college and career* (Section 2-3.159~~2-3.157~~ of the School Code), in a language other than English as evidenced by his or her attainment of a composite score of "intermediate high", or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language. For the purposes of this Section, proficiency may be shown using one of the methods outlined in this subsection (a).

1) Assessment Method

A) For purposes of using an assessment to determine proficiency:

i) "Intermediate high" is defined in the ACTFL Proficiency Guidelines 2012, published by the American Council on the Teaching of Foreign Languages, 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and available at http://www.actfl.org/publications/guidelines-and-

manuals/actfl-proficiency-guidelines-2012. (No later amendments to or editions of these guidelines are incorporated.)

ii) For the American Sign Language, "intermediate high" is equivalent to meeting progress indicators for grade 12 set forth in the Standards for Learning American Sign Language (2014), published by the American Sign Language Teachers Association, P.O. Box 38, Clinton WA 98236 and available at http://www.aslta.org/wpcontent/uploads/2014/07/National_ASL_Standards.pdf. (No later amendments to or editions of these guidelines are incorporated.)

iii) "Standardized assessment" is one that is available for use on a statewide or national basis and meets generally accepted standards of fairness, validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013), published by the American Educational Research Association, 1430 K Street, N.W., Suite 1200, Washington D.C. 20005. (No later amendments to or editions of these standards are incorporated.)

2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable language assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in subsection (a)(1)(A)(i) or (ii), as applicable. A school district that chooses to use an assessment to measure foreign language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and either subsection (a)(1)(A)(i) or (ii), as applicable, and make that evidence available to the State Superintendent of Education upon request.

3) Alternative Evidence Method
A school district may choose to award the State Seal of Biliteracy through an alternative evidence method in accordance with this subsecton (a)(3).

A) The alternative evidence method may be used when:

i) a student attains an "intermediate mid" composite score, as defined in the ACTFL guidelines set forth in subsection (a)(1), or its equivalent, on a standardized assessment that addresses the four domains of speaking, writing, listening and reading in the targeted foreign language;

ii) no standardized assessment exists for the targeted foreign language;

iii) evaluating the language proficiency of a student with disabilities for whom the standardized assessment is inappropriate; or

iv) the standardized assessment for the targeted foreign language does not assess one or more of the four domains of speaking, writing, listening and reading.

B) Any alternative evidence method used shall consist of a student portfolio that contains evidence for each component set forth in subsections (a)(3)(C) and (a)(3)(D) that demonstrates proficiency equivalent to an "intermediate high" level in the four domains of speaking, writing, listening and reading.

C) Experience in the Targeted Foreign Language

i) The extent to which the student's language background enables him or her to gain proficiency in the targeted foreign language in one or more of the four domains;

ii) The extent to which the student's participation in intercultural activities provided opportunities to gain proficiency in the targeted foreign language in one or more of the four domains;

iii) The courses taken in the targeted foreign language and the grades received; and/or

iv) The extent to which any time spent in countries where the targeted foreign language is spoken contributed to the student's opportunities to gain proficiency in the targeted foreign language in one or more of the four domains.

D) Work Samples

i) Formal presentations in the targeted foreign language;

ii) Student-produced compositions, articles, papers and other formal documents in the targeted foreign language; and/or

iii) Certificates, diplomas, results from tests or assessments other than those identified under subsection (a) and additional achievements that demonstrate sufficient proficiency in the targeted foreign language.

b) English Proficiency

1) To be eligible to be awarded the State Seal of Biliteracy, each student also shall demonstrate proficiency in English through:

A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;

B) Attainment of a "proficient" score on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) administered at the secondary level; or

C) Attainment of an "intermediate high" composite score on an assessment in English identified pursuant to subsection (a)(1).

2) The State Superintendent shall post on its website by July 1 of each year a list of acceptable English language assessments (e.g., the TOEFL® test, the ESL (English as a Second Language) AAPPL, ACTFL Assessment of

Performance Toward Proficiency in Languages) and the score to be achieved on each that qualifies the student as meeting one of the sets of criteria for proficiency set forth in this subsection (b). A school district that chooses to use an assessment to measure English language proficiency that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and one of the sets of criteria for proficiency set forth in this subsection (b) and make that evidence available to the State Superintendent of Education upon request.

c) The State Seal of Biliteracy program may offer a State Commendation toward Biliteracy to any student who fails to meet the requirements of subsection (a) but attains a score of "intermediate low", or its equivalent, in the targeted foreign language using the method set forth in subsection (a)(1) or (a)(3).

1) "Intermediate low" is defined in the ACTFL Proficiency Guidelines 2012 referenced in subsection (a)(1).

2) Each student also shall demonstrate a level of proficiency in English through:

A) Attainment of either a "meets standards" or "exceeds standards" for English language arts on the State assessments administered at the secondary level, as authorized in Section 2-3.64a-5 of the School Code;

B) Attainment of a score established for part-time placement in a transitional bilingual education program (see 23 Ill. Adm. Code 228.30(c) (Establishment of Programs)) on the English language proficiency assessment defined at 23 Ill. Adm. Code 228.10 (Transitional Bilingual Education) that is administered at the secondary level; or

C) Attainment of an "intermediate low" composite score on an assessment in English identified pursuant to subsection (a).

3) The State Superintendent shall post on its website by July 1 of each year a list of acceptable assessments (e.g., the ACTFL Assessment of Performance Toward Proficiency in Languages (AAPPL), Advanced Placement (AP) World Language and Culture Exam, Diploma de Español

como Lengua Extranjera (DELE)) and the score to be achieved on each that qualifies the student as meeting the criteria set forth in this subsection (c) for foreign language and English language proficiency. A school district that chooses to use an assessment that is not included on the list shall maintain evidence that the assessment meets the criteria specified in subsection (a)(1)(A)(iii) and the applicable criteria set forth in this subsection (c) and make that evidence available to the State Superintendent of Education upon request.

d) In accordance with Section 2-3.159(g)~~2-3.157(g)~~ of the School Code, the school district shall place a designation of a qualifying student's receipt of the State Seal of Biliteracy in the student's permanent record on the academic transcript as defined in 23 Ill. Adm. Code 375 (Student Records) and include the designation on the student's diploma. A school district also shall place a designation of a qualifying student's receipt of the State Commendation toward Biliteracy both in the permanent record on the academic transcript and on the student's diploma. The designations shall list each of the targeted foreign languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy is being awarded. The State Board of Education shall make an electronic facsimile of the State Seal of Biliteracy and the State Commendation toward Biliteracy available to school districts for this purpose.

e) A school district that chooses to participate in the State Seal of Biliteracy program shall meet the requirements of this subsection (e).

1) A participating school district shall notify the State Board of Education of its participation by October 1 of each year. A district that elects to participate after October 1 shall notify the State Board of Education of its participation no later than 45 calendar days prior to the issuance of any State Seals or State Commendations.

A) A school district electing to participate after October 1 shall include in its notification to the State Board of Education evidence that the district has met all of the requirements set forth in this subsection (e).

B) A district that fails to submit the proper notification within the timeframes provided shall be prohibited from awarding the State Seal and State Commendation for that school year.

2) A participating district shall designate at least one individual to serve as coordinator of the State Seal of Biliteracy program and include the individual's name and contact information in the notice provided pursuant to subsection (e)(1). The individual assigned to serve as the coordinator of the program shall:

A) Hold a professional educator license endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure); and

B) Participate in training approved by the State Board of Education prior to awarding the State Seal of Biliteracy awarded under the provisions of Section 2-3.159~~2-3.157~~ of the School Code and this Section and the State Commendation toward Biliteracy awarded under the provisions of this Section.

3) Using a format prescribed by the State Superintendent of Education, a participating school shall submit an annual report to the State Board of Education no later than 30 days after the end of the school year that includes, but is not limited to, identification of each student awarded the State Seal of Biliteracy or the State Commendation toward Biliteracy, targeted foreign language or languages for which the State Seal of Biliteracy or State Commendation toward Biliteracy was awarded to the student and the method the student used to demonstrate proficiency.

4) A participating school district shall make available information about the State Seal of Biliteracy program to parents and students by posting on the district's website, if the district maintains a website, and in the student handbook the following information:

A) General information about the State Seal of Biliteracy program and the opportunity for students to participate;

B) A description of the process a student would use to demonstrate proficiency in the targeted foreign language, including details about any alternative evidence that may be required under the provisions of subsection (a)(3), if applicable;

C) An estimate of the costs, if known, that students might incur to demonstrate proficiency using either of the methods under subsection (a); and

D) The name and contact information for any individuals designated to serve as the coordinator of the State Seal of Biliteracy program.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART E: SUPPORT SERVICES

Section 1.540 Undesignated Epinephrine Auto-injectors~~Pupil Personnel Services (Repealed)~~

This Section establishes requirements in addition to those set forth at Section 22-30 of the School Code [105 ILCS 5/22-30] for a school nurse or other trained school personnel to administer an undesignated epinephrine auto-injector to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction while in school, while at a school-sponsored activity, while under the supervision of school personnel, or before or after normal school activities, such as while in before-school or after-school care on school-operated property.

a) Definitions

For the purposes of this Section:

1) "School" shall be understood to mean a school district, public school or nonpublic school, as may be applicable.

2) "School nurse" shall have the meaning prescribed in Section 22-30(a) of the School Code.

b) Parental Notification
In addition to the provisions of Section 22-30(c) and (c-5) of the School Code, a school that has a standing protocol, as defined in Section 22-30 of the School Code, to administer undesignated epinephrine auto-injectors shall notify the parents or guardians of each student that the school has instituted the standing protocol and that a student may be administered epinephrine under the circumstances described in Section 22-30(e-5).

1) The school shall provide the notification of the standing protocol to the parents or guardian at the start of each school year or, for students enrolling for the first time, at the time of enrollment. The parent or guardian shall acknowledge the notification by signing it and returning it to the school.

2) A school also shall accept a written request from a parent or guardian stating that his or her student shall not be administered epinephrine under any circumstances. The school shall provide the name of any student whose parent or guardian submits notification under this subsection (b)(2) to the school nurse and to any trained personnel, as defined under Section 22-30(a) of the School Code.

c) Standing Protocol

1) A standing protocol for administering undesignated epinephrine auto-injectors shall be provided to the school nurse and trained personnel, as well as kept with or near the undesignated epinephrine auto-injectors.

2) The standing protocol shall state the hours of the day, days of the week and the school-sponsored activities during which the undesignated epinephrine auto-injectors will be available. A school is not required to have a school nurse or trained personnel available at all times nor at all school-sponsored activities to administer undesignated epinephrine auto-injectors.

3) The standing protocol shall provide that the undesignated epinephrine auto-injectors be stored in and available daily at one or more designated, secure locations. For this purposes of this Section, "secure location" means an unlocked location that is inaccessible to students and/or visually monitored by an adult during the normal school day under routine circumstances.

4) The standing protocol shall include a written order for the undesignated epinephrine auto-injectors that meets the requirements of Section 22-30(b) of the School Code. The written order required under this subsection (c)(4) is valid for the school year in which it was provided and must be renewed each school year. (Section 22-30(d) of the School Code)

d) Notification of Administration of an Undesignated Epinephrine Auto-Injector
Any school whose school nurse or trained personnel administered an undesignated epinephrine auto-injector shall meet the notification requirements of Section 22-30(f-5) and (f-10) of the School Code.

e) Personnel Training
Only trained personnel or a school nurse shall administer an undesignated epinephrine auto-injector.

1) Certification courses required under Section 22-30(g) of the School Code in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) shall be conducted by a trainer who is certified in CPR/AED by the American Heart Association, American Red Cross or similar certifying body. Trained personnel shall renew any certification issued in accordance with the requirements of the certifying body and present the certification to his or her school.

2) A school administrator or a school nurse shall be available to answer questions from training participants if the anaphylaxis training is presented via a webinar or online format or through a video supplied by an epinephrine manufacturer. Training provided in one of the formats listed in this subsection (e)(2) shall not be considered complete unless an opportunity for questions is provided.

3) In addition to the curricular content listed in Section 22-30(h), anaphylaxis training also shall include information about:

A) where the undesignated epinephrine auto-injectors are stored and how to access them;

B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of an undesignated epinephrine auto-injector;

C) the school's written plan to prevent exposure to allergens; and

D) the process for administering the specific undesignated epinephrine auto-injector devices identified in the standing order.

4) A school nurse or physician with knowledge of allergies and anaphylaxis and CPR and AED certification who possesses skill in administering or demonstrating the use of an epinephrine auto-injector shall certify by written signature that the trained personnel passed the test required under Section 22-30(h)(7) of the School Code.

5) Each statement of certification issued under subsection (e)(4) of this Section shall be maintained by the school in accordance with Section 22-30(g) of the School Code.

6) The names of trained personnel shall be provided to the school nurse and school administrator.

f) Reporting
Each school shall submit a report regarding the administration of an undesignated epinephrine auto-injector electronically in a format prescribed by the State Superintendent of Education within the timeline specified in Section 22-30(i) of the School Code.

g) Allergen Reduction Plan
Each school shall develop a written plan to reduce the risk of accidental exposure to allergens that addresses, at a minimum, lunchroom safeguards, classroom food policies, and identification of areas of the playground that are known concerns, such as those with insect colonies. A separate plan is not required if the school has addressed reducing the risk of accidental exposure to allergens in the plan adopted pursuant to Section 2-3.149(b) of the School Code [105 ILCS 5/2-3.149(b)].

g) In accordance with Section 22-30(h) of the School Code, the State Superintendent of Education shall post on the agency's website by January 1, 2016 a list of resource materials about how *to recognize and respond to anaphylaxis*.

(Source: Old Section 1.540 repealed at 19 Ill. Reg. 6530, effective May 1, 1995; new Section 1.540 added at 39 Ill. Reg. _____, effective _____)

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section 1.660 Records of Professional Personnel

The school district shall maintain records for all professional personnel currently employed by the district. In addition to the individual's name, the record for each professional employee shall contain at least the copies of official transcripts required by Section 24-23 of the School Code [105 ILCS 5/24-23] and relevant health records, including the verification of freedom from tuberculosis as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696 (Control of Tuberculosis Code)~~required by Section 24-5 of the School Code [105 ILCS 5/24-5]~~. Each employee's record may also contain other relevant items, such as verification of past teaching experience, salary schedule placement~~,~~ and accumulated sick leave.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

Requirements for the receipt of the endorsements specified in this Section shall be as set forth in 23 Ill. Adm. Code 25 (Educator Licensure).

a) Each district superintendent shall hold a professional educator license with a superintendent endorsement.

b) Each principal or assistant principal shall hold a professional educator license with a general administrative or principal or superintendent endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a professional educator license endorsed for supervision.

c) Each assistant superintendent shall hold a professional educator license with a general administrative, principal, director of special education or superintendent endorsement.

d) Each general administrator (e.g., director, assistant director, coordinator~~,~~ ~~administrative assistant,~~ or general supervisor) in general education shall hold a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement.

e) Each head of a general education department or supervisor for a specific subject shall hold either:

1) a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement); or

2) a professional educator license endorsed for supervision in the area supervised (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).

f) Each supervisory dean shall hold a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement, or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).

g) Each dean of students shall hold:

1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement; or

2) a professional educator license endorsed in a teaching field (and for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or

3) a professional educator license endorsed in a school support personnel field other than school nursing (and for supervision if the holder disciplines or suspends students).

h) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified) and hold a professional educator license endorsed for director of special education in accordance with 23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education).

i) Each special education supervisor shall hold either:

1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement and teaching qualifications in each area supervised; or

2) a professional educator license endorsed for each area supervised and for supervision (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).

j) Each supervisor of more than one school support personnel area shall hold either:

1) a professional educator license and a general administrative, principal or superintendent endorsement; or

2) a professional educator license endorsed for school support personnel and supervision in each field supervised.

k) Each supervisor of one school support personnel area shall hold:

1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement; or

2) a professional educator license endorsed for school support personnel in the field supervised and for supervision; or

3) a professional educator license endorsed for speech-language pathology teaching and for supervision (if applicable).

l) Each director of an area vocational center and each director or supervisor of more than one field in career and technical education (including regional system directors) shall hold a professional educator license with a general administrative, principal or superintendent endorsement and have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.

m) Each supervisor of one field in career and technical education shall hold either:

1) a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or

2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a professional educator license with a supervisory endorsement.

n) Each administrator in a bilingual education program shall hold a valid professional educator license with a general administrative, principal, superintendent or supervisory endorsement issued in accordance with the applicable provisions of 23 Ill. Adm. Code 25 and this Part and meet the applicable requirements of Section 1.783 of this Part.

o)~~p)~~ Each chief school business official shall hold a professional educator license with a chief school business official endorsement.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 1.790 Substitute Teacher

a) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) of the School Code [105 ILCS 5/21B-20(3)]. Any individual who holds a valid and active Illinois educator license and~~indicative of completion of~~ at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.

b) A teacher holding a substitute teaching license may teach only in the place of a licensed teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)

c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:

1) A person who holds only a substitute teaching license may teach for no longer than 90 paid school days for any one licensed teacher who is under contract with the school district in any one school term.

2) A person who holds a professional educator license or an educator license with stipulations endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.

d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Educator Licensure

2) Code Citation: 23 Ill. Adm. Code 25

3)

Section Numbers:	Proposed Actions:
25.25	Amendment
25.37	Amendment
25.48	Amendment
25.60	Amendment
25.96	New Section
25.97	Amendment
25.100	Amendment
25.230	New Section
25.337	Amendment
25.360	Amendment
25.425	Amendment
25.427	Amendment
25.430	New Section
25.444	Amendment
25.450	Amendment
25.510	Amendment
25.550	Amendment
25.710	Amendment
25.715	Amendment
25.717	Amendment
25.720	Amendment
25.728	Amendment
25.760	Amendment
25.770	Amendment
25.865	Amendment
25.APPENDIX C	Amendment
25.APPENDIX D	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: The proposed changes are presented in the order in which they appear in the rulemaking.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Short-Term Emergency Approval in Special Education (Section 25.48). Two years ago as part of the agency's rulemaking in response to the educator licensure legislation, staff determined that a need no longer existed for the State Superintendent's issuing approval to allow educators holding certain teacher or transitional bilingual endorsements and who had completed certain special education coursework to be employed as special educators while they completed clinical experiences to qualify them for receipt of the required Learning Behavior Specialist (LBS) I endorsement. This approval was put in place to ensure an adequate supply of qualified staff while the agency made the transition from categorical credentialing based on disability category to a cross-categorical system. While special education teachers have been required since July 2001 to have an LBS I endorsement, shortages of special educators still exist in many areas of the state. In 2014 and 2015, for instance, the agency issued 26 approvals for educators to serve in special education positions under this rule. For this reason, the opportunity to receive this approval should be extended until September 1, 2018, as an incentive for individuals who are not yet fully qualified to pursue opportunities as special educators.

Early Childhood Endorsement (New Section 25.96). In November 2011, the Early Childhood Advisory Group (ECAG) began reviewing standards for the early childhood endorsement. Several companion recommendations to the ECAG standards contained in 23 Ill. Adm. Code 26 are proposed in new Section 25.96 and these include:

- limiting the endorsement to birth through grade 2 (currently the endorsement is valid for birth through grade 3);

- requiring that early childhood education field experiences and clinical practice (i.e., student teaching) occur in at least two of three early childhood age groupings (birth through age 3; age 3 years through 5 years; and age 5 years through 8 years); and

- requiring coursework in the biological and physical sciences that addresses at least the areas of physical, life, and earth and space sciences.

Also among the group's recommendations was a requirement that early childhood education preparation programs become entitled by the Gateways to Opportunity Illinois Professional Development System by aligning their coursework to the benchmarks of Gateways' ECE Credential Level 5. While the requirement for this alignment is being made in Part 26, Section 25.96(d) also informs recipients of the early childhood endorsement who complete programs aligned to the Gateways benchmarks that they are

eligible to apply for the Gateways credential. The credential is optional and will not be required in order to teach in the public schools.

Nationally Certified School Psychologist (New Section 25.230). PA 98-947, effective August 15, 2014, allows an individual to qualify for a school support personnel endorsement for school psychologist if he or she holds national certification from the National Association of School Psychologists. Evidence of national certification would be required in lieu of completing a school psychologist program approved by the State Board of Education. In addition to holding national certification, the applicant also would have to meet the requirements for the receipt of the professional educator license (including coursework in special education, English Learners and reading) and pass the content-area test and test of basic skills.

Principal Endorsement (Section 25.337). Two changes are being proposed in Section 25.337, both of which respond to recent legislation. PA 98-917, effective August 15, 2014, and PA 98-1147, effective December 31, 2014, both amended Section 21B-25(2)(B) of the School Code to expand the type of experience required to receive the principal endorsement. PA 98-917 allows for individuals with a school support personnel endorsement to qualify for the principal endorsement if they apply for the endorsement by June 30, 2019. PA 98-1147 enables applicants with either teaching or, until June 30, 2019, school support personnel experience to qualify for the principal endorsement.

Additionally, new subsection (d) sets forth the conditions under which applicants may qualify for the principal endorsement if they lack four years of teaching experience. PA 96-903, effective July 1, 2010, which replaced the general administrative endorsement, also allowed for consideration of receipt of the principal endorsement with less than four years of experience based on performance evaluations. At the time staff promulgated rules for the principal endorsement, the performance evaluation system had not yet been implemented. Starting in school year 2016-17, all school districts in the state are required to implement performance evaluation systems that will consider student growth as a "significant factor" in rating the performance of teachers and principals. As such, it is appropriate to proceed with rulemaking at this time.

As proposed, candidates with fewer than four years of teaching experience (or until June 30, 2019, school support personnel experience) may qualify for the principal endorsement based on the results of their most recent performance evaluations that include data and indicators of student growth. The rule is modeled on the requirements for obtaining tenure in less than four years that are set forth in 105 ILCS 5/ 24-11 (tenure). Using a standard for receipt of the principal endorsement that is similar to what

is required for tenure provides a uniform and consistent measure of teaching quality that is not arbitrarily determined.

Short-term Authorization (New Section 25.430). As with the short-term emergency approval for special educators discussed above, the short-term authorization allowed school districts under certain circumstances to employ teachers who are licensed for a particular grade level but who lack the endorsement for a content area to which they have been assigned. Originally put in place to help with teacher shortage areas, staff believed the authorization was no longer needed due to few content areas experiencing a shortage of qualified staff, the State's adoption of the rigorous common core standards, and requirements under the Elementary and Secondary Education Act relative to highly qualified teachers that help ensure that each classroom has a fully qualified teacher; therefore, authorization was repealed effective June 2013.

It has come to staff's attention, however, that a number of districts continue to struggle with recruiting and employing fully qualified staff, particularly in content areas of math and sciences. New Section 25.430 reinstates authorization for school districts to employ teachers who have the appropriate grade level endorsement in shortage areas for three years, during which time the individual is expected to take coursework and meet other requirements in order to qualify for the endorsement of assignment.

Teaching Excellence Program (Section 25.444). PA 98-646, effective July 1, 2014, modified Section 21B-70 of the School Code regarding stipends and other monetary support for teachers and school counselors seeking and/or holding certification from the National Board of Professional Teaching Standards. Specifically, the law changed the system of priority consideration of certain categories of activities, necessitating changes throughout Section 25.444. Annual payments and incentives will be provided on a first-come, first-serve basis, regardless of the type of payment being requested. Further, the new law provided for payments specific to "instructional leadership training for qualified educators interested in supporting implementation of the Illinois Learning Standards or teaching and learning priorities of the State Board". New subsection (g) establishes a process for making those payments, should money be available for this purpose and the State Superintendent chooses to do so.

Educator Testing (Section 25.720). Staff are recommending that the 10-year validity of results from the basic skills tests for educator licensure (i.e., Test of Academic Proficiency, or TAP; ACT; SAT) be removed (subsection (b)(6)). Staff report that most states do not limit the validity period of results from basic skills testing, which assesses proficiency in reading comprehension, language arts, mathematics and writing.

Other changes in Section 25.720 phase out the Assessment of Professional Teaching (APT). Starting September 1, 2015, the Teacher Performance Assessment (TPA) will be used to assess teaching proficiency, so the APT is no longer needed. As proposed, candidates completing student teaching by August 31, 2015, will be given up to five years to complete the APT before it is no longer offered.

"Highly Qualified" Physical Education and Health Teachers (Appendix D). PA 98-860, effective January 1, 2015, added Section 21B-200 to the School Code to allow teachers holding endorsements for physical education or health to "meet" the criteria established under the No Child Left Behind Act of 2001 (NCLB) for "highly qualified" general education teachers in core subject areas. Since neither physical education nor health is considered a core subject area under NCLB, none of those teachers have been required to meet highly qualified criteria.

Section 21B-200 does not require physical education and health teachers to be highly qualified nor does it require school districts to employ highly qualified physical education and health teachers. A modification to Appendix D under "Special Circumstances" will make the optional nature of "highly qualified" clear to physical education and health teachers, as well as the school districts that employ them. The criteria for "highly qualified" include holding a professional educator license endorsed for the grade level of instruction and passing the applicable grade level test, passing all applicable content-area tests, holding National Board certification, or earning 100 points under the High Objective Uniform State Standard of Evaluation system, also called HOUSSE.

Miscellaneous. Other changes being proposed in Part 25 include:

- Allowing out-of-state experience and preparation to qualify one for receipt of reading and gifted endorsements, as requested to do so by the field (Section 25.100);

- Increasing to two fiscal years the validity of an evaluation conducted by the agency to determine if an individual qualifies for an education license; this change aligns the evaluation to the two-year validity period of the educator license with stipulations endorsed for provisional educator, which is the credential an individual receives if he or she is lacking any of the required qualifications (Section 25.427); and

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- Updating the incorporation to the "Standards for Educational and Psychological Testing" to the current 2014 edition (Sections 25.715 and 25.717) ; and

- Allowing for the use of an official transcript in place of a standard form to present evidence, for renewal purposes, of having completed coursework at a regionally accredited institution of higher education that does not offer approved educator preparation programs.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes; see Sections 25.715 and 25.717.

10) Are there any other 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 of the publication of this Notice to:

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

217/782-5270
rules@isbe.net

13) Initial Regulatory Flexibility Analysis:

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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 2015

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 25
EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section
25.10 Accredited Institution

SUBPART B: LICENSES

Section
25.11 New Certificates (February 15, 2000) (Repealed)
25.15 Types of Licenses; Exchange
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for the Professional Educator License
25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)
25.32 Teacher Leader Endorsement (Beginning September 1, 2012)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License
25.40 Requirements for the Special Certificate (Repealed)
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Licensure of Special Education Teachers
25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired (Repealed)
25.46 Special Provisions for the Learning Behavior Specialist I Endorsement
25.47 Special Provisions for the Learning Behavior Specialist I Approval
25.48 Short-Term Emergency Approval in Special Education
25.50 General Certificate (Repealed)
25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)
25.65 Alternative Educator Licensure
25.67 Alternative Route to Teacher Licensure

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25.70 Endorsement for Career and Technical Educator
25.72 Endorsement for Provisional Career and Technical Educator
25.75 Part-time Provisional Certificates (Repealed)
25.80 Endorsement for Part-time Provisional Career and Technical Educator
25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified (Repealed)
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified (Repealed)
25.90 Endorsement for Transitional Bilingual Educator
25.92 Endorsement for Visiting International Educator
25.95 Language Endorsement for the Transitional Bilingual Educator
25.96 Endorsement for Early Childhood Education (Birth through Grade 2)
25.97 Endorsement for Elementary Education (Grades 1 through 6)
25.99 Endorsement for the Middle Grades (Grades 5 through 8)
25.100 Teaching Endorsements on the Professional Educator License
25.105 Temporary Substitute Teaching Permit (Repealed)

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

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions and Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125 Accreditation Review of the Educational Unit (Repealed)
25.127 Review of Individual Programs (Repealed)
25.130 Interventions by the State Board of Education and State Educator Preparation and Licensure Board
25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140 Requirements for the Institution's Educational Unit Assessment Systems
25.142 Assessment Requirements for Individual Programs
25.145 Approval of New Programs Within Recognized Institutions

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25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
25.150 The Periodic Review Process (Repealed)
25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit
25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SUPPORT PERSONNEL

Section

25.200 Relationship Among Endorsements in Subpart D
25.210 Requirements for the Certification of School Social Workers (Repealed)
25.215 Endorsement for School Social Workers
25.220 Requirements for the Certification of Guidance Personnel (Repealed)
25.225 Endorsement for School Counselors
25.227 Interim Approval for School Counselor Interns
25.230 Nationally Certified School Psychologist~~Requirements for the Certification of School Psychologists (Repealed)~~
25.235 Endorsement for School Psychologists
25.240 Standard for School Nurse Endorsement (Repealed)
25.245 Endorsement for School Nurses
25.250 Standards for Non-Teaching Speech-Language Pathologists
25.252 Endorsement for Non-Teaching Speech-Language Pathologists
25.255 Interim Approval for Speech-Language Pathologist Interns
25.275 Renewal of the Professional Educator License Endorsed for School Support Personnel (Repealed)

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

Section

25.300 Relationship Among Credentials in Subpart E
25.310 Definitions (Repealed)
25.311 Alternative Route to Superintendent Endorsement (Beginning January 1, 2013)
25.313 Alternative Route to Administrative Endorsement (Through August 31, 2013) (Repealed)
25.314 Alternative Route to Administrative Certification for Teacher Leaders (Repealed)
25.315 Renewal of Administrative Endorsement (Repealed)
25.320 Application for Approval of Program (Repealed)

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25.322 General Supervisory Endorsement (Repealed)
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement (Repealed)
25.335 General Administrative Endorsement (Through August 31, 2014)
25.337 Principal Endorsement (2013)
25.338 Designation as Master Principal (Repealed)
25.344 Chief School Business Official Endorsement (Repealed)
25.345 Endorsement for Chief School Business Official
25.355 Endorsement for Superintendent (2019)
25.360 Endorsement for Superintendent (Through August 31, 2019)
25.365 Endorsement for Director of Special Education

SUBPART F: GENERAL PROVISIONS

Section
25.400 Registration of Licenses; Fees
25.405 Military Service; Licensure
25.410 Reporting Requirements for Revoked or Suspended Licenses; License Application Denials
25.411 Voluntary Removal of Endorsements
25.415 Credit in Junior College (Repealed)
25.420 Psychology Accepted as Professional Education (Repealed)
25.425 Individuals Prepared in Out-of-State Institutions
25.427 ~~One-Year~~ Limitation on Evaluation or Entitlement
25.430 Short-Term Authorization for Positions Otherwise Unfilled~~Institutional Approval (Repealed)~~
25.435 School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437 Equivalency of General Education Requirements (Repealed)
25.440 Master of Arts NCATE (Repealed)
25.442 Illinois Teacher Corps Programs (Through August 31, 2013) (Repealed)
25.444 Illinois Teaching Excellence Program
25.445 College Credit for High School Mathematics and Language Courses (Repealed)
25.450 Lapsed Licenses
25.455 Substitute Certificates (Repealed)
25.460 Provisional Special and Provisional High School Certificates (Repealed)
25.464 Short-Term Authorization for Positions Otherwise Unfilled (Repealed)
25.465 Credit (Repealed)
25.470 Meaning of Experience on Administrative Certificates (Repealed)
25.475 Renewal Requirements for Holders of Multiple Types of Endorsements on a

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Professional Educator License (Repealed)
25.480 Supplemental Documentation and Review of Certain License Applications
25.485 Licensure of Persons with Prior Certificate or License Sanctions
25.486 Licensure of Persons Who Are Delinquent in the Payment of Child Support
25.487 Licensure of Persons with Illinois Tax Noncompliance
25.488 Licensure of Persons Named in Reports of Child Abuse or Neglect
25.489 Licensure of Persons Who Are in Default on Student Loans
25.490 Licensure of Persons Who Have Been Convicted of a Crime
25.491 Licensure of Persons with Unsatisfactory Performance Evaluation Ratings
25.493 Part-Time Teaching Interns (Repealed)
25.495 Approval of Out-of-State Institutions and Programs (Repealed)
25.497 Supervisory Endorsements

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section
25.510 Endorsement for Paraprofessional Educators
25.520 Substitute Teaching License
25.530 Specialized Instruction by Noncertificated Personnel (Repealed)
25.540 Approved Teacher Aide Programs (Repealed)
25.550 Approval of Educational Interpreters

SUBPART H: CLINICAL EXPERIENCES

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

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section
25.705 Purpose – Severability
25.710 Definitions
25.715 Test Validation
25.717 Test Equivalence
25.720 Applicability of Testing Requirement and Scores
25.725 Applicability of Scores (Repealed)
25.728 Use of Test Results by Institutions of Higher Education

25.730 Registration − Paper-and-Pencil Testing
25.731 Registration − Computer-Based Testing
25.732 Late Registration
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25.735 Frequency and Location of Tests
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25.745 Special Test Dates
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25.755 Cancellation of Scores; Voiding of Scores
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25.765 Individual Test Score Reports
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25.780 Fees

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section
25.800 Professional Development Required (Beginning July 1, 2014)
25.805 Continuing Professional Development Options
25.807 Additional Specifications Related to Professional Development Activities of Special Education Teachers (Repealed)
25.810 State Priorities (Repealed)
25.815 Submission and Review of the Plan (Repealed)
25.820 Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
25.825 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
25.830 Verification of Completed Activities; Renewal Process
25.832 Validity and Renewal of NBPTS Master Teacher Designation
25.835 Request for Extension
25.840 Appeals to the State Educator Preparation and Licensure Board
25.845 Responsibilities of School Districts (Repealed)
25.848 General Responsibilities of LPDCs (Repealed)
25.850 General Responsibilities of Regional Superintendents (Repealed)
25.855 Approval of Professional Development Providers
25.860 Reporting by and Audits of Providers
25.865 Awarding of Credit for Activities with Providers
25.870 Continuing Education Units (CEUs) (Repealed)

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25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development (Repealed)
25.875 Continuing Professional Development Units (CPDUs) (Through June 30, 2014)
25.880 "Valid and Exempt" Licenses; Proportionate Reduction; Part-Time Teaching
25.885 Funding; Expenses (Repealed)

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

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

25.APPENDIX A Statistical Test Equating – Licensure Testing System
25.APPENDIX B Certificates Available Effective February 15, 2000 (Repealed)
25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)
25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
25.APPENDIX E Endorsement Structure Beginning July 1, 2013

AUTHORITY: Implementing Articles 21 and 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, Art. 21B, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg.

15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; 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, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill.

Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 25.25 Requirements for the Professional Educator License

Beginning July 1, 2013, the requirements of this Section shall apply to the issuance of professional educator licenses. All professional education and content-area coursework that forms part of an application for licensure, endorsement or approval submitted under this Part 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) Each applicant shall:

1) hold a bachelor's degree.

2) have completed an approved Illinois educator preparation program for the type of endorsement (i.e., teaching, administrative or school support personnel) sought on the professional educator license (see Subpart C of this Part), including coursework addressing:

A) *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* [105 ILCS 5/21B-20(1)], which shall focus on the characteristics and methods of instruction for cross-categorical special education students so that all teachers:

i) understand the impact that disabilities have on the cognitive, physical, emotional, social and communication development of an individual and provide opportunities that support the intellectual, social and personal development of all students;

ii) understand how students differ in their approaches to learning and create instructional opportunities that are adapted to diverse learners; and

iii) understand instructional planning and design instruction based on knowledge of the discipline, students, community and curriculum goal;

B) *methods of reading and reading in the content area* [105 ILCS 5/21B-20(1)], which for teachers and administrators shall address each of the following standards:

i) varied instructional approaches used before, during, and after reading, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy used in the content areas;

ii) the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation;

iii) communication theory, language development, and the role of language in learning;

iv) the relationships among reading, writing and oral communication and understanding how to integrate these components to increase content learning;

v) the design, selection, modification and evaluation of a wide range of materials for the content areas and the reading needs of the student;

vi) variety of formal and informal assessments to recognize and address the reading, writing, and oral communication needs of each student; and

vii) varied instructional approaches that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas; and

C) *methods of reading and reading in the content area* [105 ILCS 5/21B-20(1)], which for school support personnel shall address each of the following standards:

i) understands how students acquire reading competency;

ii) understands reading deficits and reading levels, and how they contribute to a student's ability to succeed in kindergarten through grade 12;

iii) understands the correlation of behavior and classroom culture (discipline, management, control, influence on engagement) on reading development and reading acquisition; and

iv) uses the skills and strategies specific to their school support personnel specialty to support or enhance reading skill development, as applicable.

32) pursuant to Section 21B-35 of the School Code, have completed a comparable teaching or administrative preparation program in another state or country (see Section 25.425 of this Part), including:

A) *a minimum of one course* that is equivalent to at least three semester hours *in the methods of instruction of the exceptional child* in cross-categorical special education that meets the requirements of subsection (a)(1)(A);

B) *a minimum of six semester hours of coursework in methods of reading and reading in the content area* that meets the requirements of subsection (a)(1)(B) or (C), as applicable; and

C) *a minimum of one course* that is equivalent to at least three semester hours *in instructional strategies for English language*

learners, which shall address bilingual education, English as a Second Language or English as a New Language methods.

4~~3~~) pursuant to Section 21B-35 of the School Code, have completed a comparable school support personnel preparation program in another state or country (see Section 25.425), including college coursework in:

A) *the methods of instruction of the exceptional child* (Section 21B-35(a)(3) of the School Code) in cross-categorical special education, which shall meet the requirements outlined in Section 25.25(a)(1)(A);

B) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(C); and

C) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsements).

b) Each applicant for a professional educator license endorsed in a teaching field shall have completed:

1) 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 endorsement sought on the professional educator license; and

2) student teaching in conformance with the requirements of Section 25.620, except in the following circumstances:

A) Applicants awarded credit in student teaching on a transcript issued by a regionally accredited institution of higher education and presenting 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.

B) One full year's teaching experience on a valid certificate or license in the public schools shall be accepted in lieu of student teaching.

c) For the purposes of this Part:

1) a "valid certificate or license" means a certificate or license endorsed in the specific teaching field and grade levels for which Illinois licensure is sought that is equivalent to an educator license with stipulations endorsed for provisional educator or an Illinois professional educator license ; and

2) "one full year's teaching experience" means the equivalent of two semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.

d) Evidence of teaching experience, as may be required under this Part, may be satisfied in one of the following ways:

1) For teachers employed in Illinois public schools, verification of the teacher's experience obtained from the State Board of Education's ELIS may be used.

2) The chief administrator or other designated official of the employing school district or nonpublic school (or other employing entity, if applicable to the holder of a professional educator license endorsed for early childhood; also see subsection (d)(4)) may submit a letter documenting the nature and duration of the applicant's teaching.

3) A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured.

4) Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which a professional educator license endorsed for early childhood was required

pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant).

5) Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

e) Each applicant for a professional educator license endorsed in an administrative or school support personnel field shall meet the applicable requirements of Subpart D or E of this Part, respectively.

f) The professional educator license shall be endorsed in accordance with this Part.

g) Each applicant shall be required to pass the tests required for the professional educator license as specified in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720 of this Part.

h) Nothing in this Section is intended to preclude an applicant from seeking the issuance of an educator license with stipulations endorsed for provisional educator in specific fields (i.e., teaching, administrative or school support personnel) and, as applicable, content areas and grade levels under Section 21B-20 of the School Code in the event that the individual has failed to meet one or more of the requirements for a professional educator license in his or her area of endorsement.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License

The provisions of this Section shall apply when an individual who already holds a professional educator license with one or more teaching endorsements wishes to receive an additional endorsement in a teaching field or a grade level.

a) The candidate who wishes to add other content endorsements to teach in the grade levels currently authorized by the license shall meet the applicable requirements of Section 25.100 ~~of this Part~~ specific to the content area of the endorsement sought and provide evidence of having passed the applicable content-area test required under Section 25.720 ~~of this Part~~.

b) A candidate not meeting the criteria of subsection (a)~~ of this Section~~ who wishes to receive an additional subject area endorsement or one who is seeking an additional grade level endorsement (i.e., early childhood, elementary, middle, secondary, special K-12) shall submit his or her official transcripts and evidence of teaching experience to an Illinois institution of higher education operating a program approved pursuant to Subpart C~~ of this Part~~ that prepares candidates for the endorsement sought.

1) The institution may, at its discretion, compare the coursework and clinical experiences already completed by the applicant to the standards for the endorsement sought and, based on this comparison, may identify for the candidate a "focused program" consisting of coursework and experiences that he or she must complete in order to meet those standards.

A) In formulating this type of program, the institution shall ensure that the candidate has broad and deep knowledge of the subject matter, develops the knowledge and skills that are needed to work with students in the age and grade ranges encompassed by the endorsement sought, and is knowledgeable about pedagogical approaches that are suitable for that age group.

B) The institution may revise an individual's focused program to include additional or fewer components as it may deem appropriate based upon the results of internal performance assessments that form part of the unit assessment system (see Section 25.140~~ of this Part~~) or other assessments that are directly related to the standards for the endorsement sought.

C) Each institution shall make available a description of the method to be used by the educational unit in assessing the degree to which the work previously completed by candidates for focused programs has addressed relevant standards and in identifying the coursework and experiences these candidates will be required to complete in order to qualify for subsequent endorsements. An institution that uniformly requires all candidates seeking subsequent teaching endorsements to complete certain coursework or field experiences, or to complete a full program without acknowledgment of prior courses or experiences, shall publish and make available a written statement to this effect, describing those requirements.

2) A candidate who completes a focused program shall be considered as having completed the institution's approved program for the endorsement sought and shall be eligible to be recommended for the endorsement by entitlement, signifying that the candidate has met all applicable standards.

c) A candidate who holds a professional educator license and who wishes to obtain an endorsement for Learning Behavior Specialist II, reading specialist, a school support personnel area listed in Subpart D of this Part or any of the administrative positions outlined in Subpart E of this Part shall complete a "full" educator preparation program approved under Subpart C of this Part that consists of coursework and experiences that he or she must complete in order to meet the standards relative to the endorsement being sought and passage of the applicable tests required pursuant to Section 21B-30 of the School Code and Section 25.720 of this Part.

~~d) Until May 1, 2013, the provisions of subsections (a) and (b) of this Section notwithstanding, an individual who holds a valid professional educator license endorsed for secondary education may receive a special K-12 endorsement by submitting an application, along with the required fee and evidence of having passed the test of basic skills and the applicable content-area test and the assessment of professional teaching relevant to the special certificate (see Section 25.720 of this Part). An endorsement valid for grades K-12 shall be affixed to the license, reflecting the area in which the individual has completed a major area of specialization as provided in Section 25.25(b) of this Part. Additional endorsements may be affixed pursuant to Sections 25.100 and 25.497 of this Part.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.48 Short-Term Emergency Approval in Special Education

Beginning September 1, 2018~~2015~~, the short-term emergency approval shall no longer be issued. The provisions of this Section shall apply to school districts, special education cooperatives and joint agreements, regional superintendents of schools, ~~and~~ nonpublic special education facilities approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 (Nonpublic Special Education Facilities) and certain other facilities pursuant to 23 Ill. Adm. Code 405 (Payments to Certain Facilities under Section 14-7.05 of the School Code).

a) An individual who wishes to receive a short-term emergency approval shall:

1) hold an Illinois professional educator license endorsed for a teaching field or an educator license with stipulations endorsed for transitional bilingual educator (which need not be valid for the grade levels to be taught under the temporary emergency approval as otherwise required by Appendix A to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision));

2) present evidence of having completed college-level coursework encompassing a "survey of exceptional children" as well as any one of the three other areas required pursuant to 23 Ill. Adm. Code 226.810(b); and

3) submit the required fee along with an application to the State Board of Education, on a form supplied by the Board, that:

A) includes a plan for the individual's acquisition of an LBS I approval by completing a supervised clinical experience that qualifies for college credit, as well as coursework covering:

i) diagnosis of, and the characteristics of children with, all the disabilities encompassed by the LBS I credential,

ii) methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential, and

iii) adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential; and

B) describes the supervision the individual will receive from an individual who holds a professional educator license endorsed for special education supervision pursuant to Section 25.497~~ of this Part~~.

b) Each applicant's plan shall be validated by an authorized representative of the college or university that operates the approved teacher preparation program under whose auspices the applicant will complete necessary coursework.

c) Each applicant's plan shall be validated by an authorized representative of the employing entity. In addition to verifying that the required supervision will be provided, this representative shall verify that the employing entity has been unable to secure the services of an individual who is appropriately licensed for the teaching position in question and shall describe the entity's recruitment efforts in this regard.

d) Approval of an individual's application shall be specific to the teaching assignment and employer described in the application but shall be transferrable to a new employer, provided that the conditions of subsection (c)~~ of this Section~~ are met by the new employer.

e) Upon approval of an application by the State Superintendent of Education, the individual shall have three years, beginning with the next academic term, in which to complete the coursework described in subsection (a)(3)(A)~~ of this Section~~ and receive the LBS I endorsement under Section 25.43~~ of this Part~~ following passage of the content-area test required for the endorsement. This three-year period shall not include intervals during which any of the following circumstances apply:

1) serious illness or the onset or exacerbation of a disability;

2) care of an immediate family member during serious illness or disability;

3) destruction of the licensee's dwelling; or

4) other circumstances that cause the time the individual could otherwise devote to acquiring additional credentials to be taken up with other responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).

f) An individual who experiences any of the circumstances discussed in subsection (e)~~ of this Section~~ may submit information to the State Superintendent of Education describing the situation. This information shall be accompanied by relevant evidence, such as a physician's statement, insurance claim~~,~~ or other applicable documentation of the facts. The State Superintendent shall issue a response indicating the period of time for which the three-year deadline shall toll, which shall take into account the relationship of the academic term to the individual's circumstances.

g) The short-term emergency approval shall not be renewed.

1) An individual who does not obtain the LBS I endorsement within the time allotted shall not be assigned to a special education teaching position.

2) An individual who does obtain the LBS I endorsement shall become subject to the provisions of Section 25.47~~ of this Part~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)

This Section establishes requirements in addition to those set forth in Section 21B-50 of the School Code [105 ILCS 5/21B-50] for an institution of higher education or a not-for-profit entity recognized and approved to offer educator preparation programs under Subpart C to provide an alternative approach to obtaining a professional educator license.

a) General Requirements

Each alternative educator licensure program shall:

1) Include a program of study that addresses the content enumerated in Section 21B-50(b)(1) of the School Code. For purposes of this subsection (a)(1), instruction relative to special education and reading shall meet the criteria set forth in Section 25.25(a)(1) of this Part and, for English language learners, the criteria found in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers).

2) Provide two years of residency pursuant to Section 21B-50(b)(2) and (3) of the School Code during which the candidate is assigned to teach full time for two school years as the teacher of record or a co-teacher.

A) During the first school year of the residency, the program shall assign a mentor to each candidate. The mentor shall:

i) hold a professional educator license and be employed by the school district where the candidate is serving his or her residency;

ii) have three years of full-time teaching experience in the 10 years immediately preceding his or her assignment as a mentor; and

iii) have achieved a performance evaluation rating of proficient or higher in his or her two most recent evaluations.

B) During the second year of residency, the program shall assign a teacher who meets the requirements of subsection (a)(2)(A) to serve as a coach for each candidate, providing consultation and support, as needed.

3) Involve a partnership of the institution or not-for-profit entity offering the alternative educator program with a public school district or nonpublic school that meets the criteria set forth in Section 21B-50(d) of the School Code. Candidates also may serve:

A) in the case of early childhood endorsements, in a position for which a professional educator license endorsed for early childhood is required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); or

B) 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); or

C) in a charter school.

4) At the conclusion of the second year of residency, each program shall administer a comprehensive assessment to gauge the candidate's teaching effectiveness that is conducted by the principal of the school to which the candidate is assigned and the coordinator of the alternative educator

program appointed by the institution or not-for-profit entity. (See Section 21B-50(b)(4) of the School Code.)

b) Candidate Qualifications

1) In order to enroll in the program, each candidate shall pass Illinois' test of basic skills and the content-area test for which licensure is sought, as required under Section 21B-30 of the School Code and Section 25.720. (See Section 21B-50(c)(5) of the School Code.)

2) In order to participate in the first year of residency, the candidate shall:

A) apply for an educator license with stipulations endorsed for provisional alternative educator, which shall be issued upon the presentation of evidence of having met the requirements set forth in Section 21B-50(c) of the School Code and payment of the fee required under Section 21B-40 of the School Code; and

B) complete the course of study required under subsection (a)(1).

3) In order to participate in the second year of residency, the candidate shall:

A) complete any additional coursework relative to the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and the content-area standards for the teaching field of the endorsement, as required under Section 25.115(e);

B) pass the Teacher Performance Assessment (TPA), except that candidates beginning their second year of residency in the 2015-16 school year shall be required to pass the TPA during that year (also see subsection (c)(5)); and

~~C) pass the Assessment of Professional Teaching (APT) (also see subsection (c)(5)); and~~

C~~D~~) be recommended for second year of residency in accordance with the program's process established pursuant to subsection (c)(7)(C).

c) Proposal Requirements

1) Each proposal shall describe the role and responsibilities of the institution or not-for-profit entity and of the school district or nonpublic school with which the institution or entity will partner. The proposal also shall identify the program coordinator to be assigned by the institution or entity to oversee the candidates in the alternative program.

   A) The proposal shall include a plan to ensure that the program coordinator visits the classroom in which each candidate is placed for an average of one day a week during the school year.

   B) Any program coordinator assigned to the candidates under this subsection (c)(1) shall have had three years of teaching experience in any of the grades of prekindergarten through grade 12 in the 10 years immediately preceding his or her assignment to the position and meet the requirement for training under subsection (c)(8).

2) Each proposal shall describe the need for individuals holding the type of endorsements to be awarded upon program completion, including, but not limited to, evidence of a shortage of these types of educators (e.g., special education, math, science), either across the State or in certain geographical areas. If the shortage is specific to a certain area, describe the steps to be taken to attract candidates from that area of the State or to place candidates in positions in schools located there.

3) Each proposal shall demonstrate how the program 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 licensure.

4) For candidates who have not completed a major in the particular content area of the endorsement sought, as required under Section 21B-50(c) of the School Code, the institution or not-for-profit entity shall describe the process and criteria it will use to determine whether the coursework the candidate completed aligns to the standards for the content area of the endorsement and represents at least 32 semester hours of credit in that content area.

A) Any transcript evaluation the program conducts pursuant to this subsection (c)(4) shall be provided to the State Superintendent for his or her approval.

B) For candidates seeking an endorsement in early childhood, elementary or special education, a *major in the content area of one of the sciences* (Section 21B-50(c)(3) of the School Code) shall be understood to mean any of the physical or social sciences.

5) Each proposal shall provide an assurance that all candidates will be required to~~:A)Beginning September 1, 2015,~~ pass TPA prior to beginning the second year of residency, except as otherwise provided in Section 25.60(b)(3)~~; and B) pass the APT before proceeding to the second year of residency~~.

6) Each proposal shall describe the proposed course of study.

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 with regard to:

i) *instructional planning*;

ii) *instructional strategies, including* those meeting the criteria for instruction relative to *special education, reading and English language learning* set forth in Section 25.25(b) of this Part;

iii) *classroom management*; and

iv) *the assessment of students and use of data to drive instruction*. (Section 21B-50(b)(1) of the School Code)

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 factors, such as their experience and the type of program offered.

C) Each proposal shall describe the field experiences in which candidates will participate before beginning their first year of residency.

D) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution or not-for-profit entity responsible for the program at the conclusion of the course of study in order to determine the candidate's readiness for the two-year teaching assignment. Each proposal shall state the criteria for the institution's or entity's determination of candidates' readiness.

7) 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 entity responsible for the program and the school districts, early childhood or nonpublic special education facility, or charter school where candidates will practice. Each agreement shall address:

A) the nature and intensity of the support to be provided to candidates by the mentor, as well as any experienced teachers and other staff members of the district, including:

i) the qualifications and experience of the mentor and any of the assisting teachers and staff;

ii) the estimated amount of time the mentor and any assisting teachers and staff will devote to advising and assisting candidates; and

iii) the specific roles of the mentor and any assisting teachers and staff;

B) provisions enabling candidates to compensate for teaching time lost due to emergencies; and

C) the process and criteria to be used by the principal of the school where the candidate is placed and the program coordinator to

recommend the candidate's placement in a second year of residency. (Section 21B-50(b)(2) of the School Code)

8) Each proposal shall describe the proposed method of comprehensively assessing candidates' teaching performance at the conclusion of the second year of residency, which shall at a minimum meet the requirements set forth in 23 Ill. Adm. Code 50.120 (Professional Practice Components for Teachers) and be conducted by an individual who has successfully completed the prequalification process and passed the required assessment authorized by Section 24A-3 of the School Code [105 ILCS 5/24A-3]. The assessment methods shall be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each agreement shall describe:

A) the roles of the principal and program coordinator who will participate in the evaluation of candidates;

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; and

C) the professional development process to be used either for those candidates who receive a "needs improvement" rating at the conclusion of the assessment process or in instances when the principal and program coordinator cannot agree, which shall address the candidate's weaknesses and deficiencies identified during the assessment and assist the candidate in making improvement during the third year of residency relative to those weaknesses and deficiencies. The option for professional development and a third year of residency shall not be afforded to any candidate who receives "unsatisfactory" ratings from both the principal and program coordinator or for anyone who receives an "unsatisfactory" rating from either the principal or program

coordinator and a "needs improvement" rating from either the principal or program coordinator.

9) Each proposal shall delineate any criteria, in addition to a candidate's receiving a rating of "proficient" or higher at the conclusion of the comprehensive assessment required under subsection (c)(8), by which candidates will be recommended for the professional educator license endorsed in the content area and grade level of the candidate's residency practice by the participating entity responsible for the program.

10) Proposals shall be submitted to the State Board of Education and addressed as follows:

Alternative Educator Licensure Program
100 North First Street
Springfield, Illinois 62777

d) Program Approval

1) Proposals for the establishment of alternative programs for teacher licensure meeting the specifications of this Section and Section 21B-50 of the School Code shall be approved by the State Superintendent of Education pursuant to the requirements set forth in Section 25.145, in consultation with the State Educator Preparation and Licensure Board.

2) *Any program offered by a not-for-profit entity also shall be approved by the Board of Higher Education*. [105 ILCS 5/21B-50(b)]

e) *Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law*. [105 ILCS 21B-50(b)] A candidate successfully completing the program shall receive a professional educator license endorsed in the content area and grade levels of his or her residency practice upon application and payment of the fee required under Section 21B-40 of the School Code.

f) Each alternative program established pursuant to this Section shall be subject to the review process and reporting requirements described in Subpart C.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 25.96 Endorsement for Early Childhood Education (Birth through Grade 2)

The requirements set forth in this Section apply to the receipt of an early childhood education endorsement issued for birth to grade 2.

a) The endorsement for self-contained general education for early childhood education shall be affixed to the professional educator license.

b) Each candidate for an early childhood education endorsement shall complete a 32 semester hour major in early childhood offered by an Illinois program approved for the preparation of early childhood education teachers pursuant to Subpart C. The program shall include:

1) coursework that addresses at least three areas of the sciences (i.e., physical, life, and earth and space); and

2) coursework that addresses at least four areas of the social sciences (i.e., (history, geography, civics and government, and economics of Illinois, the United States and the world).

c) Each candidate shall complete field experiences and student teaching, as required under Section 25.620, that includes opportunities to work in at least two of the three early childhood age groupings of birth through age 3, age 3 through 5 years, and age 5 through 8 years.

d) Any candidate completing an early childhood education program that meets the requirements of 23 Ill. Adm. Code 26.110(d) is eligible for a Gateways ECE Level 5 credential for two years after completing the program and may apply for the credential by using the process set forth at http://www.ilgateways.com/en/credentials. Candidates are not required to obtain the Gateways ECE Level 5 credential in order to receive the early childhood education endorsement under this Section.

e) Each candidate shall be required to pass the applicable tests, as required by Section 21B-30 of the School Code, subject to the provisions of Section 25.720 of this Part.

(Source: Added at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 25.97 Endorsement for Elementary Education (Grades 1 through 6)

The requirements of 23 Ill. Adm. Code 1.710 (Requirements for Elementary Teachers) shall apply to the preparation of any candidate who completes a program approved in accordance with those provisions on or before September 1, 2017 and has the elementary education endorsement issued by September 1, 2018. For candidates prepared in a program approved using the standards set forth at 23 Ill. Adm. Code 20 (Standards for Endorsements in Elementary Education), as well as those completing programs on or after September 1, 2017, the requirements of this Section shall apply.

a) The endorsement for self-contained general elementary education in grades 1 through 6 shall be affixed to the professional educator license.

b) Each candidate for an endorsement in self-contained general elementary education shall complete a 32 semester hour major in elementary education offered by an Illinois program approved for the preparation of elementary education teachers pursuant to Subpart C ~~of this Part~~. The program shall include:

1) coursework that addresses at least three areas of the sciences (i.e., physical, life, and earth and space);

2) coursework that address at least four areas of the social sciences (i.e., (history, geography, civics and government, and economics of Illinois, the United States and the world); and

3) a student teaching experience that meets the requirements of Section 25.620 ~~of this Part~~ for those candidates who will be receiving the professional educator license for the first time.

c) Each candidate shall be required to pass the applicable tests, as required by Section 21B-30 of the School Code, subject to the provisions of Section 25.720 of this Part.

d) Additional elementary endorsements (e.g., elementary mathematics, elementary reading) may be added to the professional educator license endorsed for self-contained elementary education in accordance with the provisions of Section 25.37 of this Part.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.100 Teaching Endorsements on the Professional Educator License

Beginning July 1, 2013, the structure of teaching endorsements available on the Illinois professional educator license is changed. Appendix E provides a list of the available endorsements and shows for each endorsement the related endorsements that were previously issued. Any semester hours of credit presented toward fulfillment of the requirements of this Section shall be posted on the candidate's official transcript and may be taken in on-line or electronically-mediated courses, provided that college credit is provided 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 licensure, 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) Content-specific endorsements (e.g., science − biology, social science − economics) shall be required in conjunction with some endorsements, as shown in Appendix E. Except in the case of foreign language, a licensee shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the content-specific endorsement or endorsements received in conjunction with that endorsement. However, a licensee 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 content-specific endorsement. For example, a secondary science teacher with a content-specific endorsement for science − biology may not teach honors physics or chemistry unless he or she holds a content-specific endorsement in science − physics or science − chemistry.

b) The provisions of subsection (a) do not apply to endorsements in a particular content area available prior to July 1, 2004 that were not exchanged for the endorsement currently available. Individuals holding these endorsements shall teach only the specific content encompassed by the endorsement issued. For instance, an individual who holds an endorsement in biology (rather than "sciences" with a content-area endorsement in science − biology) shall teach only biology and no other science content. An individual who wishes to teach other subjects in the same field or grade levels shall be required to apply for the relevant new endorsement in keeping with Section 21B-40 of the School Code and meet the applicable requirements of this Section.

c) Endorsements at Time of Issuance of the Professional Educator License

1) Pursuant to Section 21B-25 of the School Code [105 ILCS 5/21B-25], each professional educator license *shall be specifically endorsed by the State Board of Education for each content area* and grade-level range *for which the holder of the license is qualified* to teach and for which application has been made.

2) The professional educator license issued shall be endorsed in keeping with the program completed and the related content-area test passed by the candidate and for any other subject in which the individual:

A) meets the requirements of subsection (d), (f), (g), (h), (i), (j) or (k); 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.

d) Certain endorsements or content-specific endorsements listed in Appendix E have no corresponding content-area test (see Section 25.710). The provisions of this subsection (d) shall apply to the issuance of these endorsements and content-specific endorsements.

1) For an applicant who is receiving an Illinois professional educator license endorsed for a teaching field, 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 content-specific endorsement, except that the requirements of subsection (k) shall apply to the issuance of endorsements in safety and driver education beginning with applications received on or after February 1, 2012.

2) An applicant prepared out of state, or an applicant who is already licensed in Illinois and is seeking to add a new endorsement or a content-specific

endorsement in one of these subjects, other than an endorsement in safety and driver education, shall:

A) present verification from an institution with an approved educator preparation program that he or she is prepared in the area covered by the endorsement or content-specific endorsement sought; or

B) present evidence of completion of 24 semester hours of coursework (subject to further limitations as set forth in this Section) in the area covered by the endorsement or content-specific endorsement sought.

3) An applicant prepared out of state or an applicant who is already licensed in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth in subsection (k).

e) Addition of Endorsements to Currently Held Professional Educator Licenses
Individuals seeking to endorse currently held professional educator licenses shall apply for the endorsements, using ELIS, and pay the fee required under Section 21B-40 of the School Code [105 ILCS 5/21B-40].

1) When an applicant qualifies for an endorsement, its issuance shall be reflected on ELIS.

2) An endorsement will be issued for any subject in which the individual:

A) meets the requirements of subsection (d), (f), (g), (h), (i), (j) or (k); or

B) for other content areas not referenced in subsection (e)(2)(A), 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, for secondary endorsements) and has passed the applicable content-area test; any coursework to be considered (whether undergraduate or graduate level) shall be posted on the individual's official transcript.

f) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences. The requirements of subsections (f)(1) through (4) relate to endorsements and content-specific endorsements in these fields based on the standards found at 23 Ill. Adm. Code 27.140 through 27.260. (See Appendix E.)

1) An individual seeking to add an endorsement and a content-specific endorsement in either of these fields who does not already hold that endorsement with one of its other available content-specific endorsements shall be required to pass the content-area test for the content-specific endorsement sought and either:

A) be recommended for the endorsement and the content-specific endorsement by an institution with an approved program in the subject area based on having completed coursework sufficient to address the applicable content-area standards; or

B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:

i) at least 12 semester hours of credit must have been earned in the subject area of the content-specific endorsement sought; and

ii) some portion of the coursework completed must have addressed at least two additional content-specific endorsements 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 (f)(1) 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 content-specific endorsement in the same field if he or she has:

A) passed the applicable content-area test and completed 12 semester hours of coursework in the subject area of the content-specific endorsement; or

B) completed a major in the content area of the content-specific endorsement.

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 content-specific endorsement in that field under the new structure by passing the content-area test for the content-specific endorsement sought and, effective with applications received on or after February 1, 2012, completing 12 semester hours of coursework in the subject area of the content-specific endorsement. He or she may then qualify for additional content-specific endorsements in the field pursuant to subsection (f)(3).

g) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is a teacher whose assignment involves teaching reading to students. A reading specialist is a teacher 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 an Illinois professional educator license and who receives an endorsement for some teaching field other than reading shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

A) having passed the applicable content-area test (i.e., reading teacher or reading specialist) and having been recommended for the endorsement by virtue of completing an approved reading teacher 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 (as posted on the individual's official transcript), including a practicum involving clinical experience with two or more students and at two or more

grade levels, at an institution that is recognized to offer teacher preparation programs in Illinois; or

B) having passed the applicable content-area test and having completed 24 semester hours of graduate or undergraduate coursework in reading (as posted on the individual's official transcript), including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:

i) foundations of reading;

ii) content-area reading;

iii) assessment and diagnosis of reading problems;

iv) developmental and remedial reading instruction and support;

v) developmental and remedial materials and resources; and

vi) literature appropriate to students across all grade ranges.

2) Reading Specialist

A) Each candidate for the reading specialist endorsement shall hold an Illinois professional educator license. The candidate also shall present evidence of ~~and have at least~~ two years of teaching experience either on the professional educator~~that~~ license in an Illinois school or on a comparable out-of-state certificate or license valid for teaching at any of the grade levels of early childhood, elementary, middle, secondary or special K-12. Each candidate shall be eligible to receive the reading specialist~~this~~ endorsement on the professional educator license when he or she presents evidence of having completed the ~~required~~ teaching experience required under this subsection (g)(2)(A).

B) Each candidate shall hold a master's degree or higher awarded by a regionally accredited institution of higher education.

C) Each candidate shall have completed a K-12 reading specialist preparation program approved pursuant to Subpart C, or a comparable program, as defined in Section 25.425(a), offered out of state, that includes clinical experiences with five or more students at both the elementary (i.e., kindergarten through grade 8) and secondary levels 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. For purposes of the clinical experiences, a candidate shall work with at least one student enrolled in elementary grades and at least one student enrolled in secondary grades and may work with students one on one or in a group. Each candidate shall have been recommended for the endorsement by the institution offering the program.

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

h) Special provisions shall apply to endorsements and content-specific endorsements in foreign languages.

1) For individuals who are seeking a professional educator license for the first time, an endorsement for a specific foreign language may be placed on the license 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 and passed the applicable content-area test.

2) For individuals who currently hold professional educator licenses with at least one endorsement for a foreign language, an endorsement for a different foreign language may be added when an individual has passed the applicable content-area test.

3) For individuals who currently hold professional educator licenses endorsed in teaching fields other than foreign language, an endorsement for a foreign language may be added upon completion of 24 semester hours of college credit in the language, either as an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and passage of the applicable content-area

test. The endorsement issued shall be for only the grade levels for which the individual's professional educator license currently is endorsed. This subsection (h)(3) also is applicable to candidates seeking a professional educator license for the first time to be endorsed in a teaching field other than foreign language.

4) Section 25.95 sets forth additional provisions for licensure in foreign languages under specified circumstances.

i) Requirements for Elementary, Middle Grades and Bilingual Education

1) The requirements of Section 25.97, rather than the requirements of this Section, shall apply to credentials and assignments in the elementary grades.

2) The requirements of Section 25.99, rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, except that Section 25.99 shall be read in conjunction with this Section with respect to reading and library information specialist assignments in the middle grades.

3) 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.

j) 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 that is aligned to 23 Ill. Adm. Code 27.470 (Technology Specialist), and has passed the relevant content-area test.

k) 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 posted on the individual's official transcript), as defined by the institution offering the coursework, distributed as follows:

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 of preparation in and use of driving simulation; and

iii) the equivalent of at least one semester hour of 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.

l) Special provisions shall apply to the issuance of endorsements for gifted education teachers and gifted education specialists. A gifted education teacher is a teacher whose assignment involves teaching gifted students. A gifted education specialist is a teacher whose assignment involves the provision of technical

assistance and/or professional development to other teachers and may also include teaching gifted students.

1) Gifted Education Teacher
This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds an Illinois~~a~~ professional educator license endorsed at any of the grade levels of early childhood, elementary, middle, or secondary, or for special K-12, or who receives an endorsement for some field other than gifted education, shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

A) having passed the applicable content-area test and having been entitled for the endorsement by virtue of completing an approved gifted education teacher preparation program that aligns to the standards set forth at 23 Ill. Adm. Code 27.490 (Gifted Education Teacher) that requires at least 24 semester hours of undergraduate or graduate coursework in gifted education at an institution that is recognized~~approved~~ to offer teacher preparation programs in Illinois pursuant to Subpart C; or

B) having passed the applicable content-area test and having completed 24 semester hours of undergraduate or graduate coursework in gifted education (as posted on the individual's official transcript), including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:

i) characteristics of the field of gifted education as it pertains to gifted children, including their cognitive, creative and affective development;

ii) the wide range of ways in which a child is gifted; issues and practices in identifying and serving gifted children; and the manner in which assessment data shape decisions about identification, learning progress and outcomes; and

iii) theoretical and research-based data necessary for the development of programs, curriculum and instructional

sequences for gifted children, especially those serving gifted students from diverse populations.~~documented completion of a gifted education seminar offered by the State Board of Education in conjunction with the Illinois Association for Gifted Children or received recognition as a State Board-approved gifted education seminar trainer, and has four years of teaching experience in a public or nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools). The requirements of this subsection (l)(1)(B) shall apply to applications received on or before February 1, 2015. Applications submitted on or after February 1, 2015, shall be subject to each of the requirements set forth in subsection (l)(1)(A).~~

2) Gifted Education Specialist
Each candidate for the gifted education specialist endorsement shall hold a professional educator license endorsed at any of the grade levels of early childhood, elementary, middle~~,~~ or secondary, or for special, and have at least two years of teaching experience on that license, or on a comparable out-of-state certificate or license, involving the education of gifted students. Each candidate shall be eligible to receive this endorsement on the professional educator license when he or she presents evidence of having completed the required teaching experience.

A) Each candidate shall hold a master's degree or higher degree awarded by a regionally accredited institution of higher education.

B) Each candidate shall have completed a gifted education specialist preparation program for prekindergarten through grade 12 approved pursuant to Subpart C, or a comparable program, as defined in Section 25.425(a), offered out of state,~~of this Part~~ that aligns to the standards set forth at 23 Ill. Adm. Code 27.495 (Gifted Education Specialist). The program shall include clinical experiences with five or more students in both prekindergarten through grade 8 and grades 9 through 12 and lead 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. For purposes of the clinical experiences, a candidate shall work

with at least one student enrolled in prekindergarten through grade 8 and at least one student enrolled in grades 9 through 12 and may work with a student one on one or in a group. The clinical experience shall also include coaching or mentoring one or more teachers on the topic of gifted education. Each candidate shall have been entitled for the endorsement by the institution offering the program.

C) Each candidate shall be required to pass the content-area test for gifted education specialist.

D) An individual who qualifies for the gifted education specialist endorsement may receive the endorsement on his or her professional educator license for assignment in any of prekindergarten through grade 12.

~~E) An individual may receive the gifted education specialist endorsement without passing the test required under subsection (l)(2)(C) of the Section if he or she has met the requirements set forth in subsections (l)(2)(A), (B), and (D); has completed a gifted education seminar offered by the State Board of Education in conjunction with the Illinois Association for Gifted Children or received recognition as a State Board-approved gifted education seminar trainer, and has four years of teaching experience in a public or nonpublic school recognized pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), provided that he or she submits an application for the gifted specialist endorsement no later than February 1, 2015. Individuals otherwise meeting the requirements of this subsection (l)(2)(E) whose applications are received on or after February 1, 2015, will be subject to each of the requirements of subsection (l)(2).~~

m) 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.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART D: SCHOOL SUPPORT PERSONNEL

Section 25.230 Nationally Certified School Psychologist~~Requirements for the Certification of School Psychologists (Repealed)~~

An individual who is a Nationally Certified School Psychologist may qualify for a school support endorsement for school psychologist under the requirements of this Section, rather than the requirements set forth in Section 25.235 (Endorsement for School Psychologists).

a) Each candidate shall hold valid national certification issued by the National Association of School Psychologists (http://www.nasponline.org/index.aspx).

b) Each candidate shall meet the requirements for the professional educator license issued pursuant to Section 21B-20(1) of the School Code and Section 25.25 of this Part.

c) 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 the School Code. (See also 23 Ill. Adm. Code 23.130.)

(Source: Old Section repealed at 29 Ill. Reg. 15831, effective October 3, 2005; new Section added at 39 Ill. Reg. _____, effective _____)

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

Section 25.337 Principal Endorsement (2013)

a) This endorsement is required for principals and assistant principals.

b) A principal endorsement shall be affixed to a professional educator license provided that the candidate successfully completes each of the requirements

specified in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) or has completed a comparable approved program in another state or country or holds a comparable certificate or license issued by another state or country (see Section 25.425). For the purposes of this subsection (b), "comparable" means:

1) The out-of-state program is offered by an institution that has received approval under Subpart C to offer a principal preparation program (see 23 Ill. Adm. Code 30); or

2) The individual seeking the endorsement has had his or her coursework and preparation program reviewed by an institution approved to offer a principal preparation program in Illinois; has successfully completed any deficiencies in that preparation that the institution has identified, as applicable; and has been recommended for entitlement by that institution.

c) Each candidate shall have:

1) *four years of* experience~~*teaching*~~ *or, until June 30, 2019, working in the capacity of school support personnel in a public school or nonpublic school recognized by the State Board of Education* [105 ILCS 5/21B-25] in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), which must have been accrued while the individual held a valid professional educator license endorsed in a teaching field or, until June 30, 2019, a school support personnel area (i.e., school counselor, school psychologist, speech language pathologist (non-teaching), school nurse, school social worker, school marriage and family counselor); or

2) four years of experience, which must have been accrued while the individual held a valid teaching or, until June 30, 2019, school support personnel certificate or license issued by another state authorizing employment in an out-of-state public school or in an out-of-state nonpublic school meeting out-of-state recognition standards comparable to those set forth by the State Board of Education at 23 Ill. Adm. Code 425.

d) For the purposes of Section 21B-25(2)(B) of the School Code [105 ILCS 5/21B-25(2)(B)], a candidate may qualify for the principal endorsement with *fewer than 4 years of experience* upon presentation of certain performance evaluation ratings

that incorporate data and indicators of student growth (see Article 24A of the School Code [105 ILCS 5/Art.24A] and 23 Ill. Adm. Code 50 (Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code)).

1) A candidate may qualify with three years of experience if he or she has received at least a "proficient" performance evaluation rating in his or her three annual performance evaluations conducted.

2) A candidate may qualify with two years of experience if he or she has received an "excellent" performance evaluation rating in his or her two annual performance evaluations conducted.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills, pursuant to Section 25.720~~(early childhood, elementary, secondary, special K-12 or special preschool-age 21) or for school support personnel~~.

f~~d~~) An individual holding a general administrative endorsement issued pursuant to Section 25.335 of this Part may have that endorsement converted to a principal endorsement in accordance with the process set forth in Section 21B-25 of the School Code ~~[105 ILCS 5/21B-25]~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.360 Endorsement for Superintendent (Through August 31, 2019)

This endorsement, to be affixed to a professional educator license, is required of school district superintendents. (See also 23 Ill. Adm. Code 29.130.) No candidate shall be admitted to a superintendent endorsement program approved under this Section after August 31, 2016. Candidates who are enrolled shall complete the program and have the endorsement issued no later than September 1, 2019.

a) Each candidate for the superintendent's endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

b) Each candidate shall have completed an Illinois program approved for the preparation of superintendents pursuant to Subpart C or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425).

c) In accordance with Section 21B-25(2)(D) of the School Code, each candidate shall hold an Illinois professional educator license and have two years of experience working full-time in a general administrative position or as a principal, director of special education or chief school business official either:

1) on the Illinois general administrative, principal, director of special education or chief school business officer endorsement in:

A) an Illinois public school; or

B) a nonpublic school recognized under 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) whose chief administrator is required to hold a professional educator license endorsed for general administrative or principal and when a majority of the teachers employed in the school are required to hold a professional educator license endorsed in the teaching field specific to each teacher's assignment; or

2) while holding a credential required by the employing state in order to serve as principal, director of special education or chief school business official that is comparable in validity and educational and experience requirements (Section 21B-25(2)(D) of the School Code) to the applicable Illinois endorsement, if the candidate completed a comparable out-of-state program for the applicable credential held. (See also Section 25.425 of this Part.)

~~d) A candidate's experience serving in a position other than principal for which the general administrative endorsement is required shall be accepted as qualifying the individual to receive the superintendent's endorsement, provided the application for the endorsement is submitted on or before August 31, 2014.~~

de) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720.

e~~f~~) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for superintendent.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

Section 25.425 Individuals Prepared in Out-of-State Institutions

a) In accordance with Section 21B-35 of the School Code, an applicant who has completed *a comparable state-approved education program* of another state or country may be granted an Illinois professional educator license endorsed in the area (i.e., teaching, administrative or school support personnel) that corresponds to the completed program if he or she meets all the generally applicable requirements of Article 21B of the School Code (e.g., age and good character) and the requirements for the license and the endorsement 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 and is aligned to the standards set forth in Section 25.115(e). A program completed in the United States shall be considered comparable only if it was offered by a regionally accredited institution of higher education or a not-for-profit entity recognized under Subpart C.

1) The individual shall hold a bachelor's *degree* or higher *from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought* and meet the requirements for that endorsement as set forth in Section 25.100. (Section 21B-35(a)(2) of the School Code)

2) Each out-of-state applicant for an Illinois professional educator license endorsed in a teaching field must have completed a program that met the following requirements.

A) For those who have completed traditional preparation programs, these requirements include:

i) college coursework in professional education, including pre-student teaching clinical experiences or equivalent experience, and student teaching or equivalent experience;

ii) *a minimum of one* college *course* that is equivalent to at least 3 semester hours of credit *in the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code);

iii) *a minimum of* 6 *semester hours of* college *coursework in the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code); and

iv) *a minimum of one* college *course* that is equivalent to at least 3 semester hours of credit *in instructional strategies for English language learners*, which shall address bilingual education, English as a Second Language or English as a New Language methods (Section 21B-35(a)(5) of the School Code).

B) For those who have completed preparation programs in a school support personnel field listed in Subpart D, these requirements include college coursework in:

i) *the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;

ii) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(C); and

iii) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language

acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsement).

C) For those who are seeking an endorsement for principal, the applicant's preparation shall be evaluated in accordance with the criteria specified in Section 25.337.

D) For those who have completed alternative certification or licensure programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree that directly corresponds to the endorsement sought and meets the requirements for that endorsement as set forth in Section 25.100, 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, as well as the coursework specified in subsection (a)(2)(A).

3) Each out-of-state applicant shall have passed each of the Illinois tests required for the professional educator license and the endorsement sought, as set forth in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720.

4) Beginning July 1, 2015, each out-of-state applicant for a professional educator license endorsed in a teaching field shall pass the TPA (see Section 25.720(e)). If the applicant has not met this requirement, he or she may:

A) apply for an educator license with stipulations endorsed for the grade levels and content area of the endorsement sought, provided he or she holds a valid, comparable certificate or license from another state and has passed the test of basic skills and applicable content-area test required by Section 21B-30 of the School Code and Section 25.720, and complete the TPA while employed as a teacher in an Illinois school district; or

B) enroll in the student teaching portion of an educator preparation program offered by an Illinois institution of higher education approved to offer a program pursuant to Subpart C of this Part, during which time the TPA shall be completed; or

C) provide evidence with his or her application of having at least three years of full-time teaching experience and having achieved a "proficient" or higher rating, or the equivalent, on his or her most recent performance evaluation.

b) An individual may receive additional endorsements on a professional educator license endorsed for teaching by meeting the applicable requirements of Sections 25.37 and 25.100.

c) 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 (d) to determine if the candidate has met the requirements of Section 21B-35(b) of the School Code, including the coursework required under subsection (a)(2)(A).

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 (c)(1) shall be reviewed to determine whether the individual qualifies for a professional educator license and the endorsements for which application was made; if so, he or she shall receive the license and the 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 professional educator license and the endorsements for which application was made, he or she shall receive a notification of the deficiencies for the license and the endorsement requested.

d) Evaluation services shall be approved to review foreign credentials for purposes of Illinois licensure 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.

e) If either an out-of-state candidate or an applicant from another country has not met one or more of the criteria to receive a professional educator license and endorsements for which he or she has applied, the candidate may apply and qualify for an educator license with stipulations endorsed for provisional educator if he or she meets the requirements of Section 21B-20(2)(A) of the School Code, including passage of the Illinois test of basic skills and any Illinois content-area test required for each endorsement sought, as required by Section 21B-30 of the School Code and Section 25.720.

1) *Out-of-state applicants shall not receive a provisional educator endorsement* on the educator license with stipulations *if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements*. (Section 21B-20(2)(A) of the School Code)

2) An individual with an educator license with stipulations endorsed for provisional educator shall not serve either as a principal or an assistant principal. (See Section 21B-35 of the School Code.)

3) The educator license with stipulations endorsed for provisional educator shall be issued only once, valid until June 30 immediately following two years after the license being issued. (See Section 21B-20(2)(A) of the School Code.)

4) An applicant may request one or more endorsements when he or she initially applies for the educator license with stipulations endorsed for provisional educator and pay only one fee required under Section 21B-40 of the School Code. Additional endorsements may be requested following issuance of the educator license with stipulations upon application and payment of the fee required under Section 21B-40; however, the date of approval of any additional endorsements shall not extend the validity period of the educator license with stipulations.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.427 ~~One Year~~ Limitation on Evaluation or Entitlement

a) An evaluation for purposes of issuing any educator license or an additional endorsement on a currently held license will be binding on the State Board of Education for only two full fiscal years ~~one calendar year~~ after it is given.

b) A recommendation for licensure or endorsement of a candidate by entitlement shall be valid for only one calendar year after its issuance by the institution.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.430 Short-Term Authorization for Positions Otherwise Unfilled~~Institutional Approval (Repealed)~~

Subject to the provisions of this Section, an entity that is required to employ educator licensed teachers may receive short-term authorization to employ an individual who does not hold the qualifications required for certain vacant teaching positions when the employing entity has been unable to recruit a fully qualified candidate for that position.

a) Applicability

1) The short-term authorization described in this Section shall be available with respect to:

A) individuals who lack full qualifications in a content area; or

B) until January 31, 2018, 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)).

2) The short-term authorization described in this Section shall not be available with respect to:

A) special education teaching positions;

B) individuals who lack the required grade level endorsements for the assignment in question; or

C) situations in which 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.

b) The employing entity shall apply for short-term authorization by filing with the regional superintendent:

1) a description of the vacant position, including the subject area and the grade level;

2) evidence of the entity's inability to fill the position with a fully qualified individual, except as limited by subsection (a)(2)(C);

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 Illinois Educator Identification Number (IEIN) of the individual the entity wishes to employ for the position, as well as a list of the license numbers and content-area and grade level endorsements 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 that leads to educator licensure in the content 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 licensure 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) within three school years after the issuance of authorization under this Section.

c) Short-term authorization pursuant to this Section shall be issued only when the individual identified by the employing entity:

1) holds a professional educator license 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 required under subsection (b)(7).

d) 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) The 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.

e) 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 immediately following the third full year after the authorization was issued.

f) After the end of the validity of authorization received under this Section, the individual shall not be eligible to teach in the content area for which approval was granted unless he or she has received an endorsement for that content area.

(Source: Old Section repealed at 28 Ill. Reg. 8556, effective June 1, 2004; new Section added at 39 Ill. Reg. _____, effective _____)

Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21B-70 of the School Code [105 ILCS 5/21B-70] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (a)~~ of this Section~~). For purposes of this Section, "State Superintendent of Education" means the State Superintendent or a designee. 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 requested by "qualified educators", as defined in Section 21B-70(a) of the School Code, payments shall be paid on a first-come, first-served basis, regardless of the type of payment being requested, but shall be subject to any limitations established for a particular payment type~~in accordance with the priorities established~~ under Section 21B-70 of the School Code. Therefore, although a qualified educator, as defined in Section 21B-70(a) of the School Code, is someone who meets the requirements for a particular payment, not all qualifying educators in any given year will be assured of receiving the applicable payments.

b) A qualified educator shall qualify for a payment as called for in Section 21B-70(c)(1), (c)(2) or (c)(3) of the School Code when 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 position whose functions:

1) are specifically authorized by the grade levels and content-area endorsements on his or her professional educator license~~a teaching certificate~~ and include the provision of instruction to students; or

2) are specifically authorized by a school support~~service~~ personnel endorsement~~certificate endorsed~~ for school counselor on a professional educator license~~counseling~~ and include the provision of counseling services to students.

c) A qualified educator shall qualify for one or more incentive payments under Section 21B-70~~(c)(4) or~~ (c)(5) 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 full-year, full-time position whose functions meet the requirements of subsection (b)~~(1)(A)~~, as verified by the employer using a format specified by the State Superintendent of Education; or~~:~~

~~i) the functions are specifically authorized by a teaching certificate and include the provision of instruction to students; or~~

~~ii) the functions are specifically authorized by a school service personnel certificate endorsed for school counseling and include the provision of counseling services to students; 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

2) he or she *agrees, in writing,* using a format prescribed by the State Superintendent of Education, *to provide at least 30 hours of mentoring or*

National Board for Professional Teaching Standards (NBPTS) *professional development or both during the school year to classroom teachers or school counselors* as described in Section 21B-70~~(c)(4) or~~ (c)(5) of the School Code. (Section 21B-70~~(c)(4) or~~ (c)(5) of the School Code)

d) Requirements for Professional Development and Assistance to NBPTS Candidates

1) As verification that he or she qualifies for the applicable incentive payment, a qualified educator who provides professional development to new or experienced teachers or school counselors under subsection (c)~~ 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 for the applicable incentive payment, a qualified educator who assists other Illinois educators in preparing for certification by the National Board for Professional Teaching Standards under subsection (c)~~ 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.

e) Requirements for Mentoring or NBPTS Professional Development

1) Mentoring or professional development provided in accordance with subsection (c)~~ of this Section~~ shall be conducted either:

A) as part of and in conformance with a mentoring or professional development program formally established by a school district; or

B) under the terms of a written agreement among the mentor, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipients, and those recipients, that describes the goals of the mentoring or professional development, the duration of the mentor's involvement, and the amount of time expected to be devoted to each recipient.

2) Mentoring or professional development may be provided to recipients either individually or in groups, provided that the mentor must address areas of practice relevant to the needs of each recipient.

3) An individual who provides mentoring or professional development under this Section shall notify his or her employing district (if different from that of the recipients) to this effect and, as verification that he or she qualifies 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)~~ of this Section~~; and

B) discusses how the mentoring or professional development 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) Educator licensed~~Certified~~ teachers shall receive incentive payments only for providing mentoring and professional development to other teachers, and educator licensed~~certified~~ school counselors shall receive incentive payments only for providing mentoring and professional development to other school counselors.~~ A qualified educator may qualify for any combination of the payments discussed in Section 21B-70(c)(4) or (c)(5) of the School Code, as applicable, 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.~~

g) Instructional Leadership Training
In any fiscal year in which money remains after funding the categories in subsections (a) through (c), the State Superintendent of Education shall announce

no later than June 1 the amount of funding that will be devoted to training for qualified educators. The announcement shall indicate the:

1) specific purposes, from among those specified in Section 21B-70, of the training to be conducted;

2) amount of any stipend awarded for participating in the training;

3) limitations on the qualified educators who may participate (e.g., school demographics, including student characteristics and achievement levels; school district location); and

4) process a qualified educator would use to apply for a stipend under this subsection (g).

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.450 Lapsed Licenses

a) A lapsed license is a professional educator license or an educator license with stipulations endorsed for career and technical educator for which renewal requirements have not been completed by September 1 of the year in which it expired, or a professional educator license or an educator license with stipulations endorsed for paraprofessional educator that has not been registered for a period of six or more months since the expiration of its last registration. For purposes of this Section, the licenses listed in subsections (a)(1) through (3) do not lapse.

1) A professional educator license exchanged for a certificate that was issued between July 1, 1929 and July 1, 1951.

2) A substitute teaching license issued under Section 21B-20(3) of the School Code.

3) An educator license with stipulations issued under Section 21B-20(2) of the School Code endorsed in an area other than career and technical educator or paraprofessional educator.

b) In accordance with Section 21B-45(a) of the School Code, a lapsed license shall be immediately (i.e., within six months) reinstated if the individual pays any back fees, including all registration fees, that he or she owes and either:

1) pays a $500 penalty or, if the individual holds only an educator license with stipulations endorsed for paraprofessional educator, a $150 penalty; or

2) provides evidence of *completing nine semester hours of coursework from a regionally accredited institution of higher education in the content area that most aligns with one or more of the educator's endorsement areas* [105 ILCS 5/21B-45(b)]~~, which shall not be counted as both satisfying the penalty and meeting any professional development owed under subsection (b)(3) of this Section~~. For the purposes of this subsection (b)(2)~~(a)(2)~~:

A) coursework shall not be counted as both satisfying the penalty and meeting any professional development owed under subsection (b)(3);

B) coursework may include content or methods classes for cross-categorical special education, reading, English language learners (i.e., bilingual education, English as a Second Language or English as a New Language); and

C) the validity period for any coursework used for license reinstatement shall expire on September 1 immediately following the fifth full year after the date of the coursework's completion.

3) for those licensees whose licenses lapsed on September 1 due to failure to complete renewal requirements, completes all outstanding professional development activities required for renewal.

c) The penalty referenced in subsection (b)(1)~~ of this Section~~ cannot be paid in advance of the individual's license lapsing. In other words, once the license expires due to failure to pay registration fees or complete license renewal requirements, the individual has the option of:

1) if the license expired due to failure to pay registration fees and the license has not yet lapsed;

A) waiting six months before paying the penalty or presenting evidence of completing the coursework required under subsection (b)(2); or

B) paying all registration fees owed; or

2) if the license expired due to failure to complete renewal requirements and the license has not yet lapsed, completing the applicable renewal requirements and/or paying all registration fees owed.

~~d) Any coursework completed within five years prior to the date in which an applicant submits a renewal request may be counted toward meeting the requirements of subsection (b)(2).~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section 25.510 Endorsement for Paraprofessional Educators

a) The term "paraprofessional" educator shall be used to refer to the noncertificated personnel authorized by Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18] to be employed to assist in instruction and who are required under Section 21B-20(2)(J) of the School Code to hold an educator license with stipulations endorsed for paraprofessional educator, except that the following individuals are not subject to this Section:

1) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of Section 25.15 (Types of Licenses; Exchange), subject to any limitations of his or her approval;

2) Any individual who holds an educator license indicative of completion of at least a bachelor's degree; and

3) Any individual who holds an educator license with stipulations endorsed for career and technical educator (see Section 25.70).

b) Beginning July 1, 2013, each paraprofessional educator shall be of good

character, as defined in Section 21B-15 of the School Code. Each paraprofessional educator 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 as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696 (Control of Tuberculosis Code). ~~Each paraprofessional educator shall hold a high school diploma or its recognized equivalent.~~ To receive an educator license with stipulations endorsed for paraprofessional educator, an individual shall:

1) present evidence of having completed a minimum of 60 semester hours of college credit at a regionally accredited institution of higher education, which shall not include any remedial or developmental coursework that the applicant has taken; or

2) hold an associate degree from a regionally accredited institution of higher education; or

3) hold a high school diploma or its recognized equivalent and 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 SEPLB; or

4) hold a high school diploma or its recognized equivalent and pass the WorkKeys® assessment offered by ACT with at least the score identified by the State Board of Education in consultation with the SEPLB.

c) Revocation or Suspension of Approval or Licensure or other Permissible Sanction

1) Revocation, suspension or other permissible sanction may be initiated by the State Superintendent with respect to a paraprofessional approval or an educator license with stipulations endorsed for paraprofessional educator for any of the bases set forth in Section 21B-75(b) of the School Code [105 ILCS 5/21B-75(b)] and any of these actions shall be governed by, and conducted in accordance with, 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 paraprofessional or an educator license with stipulations endorsed for paraprofessional educator has been convicted of any offense as defined in Section 21B-80 of the School Code [105 ILCS 5/21B-80], the State Superintendent shall forthwith revoke the individual's approval or license. The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.550 Approval of Educational Interpreters

Each educational interpreter who serves students with hearing loss in the public schools shall be of good character, as defined in Section 21B-15 of the School Code. Each educational interpreter shall be subject to that portion of Section 24-5 of the School Code that requires physical fitness and freedom from tuberculosis as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696 (Control of Tuberculosis Code). Each educational interpreter shall hold a statement of approval from the State Superintendent of Education, which shall be identified as valid either for sign language interpreting or oral transliteration~~for cued speech interpreting~~. Each individual who is required to hold a statement of approval shall submit an application to the State Superintendent, along with the fee required under Section 21B-40 of the School Code for those applicants who hold a professional educator license and evidence that he or she meets the requirements applicable to the type of approval sought.

a) Approval Criteria

1) Each applicant for approval as an educational interpreter either for sign language interpreter or oral transliteration~~cued speech interpreter~~ shall:

A) have completed 60 semester hours of college credit from one or more regionally accredited institutions of higher education; or

B) hold an associate's degree issued by a regionally accredited institution of higher education; or

C) hold a high school diploma or its recognized equivalent and have achieved the score identified as passing by the Illinois State Board

of Education on one of the examinations for paraprofessionals discussed in Section 25.510(b); or

D) hold a high school diploma or its recognized equivalent and have passed the written examination administered by the Registry of Interpreters for the Deaf (RID).

2) Each applicant for approval as a sign language interpreter also shall have:

A) attained a rating of Level 3.5 or above on the Educational Interpreter Performance Assessment (EIPA); or

B) maintained a valid certification from the RID; or

C) maintained a valid Illinois Board for Evaluation of Interpreters (IL BEI) Basic Certification or higher issued by the Illinois Deaf and Hard of Hearing Commission.

3) Each applicant for approval for oral transliteration~~as a cued speech interpreter~~ also shall have attained Transliteration Skills Certification at Level 3 or above.

4) If the applicant is unable to provide evidence of meeting one of the criteria set forth in subsection (a)(2), a one-time, interim approval shall be granted if each of the following conditions are met. The interim approval is valid until June 30 following two years of the approval being issued. The provisions of this subsection (a)(4) shall not apply to individuals who held initial approval issued prior to June 30, 2013.

A) The applicant shall provide evidence of meeting one of the criteria listed in subsection (a)(1).

B) The applicant shall have attained a rating of at least Level 3.0 on the EIPA.

b) Validity; Renewal
Approval shall be valid for five years, subject to the provisions of Section 21B-20 of the School Code, and shall be renewable upon presentation of evidence that,

during the five-year period of the approval's validity, the individual has completed 50 clock hours of professional development activities.

c) Continuing Professional Development

1) An individual may accrue clock hours of professional development by participating in conferences, workshops, institutes, seminars, symposia, or other, similar training events that:

A) are designed to improve the skills and knowledge of interpreters for the deaf; or

B) are organized by an entity that is approved pursuant to Section 25.855 and address educational concerns.

2) An individual may accrue the required clock hours for continuing professional development by completing college coursework that is part of an interpreter training program offered by a regionally accredited institution of higher education or an Illinois community college. Clock hours will be credited based on 1 semester hour of college coursework being equivalent to 15 clock hours of professional development activities.

3) Evidence of Completion

A) Each individual who will be required to complete professional development as a condition of renewal shall electronically sign a statement of assurance in ELIS attesting to completion of the required activities. For any activity completed under subsection (c)(1), the individual shall retain the evidence of completion form provided by the entity organizing the event.

B) As evidence of completion of college coursework, the individual shall retain a grade report or official transcript issued by the institution indicating that he or she has passed the course or courses.

C) An educational interpreter who earned continued professional development units (CPDUs) on or before June 30, 2014 shall have

those CPDUs converted to clock hours in accordance with Section 25.800(d).

d) Revocation or Suspension of Approval or other Permissible Sanction
The provisions of Section 25.510(e) shall apply to the revocation or suspension of approval or other permissible sanction for educational interpreters.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

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 Licensure 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. For the content-area tests and tests of 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 content-area test that measures specific content, and, for any test administration for which scores are reported before September 30, 2010, the "subarea score" is the scaled score for each subset of test items on the basic skills test that 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, the content-area tests and the teacher performance assessment for the Illinois Licensure Testing System (ILTS).

The Illinois Licensure Testing System shall consist of the following tests. Beginning with score reports issued after September 30, 2010, "test" or "tests" will also refer to subtests (reading comprehension, writing, language arts and mathematics) of the basic skills test.

Agricultural Education
~~Assessment of Professional Teaching (through August 2014)~~
~~Early Childhood~~
~~Elementary~~
~~Secondary~~
~~Special~~
Assessment of Professional Teaching (prekindergarten through grade 12) (through August 31, 2020~~required beginning September 1, 2014~~)
Basic Skills (through April 2012)
Reading Comprehension
Language Arts
Mathematics
Writing
Business, Marketing, and Computer Education
Chief School Business Official
Computer Science
Dance
Director of Special Education (required beginning July 1, 2005)
Drama/Theatre Arts
Early Childhood Education
Early Childhood Special Education
Elementary/Middle Grades (K-9) (through August 31, 2017)

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Elementary Education (1-6) (February 2016)
- Language and Literacy
- Mathematics
- Science and Social Science

Fine Arts, Physical Development and Health
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 (Principal) (through June 30, 2014)
Gifted Education Teacher (beginning September 2014)
Gifted Education Specialist (beginning September 2014)
Guidance (through June 30, 2005)
Health Education
Health Careers
Learning Behavior Specialist I
Learning Behavior Specialist II/Behavior Intervention Specialist
Learning Behavior Specialist II/Bilingual Special Education Specialist
Learning Behavior Specialist II/Curriculum Adaptation Specialist
Learning Behavior Specialist II/Deaf/Blind Specialist
Learning Behavior Specialist II/Multiple Disabilities Specialist
Learning Behavior Specialist II/Technology Specialist
Learning Behavior Specialist II/Transition Specialist
Library Information Specialist
Mathematics
Middle Grades (5-8) (February 2017)
Middle Grades (5-8) Language Arts (February 2017)

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Middle Grades (5-8) Mathematics (February 2017)
Middle Grades (5-8) Social Science (February 2017)
Middle Grades (5-8) Science (February 2017)
Music
Physical Education
Principal (beginning May 1, 2013)
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
- Geography
- History
- Political Science
- Psychology
- Sociology and Anthropology

Special Education General Curriculum (available May 1, 2005)
Speech-Language Pathologist: Nonteaching
Speech-Language Pathologist: Teaching
Superintendent
Teacher of Students who are Blind or Visually Impaired
Teachers of Students who are Deaf or Hard of Hearing
Technology Education
Technology Specialist
- Test of Academic Proficiency (i.e., Illinois' test of basic skills) (February 2012)
- Reading Comprehension
- Language Arts
- Mathematics
- Writing

TPA (required beginning September 1, 2015)
Transitional Bilingual Education – Language Proficiency
Arabic
Assyrian
Bosnian
Bulgarian
Burmese
Cantonese
Filipino
Greek
Gujarati
Hindi
Japanese
Korean
Lao
Lithuanian
Malayalam
Mandarin
Nepali
Polish
Russian
Serbian
Spanish
Telegu (Telugu)
Ukrainian
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 shall not be considered an unauthorized aid. Furthermore, a calculator shall not be considered an unauthorized aid when its use is authorized pursuant to the current ILTS registration bulletin and the contractor's web site.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.715 Test Validation

The State Board of Education will validate all tests as part of the Illinois Licensure~~Certification~~ Testing System, using reviews of test objectives and test items by committees of Illinois educators and a survey of Illinois educators to determine the relationships of these objectives to the knowledge required by entry-level Illinois educators in order to perform their jobs. All validation procedures will conform to the accepted professional standards promulgated by the National Council on Measurement in Education, the American Educational Research Association, and the American Psychological Association, as presented in the "Standards for Educational and Psychological Testing" (2014~~1999~~) published by the American Educational Research Association, 1430 K~~1230 17th~~ Street, N.W., Suite 1200, Washington, D.C. 20005~~20036~~. No later amendments to or editions of these standards are incorporated~~ by this rule~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.717 Test Equivalence

a) The State Board of Education will implement the following procedures to maintain uniformity in the difficulty level of each form of the basic skills test, each ~~form of the assessment of professional teaching, each~~ language proficiency test~~,~~ and each content-area test~~subject matter knowledge test~~ from test-to-test and from year-to-year. These procedures will conform to the accepted professional standards for test score comparability and equating promulgated by the National Council on Measurement in Education, the American Educational Research Association, and the American Psychological Association as presented in the "Standards for Educational and Psychological Testing" (2014~~1999~~) published by the American Educational Research Association, 1430 K~~1230 17th~~ Street, N.W., Suite 1200, Washington, D.C. 20005~~20036~~. No later amendments to these standards are incorporated by this subsection.

b) To achieve uniformity of test form difficulty, all test content advisory committees (see Section 25.715) shall be given identical orientation and training sessions throughout each step in test development and in standard setting. As a further measure to maintain test equivalence, when a new test form is produced, new items shall be matched to the items they are replacing in terms of average item difficulty statistics. Following the administration of a new test form, test scores for new test forms shall be made comparable in difficulty with the test scores on the previous test form by statistical test equating. The method to be used is set forth in Appendix A.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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 (2), each candidate seeking an Illinois license (professional educator license or certain educator licenses~~license~~ with stipulations), whether it is his or her first license or a subsequent license, shall be required to pass a test of basic skills authorized under Section 21B-30 of the School Code [105 ILCS 5/21B-30]. Further, Section 21B-30(c) of the School Code requires candidates in teacher preparation or school support personnel preparation programs to pass this test prior *to starting their student teaching or starting the final semester of their internship*.

1) A person who has passed the Illinois test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C or as a condition of participation in student teaching or an internship shall not be required to retake that test when seeking any subsequent endorsements or other educator licenses.

2) A person who has passed the Illinois test of basic skills and has been issued an Illinois educator license or any subsequent endorsement on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent endorsements or other educator licenses.

3) A person who has passed another state's test of basic skills as a condition of licensure or admission to a teacher preparation program shall be required to take the Illinois basic skills test before receiving a license. (See Section 21B-35 of the School Code.)

4) The Illinois test of basic skills will be administered as four separate subtests: reading comprehension, language arts, mathematics and writing.

A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.

B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.

5) In lieu of passing the Illinois test of basic skills, a candidate in an Illinois educator preparation program or applicant for an educator license may submit for consideration his or her composite score ~~from~~ either from the ACT® or the SAT®, provided that either test must include a writing component.

A) The State Superintendent shall announce and post on the State Board's website ~~no later than August 1, 2012~~ the minimum composite score on each test that will be accepted under this subsection (b)(5). Should any of the minimum scores be modified, the State Superintendent shall inform licensure officers no later than January 1 of the score to be used and shall modify the State Board's website accordingly.

i) The minimum composite score to be used for the ACT® shall be the average of the college-readiness benchmarks established by ACT® and posted at http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/, rounded up to the next whole number.

ii) The minimum writing score for the ACT® shall be the combined English/Writing score found at http://www.actstudent.org/writing/combined.html, which

will be identified by using the ACT® English score identified as the college-readiness benchmark and posted at http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/ and the ACT® writing score that is the same as the passing score for the writing subtest of the Illinois test of basic skills determined in accordance with Section 25.760.

iii) The minimum composite score for the SAT® shall be the single score identified by ACT® as comparable to the ACT® score identified pursuant to subsection (b)(5)(A)(i) and posted at http://www.act.org/solutions/college-career-readiness/compare-act-sat/.

iv) The minimum writing score for the SAT® shall be the single writing score identified by ACT® as comparable to the ACT® English/Writing score identified pursuant to subsection (b)(5)(A)(ii) and posted at http://www.act.org/solutions/college-career-readiness/compare-act-sat/.

B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT® or SAT® results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT® or the College Board to send an official score report of his or her composite score and English/Writing or single writing score, as applicable, to the address provided on the application form.

~~6) Except as provided in subsections (b)(1) and (b)(2), no score on the Illinois test of basic skills, including any scores from the ACT® or SAT® permitted to be used under subsection (b)(5), shall be more than 10 years old at the time a candidate begins student teaching or the second semester of the internship component of an educator preparation program or applies for any license issued, as may be required under Section 21B-20 of the School Code.~~

c) Content-Area Tests

1) Each candidate seeking an Illinois professional educator license or endorsement on that license, whether his or her first license or endorsement or a subsequent license or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the School Code; also see Section 25.710). Further, Section 21B-30(d) of the School Code requires passage of this test before a candidate begins student teaching or begins serving as a teacher of record. No waivers or exemptions are available.

2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the School Code, in order to qualify for an educator license with stipulations endorsed for transitional bilingual educator, and received that license shall not be required to retake that test in order to qualify for a bilingual education credential on another professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program also shall ~~also~~ not be required to retake that test.

d) Assessment of Professional Teaching (APT) (Through August 31, 2020)
In order to complete an educator preparation program, each candidate who has completed his or her student teaching by August 31, 2015 and is seeking his or her first Illinois professional educator license endorsed in a teaching field shall be required to pass the APT relevant to the endorsement sought (see Section 25.710). ~~A candidate seeking a subsequent endorsement on a professional educator license must also pass the APT relevant to the endorsement sought, unless he or she either:~~

~~1) has already passed an APT that encompasses the grade levels of the subsequent endorsement sought; or~~

~~2) already holds another Illinois professional educator license endorsed in a teaching field that encompasses the grade levels of the endorsement sought.~~

e) Teacher Performance Assessment (TPA)
Beginning September 1, 2015, each candidate completing an educator preparation program in a teaching field shall be required to pass the TPA (see Section 21B-30(f) of the School Code). ~~1)~~Each recognized institution offering approved

teacher preparation programs shall administer the TPA during a candidate's student teaching experience. ~~2) No later than July 1, 2013, each recognized institution offering an approved teacher preparation program shall begin using the TPA with at least some of its students; however, before September 1, 2015, an institution shall not require passage of the TPA as a condition for program completion for students participating in any limited implementation required under this subsection (e)(2) unless the institution requires that all candidates pass the assessment.~~

f) Except as provided in subsection~~subsections~~ (c)(2)~~ and (d)(1)~~, for each person seeking an Illinois license, no passing score on a content area test or the APT may be more than five years old at the time application is made. (See Section 21B-30 of the School Code.) The five-year period shall be calculated from the date the test was taken to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application. ~~1)~~The five-year period discussed in this subsection (f) shall apply to each score that forms part of an application received on or after July 1, 2012.~~ 2) The five-year period discussed in this subsection (f) shall also apply to each score that forms part of an application that is pending as of June 30, 2012, 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.~~

g) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a paper-and-pencil 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.

h) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a computer-based test or subtest of the Illinois test of basic skills may retake that test or specific subtest by computer after no fewer than 30~~60~~ days but also may retake that test or specific subtest during any subsequent, regularly scheduled administration of the test or subtest in paper-and-pencil format.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.728 Use of Test Results by Institutions of Higher Education

a) Each institution shall use the content-area tests in the disciplines relevant to individuals' program completion as provided in Section 21B-30(d) of the School Code.

b) An institution shall have the option of ~~using the Illinois Licensure Testing System's assessment of professional teaching (APT) as a requirement for candidates' progression among the components of a program or~~ requiring passage of the TPA before awarding credit for student teaching. (Also see Section 25.720 for the requirements that apply.) An institution may also require passage of the Illinois test of basic skills earlier in a preparation program than is required under Section 21B-30(c) of the School Code.

c) In using any test that forms part of the Illinois Licensure Testing System, institutions shall abide by all the rules governing the Testing System set forth in this Subpart, including, but not limited to, passing score, registration~~,~~ and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

d) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with any pertinent testing information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate's inability to progress through or complete an approved program because of failure to take one or more licensure tests in a timely manner.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.760 Passing Score

a) The passing raw score will be established for each test by the State Board of Education, in consultation with the SEPLB, based upon the professional judgments and recommendations of committees of Illinois educators about the acceptable, minimal level of performance for entry-level educators in Illinois classrooms.

b) ~~The raw score for the basic skills test and the assessment of professional teaching, and for new content-area tests first administered after December 31, 2002, shall be transformed to a scaled score ranging from 100 to 300, with 240 established as the passing score.~~ Beginning June 1, 2006, the raw score for each test that forms

part of the Illinois Licensure Testing System shall be transferred to a scaled score ranging from 100 to 300, with 240 established as the passing score. The passing raw score shall always be equal to a scaled score of 240. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:

1) If X is greater than or equal to CUT, then the scaled score is 240 + 60 [(X - CUT)/(MAX - CUT)].

2) If X is less than CUT, then the scaled score is 100 + 140X/CUT.

c) Scaled scores are rounded to the nearest integer except between 69 and 70 and between 239 and 240. To ensure that a score just below passing is not equated with a scaled score of 70 or 240, scaled scores between 69 and 70 will be considered 69, and scaled scores between 239 and 240 will be considered 239.

d) In order to pass the basic skills test, a person must receive a passing score on each of the subtests of reading comprehension, language arts, mathematics and writing.

e) The requirements of this Section do not apply to scores achieved on the ACT® or SAT® when results from those assessments are used in lieu of results from Illinois' test of basic skills pursuant to the requirements of Section 25.720 nor to scores used for determining passage of the TPA~~of this Part~~.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 25.770 Re-scoring

a) A person shall have the right to request re-scoring of the basic skills test, the APT, or a content-area test~~test of subject matter knowledge~~, provided the~~such a~~ request is submitted in writing and received by the State Board of Education within three months after the test administration date and is accompanied by payment of the applicable fee. A person shall also have the right to request re-scoring of a language proficiency test. However, no re-scoring service shall be available for the constructed-response portions of a language proficiency test; re-scoring on this~~such a~~ test shall be limited to the multiple-choice items only.

b) In the case of any discrepancy discerned as a result of re-scoring, the State Board of Education will correct its records and inform all parties to whom the test score was reported as to the person's score.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section 25.865 Awarding of Credit for Activities with Providers

The State Board of Education shall develop the requirements for standard forms that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the licensee and evidence of completion for the licensee with respect to the activity. The State Board of Education shall make available information about the required format and contents of these forms so that providers may generate them for their own use.

a) This form shall be provided to each participant who completes the activity, who shall maintain it as evidence of completion of the professional development activity. 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 Section.

b) The provider shall complete the standard form to indicate the title, time, date, location, nature of the event and clock hours of credit earned (i.e., in increments of a quarter hour). Alternately, a provider may accept an official transcript in place of the standard form as evidence of completion of coursework at a regionally accredited institution of higher education that is not approved under Section 25.855.

c) If the licensee's records are audited pursuant to Section 21B-45(j) of the School Code and Section 25.860 of this Part, credit for professional development activities claimed shall be affirmed only when the standard form is presented.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

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Section 25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)

	Existing Certificate	Description	Exchanged for:
Early Childhood Certificates:			
02	Standard Early Childhood (0 to 6, excluding kindergarten)	To Age 6 excluding K	Professional Educator License endorsed for prekindergarten (0 to 6, excluding kindergarten)
04	Initial or Standard Early Childhood (0 to grade 3)	Age 0-Grade 3	Professional Educator License endorsed for early childhood and self-contained general education endorsements (age 0 to grade 3)
04	Master Early Childhood Certificate	Age 0-Grade 3	Professional Educator License with an NBPTS master teacher designation, endorsed for prekindergarten, if applicable, and/or the NBPTS area of endorsement
05	Provisional Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for provisional educator with early childhood and self-contained general education endorsements (age 0 to grade 3)
Elementary Certificates:			
03	Initial or Standard Elementary	K-9	Professional Educator License endorsed for self-

			contained general education (kindergarten to grade 9)
03	Master Elementary Certificate	K-9	Professional Educator License with an NBPTS master teacher designation endorsed for self-contained general education, if applicable, and/or the NBPTS area of endorsement

High School Certificates:

09	Initial or Standard Secondary	6-12	Professional Educator License with any applicable grade-level and content-area endorsements
09	Master Secondary Certificate	6-12	Professional Educator License with an NBPTS master teacher designation and any grade-level and content-area endorsements, if applicable, and/or the NBPTS area of endorsement
12	Short-Term Emergency	Preschool-Age 21	Professional Educator License endorsed in a teaching field with short-term emergency approval in special education

Special Certificates:

10	Initial or Standard Special	K-12 Field Endorsed or	Professional Educator

		Preschool-Age 21	License with any applicable grade-level and content-area endorsements
Provisional and Alternative:			
22	Initial Alternative Elementary	K-9	Professional Educator License endorsed for self-contained general education (kindergarten to grade 9)
26	Provisional Alternative Administrative	K-12	Educator License with Stipulations endorsed for alternative provisional superintendent
27	Provisional Alternative Special	K-12 Field Endorsed or Preschool-Age 21	Educator License with Stipulations endorsed for alternative provisional educator with any applicable grade-level and content-area endorsements or applicable administrative area (e.g., general administrative)
28	Initial Alternative Special	K-12 Field Endorsed or Preschool-Age 21	Professional Educator License with any applicable grade-level and content-area endorsements
Other Teaching:			
29	Transitional Bilingual	K-12 Language Endorsed	Educator License with Stipulations endorsed for transitional bilingual educator with bilingual language and applicable grade-level endorsements

30	Provisional Elementary	K-9	Educator License with Stipulations endorsed for provisional educator with self-contained general education endorsement (kindergarten to grade 9)
31	Provisional Secondary	6-12	Educator License with Stipulations endorsed for provisional educator with any applicable grade-level and content-area endorsements
33	Provisional Special	K-12 Field Endorsed or Preschool-Age 21	Educator License with Stipulations endorsed for provisional educator with any applicable grade-level and content-area endorsements
35	Provisional Vocational	7-12 Field Endorsed	Educator License with Stipulations endorsed for career and technical educator with any applicable grade-level and field endorsements
36	Temporary Provisional Vocational	11-12 Field Endorsed	Educator License with Stipulations endorsed for provisional career and technical educator with grade 11-12 and any applicable field endorsements
40	Part-Time Provisional	6-12	Beginning July 1, 2013, Educator License with

			Stipulations endorsed for part-time career and technical educator with any applicable grade-level and field endorsements ~~None; the credential will no longer be issued and individuals holding this certificate shall not teach on that certificate after June 30, 2013.~~
43	Provisional Alternative Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for alternative provisional educator with early childhood and self-contained general education (age 0 to grade 3)
44	Initial Alternative Early Childhood	Age 0-Grade 3	Professional Educator License endorsed for early childhood and self-contained general education (age 0 to grade 3)
50	Visiting International Teacher – Special	K-12	Educator License with Stipulations endorsed for visiting international educator with any applicable foreign language, transitional bilingual language and content-area endorsements (kindergarten to grade 12)
53	Visiting International Teacher − Elementary	K-9	Educator License with Stipulations endorsed for visiting international

			educator with self-contained general education and any applicable foreign language and transitional bilingual language endorsements (kindergarten to grade 9)
54	Visiting International Teacher – Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for visiting international educator with self-contained general education and any applicable foreign language and transitional bilingual language endorsements (age 0 to grade 3)
59	Visiting International Teacher – Secondary	6-12	Educator License with Stipulations endorsed for visiting international educator with any applicable foreign language, transitional bilingual language and content-area endorsements (grades 6 to 12)
80	Resident Teacher – Special	K-12	Educator License with Stipulations endorsed for resident teacher with any content-area endorsements (kindergarten to grade 12)
83	Resident Teacher – Elementary	K-9	Educator License with Stipulations endorsed for resident teacher with self-contained general education

			endorsement (kindergarten to grade 9)
84	Resident Teacher – Early Childhood	Age 0-Grade 3	Educator License with Stipulations endorsed for resident teacher with early childhood and self-contained general education (age 0 to grade 3) endorsements
89	Resident Teacher – Secondary	6-12	Educator License with Stipulations endorsed for resident teacher with any applicable grade-level and content-area endorsements

School Support Personnel:

73	School Service Personnel	K-12	Professional Educator License endorsed for school support personnel with any applicable service area endorsement
74	Provisional School Service Personnel	K-12	Educator License with Stipulations endorsed for provisional educator and school support personnel with any applicable service area endorsement

Administrative:

75	Administrative	K-12	Professional Educator License endorsed for general administrative, chief school business official, superintendent or

			special educator director, as applicable
76	Provisional Administrative	K-12	Educator License with Stipulations endorsed for provisional educator and any of general administrative, chief school business official, superintendent or special education director, as applicable
77	Administrative K-12	K-12	Professional Educator License endorsed for Superintendent
78	Interim School Counselor Intern	K-12	Approval issued by the State Superintendent
79	Interim Speech-Language Pathologist Intern	K-12	Approval issued by the State Superintendent

Individuals who receive a professional educator license will receive on that license the endorsements that are comparable to what they currently hold, as well as any applicable endorsements comparable to any other certificates they currently hold.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances

Introduction and General Principles

Pursuant to the federal Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA) (20 USC 6301 et seq.), teachers with primary responsibility for instructing students in the core academic subject areas (science, the arts, reading or language arts, English, history, civics and government, economics, geography, foreign language, and mathematics) are required to be "highly qualified" for those assignments. The criteria set forth in this Appendix D are those that will be used in Illinois to make this determination.

~~Further, fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for renewal of the professional educator license endorsed in a teaching field (see Section 25.805(f) of this Part).~~

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

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

In establishing requirements for being considered "highly qualified", ESEA and the Individuals with Disabilities Education Improvement Act (also referred to as "IDEA 2004") (20 USC 1400, as amended by P.L. 108-446) distinguish between "veteran teachers" and those who are new to the profession. In addition to the specific requirements set forth for being considered "highly qualified" for particular assignments, veteran teachers can be considered "highly qualified" based on an additional set of criteria, the High Objective Uniform State Standard of Evaluation (HOUSSE). For the purposes of this Appendix D, each individual shall become a "veteran teacher" when he or she has accrued at least one full year's teaching experience. The HOUSSE

criteria may then be applied in determining whether the individual can be considered "highly qualified" for assignments in core subjects.

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

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

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

In the material that follows, the term "primary grades" or "primary level" refers to kindergarten and grades 1 through 5. The "middle grades" are grades 6 through 8. The "secondary level" consists of grades 9 through 12.

Further, references to a particular type of license and the endorsements on that license (e.g., professional educator license endorsed for elementary self-contained general education) should be understood to mean a license that is also valid for the subjects taught by virtue of the

licensee's subject-specific qualifications. These references include professional educator licenses and educator licenses with stipulations when applicable. However, a professional educator license with a National Board of Professional Teaching Standards designation that is endorsed for the subject area of assignment is, in and of itself, a basis for the holder's being considered "highly qualified" for that assignment, other than at the primary level, where passage of a test is required of teachers who are new to the profession. That is (except in the case of assignments at the elementary level), an individual who holds a relevant professional educator license shall be considered "highly qualified" without reference to any additional requirements stated for the assignment to which the professional educator license with a National Board of Professional Teaching Standards designation applies.

A professional educator license endorsed for "elementary" grade levels is the previously issued "Type 03" certificate established under Section 21-3 of the School Code [105 ILCS 5/21-3]. A professional educator license endorsed for "early childhood" is the previously issued "Type 04" certificate established under Section 21-2.1 of the School Code [105 ILCS 5/21-2.1]. A professional educator license endorsed for "secondary" grade levels is the previously issued "Type 09" certificate established under Section 21-5 of the School Code [105 ILCS 5/21-5]. Either a "special K-12" (subject-specific) endorsement or a "special preschool-age 21" endorsement is a "Type 10" certificate established under Section 21-4 of the School Code [105 ILCS 5/21-4]. An educator license with stipulations endorsed for "transitional bilingual educator" is the previously issued "Type 29" certificate established under Section 14C-8 of the School Code [105 ILCS 5/14C-8]. A "short-term emergency" approval in special education on a professional educator license is a "Type 12" certificate established under Section 25.48 of this Part.

General Education

Kindergarten and Grades 1-5

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

a) holds a professional educator license endorsed for either the elementary grades or special K-12 with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held; or

b) holds a professional educator license endorsed for either the elementary grades or special K-12 valid for the subjects taught and has passed the content-area test applicable to that endorsement; or

c) holds a professional educator license endorsed for early childhood that is valid for the primary grades and has passed the Early Childhood test (applicable only through grade 3); or

d) holds a professional educator license endorsed for the elementary grades, early childhood, or special K-12 valid for the subjects taught and qualifies with 100 points under the Illinois HOUSSE, if applicable.

Middle Grades (6-8)

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

a) has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held; or

b) for each core subject area of teaching responsibility:

1) has passed the content-area test specific to the subject taught, or

2) has completed a major or coursework equivalent to a major, or

3) holds a master's or higher degree in a field directly related to the area of assignment, or

4) holds ~~certification from the National Board for Professional Teaching Standards (NBPTS) or~~ an NBPTS master teacher designation on a professional educator license, or

5) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Secondary Grades (9-12)

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

a) has passed the relevant content-area test; or

b) has completed a major or coursework equivalent to a major; or

c) holds a master's or higher degree in a field directly related to the area of assignment; or

d) holds ~~NBPTS certification or an~~ NBPTS master teacher designation on a professional educator license; or

e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Bilingual Education

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

Kindergarten and Grades 1-5

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

a) holds an endorsement for bilingual education on a professional educator license or an educator license with stipulations endorsed for transitional bilingual educator and:

1) holds an elementary or a special K-12 endorsement for self-contained general elementary education on a professional educator license and has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held, or

2) holds an elementary or a special K-12 endorsement valid for the subject taught and has passed the content-area test applicable to that subject, or

3) through grade 3 only, holds an early childhood endorsement that is valid for the primary grades and has passed the Early Childhood test, or

4) holds an elementary or special K-12 endorsement for self-contained general elementary education, or an elementary or a special K-12 endorsement valid for the subjects taught, or, through grade 3 only, an early childhood endorsement valid for the primary grades and qualifies with 100 points under the Illinois HOUSSE, if applicable; or

b) holds an educator license with stipulations endorsed for transitional bilingual educator and:

1) has passed the content-area test applicable to the subject taught, and

2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and

3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal ESEA at 34 CFR 200.56(a)(2)(ii)(A) (2008), and

4) has not exhausted the three-year period permitted under ESEA for attaining full licensure.

Middle Grades (6-8)

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

a) holds a professional educator license with an endorsement for bilingual education or an educator license with stipulations endorsed for transitional bilingual educator and:

1) holds an elementary or a special K-12~~,~~ or a secondary endorsement valid for the subjects taught; and

2) for each core subject area of teaching responsibility:

A) has passed either the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held, or the content-area test specific to the subject taught, or

B) has completed a major or coursework equivalent to a major, or

C) holds a master's or higher degree in a field directly related to the area of assignment, or

D) holds ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license, or

E) qualifies with 100 points under the Illinois HOUSSE, if applicable; or

b) holds an educator license with stipulations endorsed for transitional bilingual educator and:

1) has passed the content-area test applicable to the subject taught, and

2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and

3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal ESEA at 34 CFR 200.56(a)(2)(ii)(A) (2008), and

4) has not exhausted the three-year period permitted under ESEA for attaining full licensure.

Secondary Grades (9-12)

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

a) holds a professional educator license with an endorsement for bilingual education or an educator license with stipulations endorsed for transitional bilingual educator and:

1) holds a secondary, special K-12, or, for grade 9 only, elementary endorsement valid for the subjects taught, and

2) for each core subject area of teaching assignment:

A) has passed the relevant content-area test, or

B) has completed a major or coursework equivalent to a major, or

C) holds a master's or higher degree in a field directly related to the area of assignment, or

D) holds ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license, or

E) qualifies with 100 points under the Illinois HOUSSE, if applicable; or

b) holds an educator license with stipulations endorsed for transitional bilingual educator and:

1) has passed the content-area test applicable to the subject taught, and

2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and

3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal ESEA at 34 CFR 200.56(a)(2)(ii)(A) (2008), and

4) has not exhausted the three-year period permitted under ESEA for attaining full licensure.

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

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

Kindergarten and Grades 1-5

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

a) holds a professional educator license with an elementary or a special K-12 endorsement and an endorsement for bilingual education, ESL, or ENL and:

1) has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held, or the content-area test for ENL or English Language Arts, or

2) qualifies with 100 points under the Illinois HOUSSE, if applicable; or

b) through grade 3 only, holds an early childhood endorsement valid for the primary grades and an endorsement for bilingual education, ESL, or ENL, and:

1) has passed the Early Childhood test, or

2) qualifies with 100 points under the Illinois HOUSSE, if applicable; or

c) holds an educator license with stipulations endorsed for transitional bilingual educator and:

1) has passed the content-area test applicable to the subject taught, and

2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and

3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal ESEA at 34 CFR 200.56(a)(2)(ii)(A) (2008), and

4) has not exhausted the three-year period permitted under ESEA for attaining full licensure.

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Middle Grades (6-8)

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

a) holds an elementary, a special K-12, or a secondary endorsement and an endorsement for ESL or ENL (or, for grades 5 and 6 only, an endorsement for bilingual education) and:

1) has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held, or the content-area test for either ENL or English Language Arts, or

2) has completed a major or coursework equivalent to a major in English language arts or the teaching of English as a new language, or

3) holds a master's or higher degree in English language arts or the teaching of English as a new language, or

4) holds ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license in English language arts or the teaching of English as a new language, or

5) qualifies with 100 points under the Illinois HOUSSE, if applicable; or

b) for grade 6 only, holds an educator license with stipulations endorsed for transitional bilingual educator and:

1) has passed the content-area test applicable to the subject taught, and

2) is continuously enrolled in an approved teacher preparation program applicable to the grade levels served, and

3) is participating in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal ESEA at 34 CFR 200.56(a)(2)(ii)(A) (2008), and

4) has not exhausted the three-year period permitted under NCLB for attaining full licensure.

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Secondary Grades (9-12)

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

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

b) has completed a major or coursework equivalent to a major in English language arts or the teaching of English as a new language, or

c) holds a master's or higher degree in English language arts or the teaching of English as a new language, or

d) holds ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license in English language arts or the teaching of English as a New Language, or

e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Special Education

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

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

- completion of coursework addressing the General Curricular Standards for Special Education teachers set forth at 23 Ill. Adm. Code 27.350, as well as the Common Core of Standards for All Special Educators (23 Ill. Adm. Code 28, Standards for Certification in Special Education), which encompass numerous relevant knowledge and performance indicators;

- passage of the test of basic skills covering reading comprehension, language arts, mathematics and writing; and

- passage of the assessment of professional teaching, one of whose major components is language arts~~the Language Arts Standards for All Illinois Teachers~~ (see 23 Ill. Adm. Code 24.130~~24~~).

Kindergarten and Grades 1-5

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

a) holds either an elementary or a special preschool-age 21 endorsement for the student population served and has passed the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held; or

b) holds either an elementary or a special K-12 endorsement valid for the subject taught and for the student population served, and has passed the content-area test applicable to the subject taught; or

c) through grade 3 only, holds an early childhood endorsement that is valid for the primary grades and for early childhood special education, or holds a special preschool-age 21 endorsement for the student population served, and has passed the Early Childhood test or the Early Childhood Special Education test; or

d) holds an elementary or a special preschool-age 21 endorsement for the student population served, or an early childhood endorsement that is valid for the primary grades, and qualifies with 100 points under the Illinois HOUSSE, if applicable.

Middle Grades (6-8)

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

a) has passed either the Elementary/Middle Grades test, Elementary Education test or Middle Grades test, as applicable to the endorsement held, or the content-area test specific to the subject taught; or

b) has completed a major or coursework equivalent to a major; or

c) holds a master's or higher degree in a field directly related to the area of assignment; or

d) holds ~~NBPTS certification or~~ NBPTS master teacher designation on a professional educator license; or

e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

Middle-Grades Teachers Providing Instruction at the Primary Level

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

Secondary Grades (9-12)

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

a) has passed the content-area test specific to the subject taught; or

b) has completed a major or coursework equivalent to a major; or

c) holds a master's or higher degree in a field directly related to the area of assignment; or

d) holds ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license; or

e) qualifies with 100 points under the Illinois HOUSSE, if applicable.

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

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

Points Available Under the Illinois HOUSSE

The activities listed in this Appendix D shall be eligible for counting by teachers in general education, bilingual education, and special education. In the case of special education, a given activity, other than teaching experience, may be counted only if it relates to the core academic subject taught rather than special education as the "area of assignment".

a) Teaching experience in the subject area of assignment: 12.5 points per semester, up to a maximum of 50 points. (Special education teachers may count teaching experience in special education as experience in each core academic subject taught.)

b) Completion of college coursework in the core academic subject area of assignment: 5 points per semester hour.

c) Possession of ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license applicable to the area of assignment: 100 points for a general education teacher in grades below 6 or a special education teacher.

d) Completion of the required content-area coursework within the context of completing an Illinois approved educator preparation program in elementary education or an approved out-of-state elementary education preparation program

offered by an institution that was accredited by NCATE at the time: 75 points for a teacher in a self-contained general education classroom through grade 8. Completion of the required content-area coursework within the context of completing an Illinois approved early childhood education preparation program or an approved out-of-state early childhood preparation program offered by an institution that was accredited by NCATE at the time: 75 points for a teacher in a self-contained general education classroom through grade 3. (This coursework may not also be counted for points under subsection (b).)

e) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events that are directly related to the area of teaching assignment: 1 point per full hour of participation.

f) Presenting at conference sessions, workshops, institutes, seminars, symposia, or other similar training events: 8 or 3 points, in accordance with Section 25.875(k) ~~of this Part~~.

g) Work experience (non-teaching) directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience, up to a maximum of 50 points.

h) Supervising a student teacher in the subject area of assignment: 10 points per student teacher, applicable to all subjects.

i) Peer review or peer coaching that meets the requirements of Section 25.875(b) ~~of this Part~~: 5, 8, 9, or 11 points per semester, in accordance with Section 25.875(b)(2) ~~of this Part~~.

j) Mentoring a new teacher in the subject area of assignment, provided that the mentoring arrangement conforms to the requirements of Section 25.875(c)(1)(A) ~~of this Part~~: 9 or 11 points per semester, in accordance with Section 25.875(c)(2)(A) ~~of this Part~~.

k) Participation in site-based management or decision-making teams, relevant committees, boards, or task forces directly related to school improvement plans and focused on the core academic subject of assignment: 8 or 11 points per semester, in accordance with Section 25.875(d) ~~of this Part~~. (May be counted only once per subject area.)

l) Teaching a college course in accordance with Section 25.875(j)~~ of this Part~~ that is directly related to the subject area of assignment: 20 points.

m) Participating in action research and inquiry projects that meet the requirements of Section 25.875(n)~~ of this Part~~ and are directly related to the subject area of assignment: 8 or 11 points per semester, in accordance with Section 25.875(n)(2)~~ of this Part~~.

n) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p)~~ of this Part~~: 12 or 15 points per year, in accordance with Section 25.875(p)(2)~~ of this Part~~.

o) Participation in a study group directly related to the area of teaching assignment: 6 or 8 points per semester, in accordance with Section 25.875(q)~~ of this Part~~.

p) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s)~~ of this Part~~: points in relation to contact hours per semester, as set forth in Section 25.875(s)(2)~~ of this Part~~.

q) Participation in curriculum development or assessment activities that meet the requirements of Section 25.875(u)~~ of this Part~~ and are directly related to the subject area of assignment: 8 or 11 points per semester, in accordance with Section 25.875(u)(2)~~ of this Part~~.

r) Publication of educational articles, columns, or books that are directly related to the subject area of assignment: points in accordance with Section 25.875(x)(2)~~ of this Part~~.

s) Teacher-to-teacher consultation that includes activities such as observation, meetings, and exchange of information (whether face to face or via communications technology) and that relates to topics such as materials, curriculum, evidence-based practices, and techniques and strategies aligned to the State Goals for Learning (see 23 Ill. Adm. Code 1, Appendix D): 1 point per hour of interaction with a teacher who is "highly qualified" in the relevant core academic subject area, up to a maximum of 50 points.

t) Possession of ~~NBPTS certification or~~ an NBPTS master teacher designation on a professional educator license in an area other than in the area of assignment: 15 points.

u) Possession of an Illinois professional educator license endorsed in a teaching field in an area other than in the area of assignment: 10 points.

v) Completion of a major or an approved program in special education with at least 15 points in each core academic subject taught: 75 points for a special education teacher who teaches two or more academic subjects exclusively to children with disabilities in the primary or middle grades.

Special Circumstances

Teachers in Charter Schools

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

a) holds a professional educator license applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or

b) holds a bachelor's degree, has passed the relevant content-area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].

Teachers Who Hold an Educator License with Stipulations Endorsed for Alternative Provisional Educator

A teacher who holds an educator license with stipulations endorsed for alternative provisional educator (see Sections 21B-20(2)(B) and 21B-50 of the School Code [105 ILCS 5/21B-20(2)(B) and 21B-50]) that was attained through enrollment in an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the license was issued will be considered highly qualified because he or she has passed the applicable content-area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an educator license with stipulations endorsed for alternative provisional educator and for the secondary grades will be considered highly qualified if he or she

has passed the relevant content-area test, has completed a major or coursework equivalent to a major in that subject, holds a master's or higher degree in a field directly related to the subject, or holds an NBPTS designation on a professional educator license in the subject.

Resident Teachers

A teacher who holds an educator license with stipulations endorsed for resident teacher (see Section 21B-20(2)(D) of the School Code [105 ILCS 5/21B-20(2)(D)]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content-area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or, for assignments other than in the elementary grades, has completed a major or coursework equivalent to a major in that subject, holds a master's or higher degree in a field directly related to the subject, or holds an NBPTS master teacher designation on a professional educator license in the subject.

Visiting International Teachers

A teacher who holds an educator license with stipulations endorsed for visiting international educator~~teacher~~ (see Section 21B-20(2)(I) of the School Code [105 ILCS 5/21B-20(2)(I)] and Section 25.92 of this Part) will be considered highly qualified based upon having passed a content-area test relevant to the subject taught as required under subsection (d)(3) of that Section, provided that the endorsement held is valid for the grade level or levels of his or her teaching assignment.

Career and Technical Educator

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

Physical Education and Health Teachers

In accordance with Section 21B-200 of the School Code [105 ILCS 5/21B-200], teachers who hold an endorsement either in physical education or health shall be considered highly qualified if they meet the requirements stated in this Appendix D as relevant to general education

assignments at the grade level of instruction and shall present evidence of meeting those requirements if requested to do so by their school districts of employment.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Standards for Endorsements in Early Childhood Education and in Elementary Education

2) Code Citation: 23 Ill. Adm. Code 26

3) Section Number: 26.110 Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: In November 2011, the Early Childhood Advisory Group (ECAG) began reviewing the standards for the early childhood education endorsement. Its review resulted in a group of recommendations for revisions to the standards, which the Board adopted in December 2014 and became effective in February 2015. All new programs and each existing program offering the early childhood endorsement will be required to show alignment to the revised standards by September 1, 2019.

As part of its report, ECAG also recommended that early childhood education preparation programs become entitled by the Gateways to Opportunity Illinois Professional Development System by aligning its coursework to the benchmarks of Gateways' ECE Credential Level 5. Existing early childhood education preparation programs have until September 1, 2019, to show alignment with the Gateways' benchmarks. Programs seeking approval for the first time should be expected to show alignment when they submit their applications for consideration. The benchmarks address three components: Component 1: General Education; Component 2: Education and Training; and Component 3: Work and Practical Experience.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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 of the publication of this Notice to:

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

217/782-5270
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: This rulemaking was not included on either of the 2 most recent Agendas because: the need for this particular change in Part 26 had not yet been determined.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 26
STANDARDS FOR ENDORSEMENTS IN EARLY CHILDHOOD EDUCATION AND IN ELEMENTARY EDUCATION

SUBPART A: STANDARDS FOR ENDORSEMENTS IN EARLY CHILDHOOD EDUCATION

Section

26.100 Purpose and Effective Dates of Standards in Subpart A
26.110 Curriculum: General
26.120 Curriculum: English Language Arts Standards Through August 31, 2019
26.125 Curriculum: English Language Arts Standards Beginning September 1, 2019
26.130 Curriculum: Mathematics Standards Through August 31, 2019
26.135 Curriculum: Mathematics Standards Beginning September 1, 2019
26.140 Curriculum: Science
26.150 Curriculum: Social Science
26.160 Curriculum: Physical Development and Health
26.170 Curriculum: Fine Arts
26.180 Human Development and Learning
26.190 Diversity
26.200 Planning for Instruction
26.210 Learning Environment
26.220 Instructional Delivery
26.230 Communication
26.240 Assessment Standards Through August 31, 2019
26.245 Assessment Standards Beginning September 1, 2019
26.250 Collaborative Relationships
26.260 Reflection and Professional Growth
26.270 Professional Conduct and Leadership

SUBPART B: STANDARDS FOR ENDORSEMENTS IN ELEMENTARY EDUCATION

Section

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

26.300 Purpose and Effective Dates of Standards in Subpart B
26.310 Curriculum
26.320 Curriculum: English Language Arts
26.330 Curriculum: Mathematics
26.340 Curriculum: Science
26.350 Curriculum: Social Science
26.360 Curriculum: Physical Development and Health
26.370 Curriculum: Fine Arts
26.380 Human Development and Learning
26.390 Diversity
26.400 Planning for Instruction
26.410 Learning Environment
26.420 Instructional Delivery
26.430 Communication
26.440 Assessment
26.450 Collaborative Relationships
26.460 Reflection and Professional Growth
26.470 Professional Conduct and Leadership

AUTHORITY: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21B and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 6263, effective April 22, 2002; amended at 37 Ill. Reg. 16759, effective October 2, 2013; amended at 39 Ill. Reg. 2413, effective February 2, 2015; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: STANDARDS FOR ENDORSEMENTS
IN EARLY CHILDHOOD EDUCATION

Section 26.110 Curriculum: General

The competent early childhood teacher understands and demonstrates the central concepts, tools of inquiry, and structures of the content areas and creates and integrates meaningful learning experiences that develop children's competence across all developmental areas and content areas.

a) Knowledge Indicators – The competent early childhood teacher:

1) demonstrates current knowledge of integrated learning experiences for children from birth through grade 2~~three~~ and understands the central

concepts and tools of inquiry in each of the following content areas: language and literacy (English language arts); mathematics; science; health, safety, nutrition and movement (physical development and health); art, music and drama (fine arts); and social science;

2) understands conceptually sound and meaningful curriculum for children from birth through grade 2; and

3) demonstrates an understanding of current research, best practice and professional standards.

b) Performance Indicators – The competent early childhood teacher:

1) plans, implements and evaluates integrated, conceptually sound, meaningful learning experiences for children from birth through grade 2; and

2) structures a variety of learning experiences that reflect the standards set forth in this Subpart A.

c) National Standards
Each early childhood preparation program shall align to "2010 NAEYC Standards for Initial and Advanced Early Childhood Professional Preparation Programs" (2010) published by the National Association for the Education of Young Children, 1313 L Street, Suite 500, Washington DC 20005 and posted at http://www.naeyc.org/ncate/standards. (No later amendments to or editions of these standards are incorporated.)

1) Recognized institutions seeking initial approval for early childhood education preparation programs on or after January 1, 2015 shall align to the standards set forth in this subsection (c).

2) Early childhood education preparation programs approved prior to January 1, 2015 shall meet the standards set forth in this subsection (c) no later than September 1, 2019.

d) Gateways to Opportunity Credential Entitlement
By no later than September 1, 2019, each early childhood education program shall become entitled by the Gateways to Opportunity Illinois Professional

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Development System, by aligning its coursework to the benchmarks for the ECE Credential Level 5 (see http://www.ilgateways.com/en/gateways-credential-entitlement-information).

1) Satisfactory evidence of entitlement status either shall be the name of the program's recognized institution listed at http://www.ilgateways.com/en/entitled-institutions or a letter communicating the name and level of the credential of entitlement and the date upon which the entitlement was granted.

2) The program shall resubmit the evidence required under subsection (d)(1) to the State Superintendent of Education each time a renewal of entitlement is granted.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Payments to Certain Facilities under Section 14-7.05 of the School Code

2) Code Citation: 23 Ill. Adm. Code 405

3) Section Number: 405.40 Proposed Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) A Complete Description of the Subjects and Issues Involved: Part 405 sets forth procedures for school districts to pay the cost of educating students who are served, pursuant to Section 14-7.05 of the School Code [105 ILCS 5/14-7.05], in residential facilities providing educational programs that are not approved by the State Board of Education. Section 405.40(a), which is the Section affected by the rulemaking, reiterates that teaching staff employed by these facilities are required to hold licensure in accordance with criteria set forth in 23 Ill. Adm. Code 25 (Educator Licensure). These criteria include teachers who are not yet fully qualified for their special education assignments but who have received "short-term emergency approval" to serve in those capacities under Section 25.48 of rules governing Educator Licensure.

Two years ago, as part of the agency's rulemaking in response to the educator licensure legislation, staff determined that a need for short-term emergency approval no longer existed. Therefore, the approval was to be phased out by September 1, 2015. The approval was put in place to ensure an adequate supply of qualified staff while the agency made the transition from categorical credentialing based on disability category to a cross-categorical system. The approval is valid for three years, during which time the individual must complete the requirements for the LBS I endorsement. While special education teachers have been required since 2001 to have an LBS I endorsement, shortages of special educators still exist in many areas of the state. In 2014 and 2015, for instance, the agency issued 26 approvals for educators to serve in special education positions under this rule. For this reason, the opportunity to receive the approval should be extended until September 1, 2018, as an incentive for individuals who are not yet fully qualified to pursue opportunities as special educators.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other 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 of the publication of this Notice to:

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

217/782-5270
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: This rulemaking was not included on either of the 2 most recent Agendas because: The need for the rulemaking had not yet been identified.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 405
PAYMENTS TO CERTAIN FACILITIES UNDER
SECTION 14-7.05 OF THE SCHOOL CODE

Section
405.10 Purpose and Applicability
405.20 Definitions
405.30 Procedural Requirements
405.40 Satisfactory Proof
405.50 Quarterly Attendance Reports
405.60 Calculation of Costs
405.70 Termination of Placement

AUTHORITY: Implementing Section 14-7.05 of the School Code [105 ILCS 5/14-7.05] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 11627, effective July 22, 2009; amended at 37 Ill. Reg. 8134, effective June 6, 2013; amended at 39 Ill. Reg. _____, effective _____.

Section 405.40 Satisfactory Proof

All information called for in this Section, except the quarterly attendance reports called for in Section 405.50~~ of this Part~~, shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

a) As satisfactory proof of *appropriate* licensure *of teachers for the student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:

1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;

2) a listing of the names and license numbers of all licensed teachers assigned to the program, demonstrating that each general education

teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

A) a professional educator license endorsed in accordance with 23 Ill. Adm. Code 25 (Educator Licensure) appropriate for the population to be served; or

B) a professional educator license endorsed in another teaching field that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with 23 Ill. Adm. Code 25; or

C) until September 1, 2018~~2015~~, a short-term emergency approval in special education issued in accordance with 23 Ill. Adm. Code 25.48 (Short-term Emergency Approval in Special Education); or

D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.

b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:

1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1] at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);

2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;

3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and

4) the program is delivered in an age-appropriate setting.

c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.

1) Enrollment information shall include:

A) the total number of individuals receiving educational services in or through the facility;

B) a description of how individuals are grouped (e.g., by grade level or age);

C) identification of the grouping or "program" in which the affected student is being served; and

D) the number of individuals served in each grouping described.

2) Attendance information shall include:

A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the State Superintendent using the format prescribed by the State Superintendent; and

B) a record reflecting the student's attendance during the first 10 days of service.

d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:

1) a copy of the student's current or most recent available IEP;

2) a list of all teachers and other professional service providers that also:

A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and

B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;

3) if a paraprofessional educator will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and

4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Toll Highway Rules

2) Code Citation: 92 Ill. Adm. Code 2520

3)

Section Numbers:	Proposed Actions:
2520.410	Amendment
2520.420	Amendment

4) Statutory Authority: 605 ILCS 10/10; 605 ILCS 5/11-601; 605 ILCS 5/11-603

5) A Complete Description of the Subjects and Issues Involved: In response to changes in the law (PA 98-1126 and PA 98-1128), the Tollway is proposing increasing the maximum speed limits on segments of I-94, I-294, I-88, and I-355.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Tollway's consulting traffic engineer has prepared a study that supports the proposed maximum speed limit increases.

7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: Consistent with recent changes in Illinois law, the Tollway intends to increase its speed limits consistent with the recommendations of its traffic engineers.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments within 45 days of the publication of this Notice in the *Illinois Register* to:

David Goldberg
General Counsel
Illinois State Toll Highway Authority
2700 Ogden Avenue

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Downers Grove IL 60515

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: This rulemaking was not included on the most recent agenda because the proposed rule changes had not been prepared or necessarily contemplated by the Tollway's Board of Directors at the time of the publishing of the most recent Regulatory Agenda.

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

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITY

PART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.100 Authority
2520.110 Authority Rulemaking
2520.120 Related Statutes
2520.130 Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200 Illinois Vehicle Code
2520.203 Use of Tollway Prohibited or Restricted
2520.206 Vehicles Excepted from Provisions of Section 2520.203
2520.209 Transportation of Hazardous Materials
2520.212 Special Usage Toll
2520.215 Loading or Unloading of Vehicles
2520.218 Full Stop at All Toll Plazas
2520.221 Entering and Leaving the Tollway
2520.224 "U" Turns, Etc.
2520.227 Backing Up of Vehicles
2520.230 Parking, Standing or Stopping
2520.233 Relocating of Vehicles
2520.236 Pushing or Towing of Vehicles
2520.239 Stopping or Halting Vehicles by the Authority
2520.242 Destruction of Authority Property
2520.245 Picnics
2520.248 Aircraft
2520.251 Sale of Goods and Services
2520.254 Solicitation of Rides
2520.257 Loitering or Interfering with Traffic
2520.260 Approaching/Departing a Toll Plaza
2520.263 Compliance with Orders or Directions of State Troopers, Etc.

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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2520.266 Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.269 Payment of Tolls
2520.272 I-Pass Registration
2520.275 Prohibited and Restricted Lanes
2520.278 Traffic Control Devices
2520.281 Penalty for Violation

SUBPART C: TRESPASS

Section
2520.300 Authority
2520.310 Restriction of Vehicles Using the Tollway
2520.320 Restriction on Nature of Use of Tollway
2520.340 Persons and Vehicles Excepted from the Requirements of Subpart C
2520.350 Penalties

SUBPART D: SPEED RESTRICTIONS

Section
2520.410 Maximum Speed Limits for Passenger Cars
2520.420 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
2520.430 Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps, and Barrier Toll Plaza Approaches
2520.440 Road Hazards and Construction Zones
2520.450 Special Road Conditions
2520.460 Minimum Speed Limits

SUBPART E: FINES AND PENALTIES

Section
2520.510 Violations
2520.520 Littering – Penalty
2520.530 Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
2520.540 Toll Collection Devices – Penalty for Breaking
2520.550 I-PASS Customer − Penalties

SUBPART F: TOLL VIOLATIONS – ADMINISTRATIVE ADJUDICATION SYSTEM

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Section
2520.700 Authority
2520.705 Notice of Violation to Respondent
2520.710 Effective Date of Notices
2520.715 Establishment of the Toll-Free Telephone Number
2520.720 Timely Request for Hearing
2520.725 Hearing Officers – Appointment, Disqualification, Powers and Duties
2520.730 Discovery
2520.735 Continuance
2520.740 Hearings Format
2520.745 Failure to Respond to Notice of Violation − Default
2520.750 Penalties
2520.755 Liability of Lessor
2520.760 Liability of Registered Owner
2520.765 Enforcement of Final Order
2520.770 Judicial Review

SUBPART G: EMPLOYMENT

2520.800 Tollway Employees

2520.APPENDIX A Rules and Regulations for Overweight and Overdimension Vehicles and Loads

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July 27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. 16325, effective October 31, 2002, for a maximum of 150 days ; amended at 27 Ill. Reg. 6325, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days; emergency expired April 5, 2004; emergency amendment at 28 Ill. Reg. 1780, effective January 14, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6911, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 7688, effective May 24, 2004, for a maximum of 150 days; emergency expired October 20, 2004; amended at 28 Ill. Reg. 14530, effective October 25, 2004; old Part repealed at 30 Ill. Reg.

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

11261 and new Part adopted at 30 Ill. Reg. 11264, effective June 9, 2006; amended at 35 Ill. Reg. 535, effective December 27, 2010; emergency amendment at 38 Ill. Reg. 2433, effective January 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4037, effective January 27, 2014; amended at 38 Ill. Reg. 11369, effective May 9, 2014; amended at 38 Ill. Reg. 19780, effective September 25, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART D: SPEED RESTRICTIONS

Section 2520.410 Maximum Speed Limits for Passenger Cars

The following shall be the maximum speed limits for passenger cars (includes motorcycles) on the Tollway, except as provided by Sections 2520.430 and 2520.440:

a) Tri-State Tollway (I-94 and I-294~~portion north of Stearns School Rd.~~):

65 miles per hour north of I-94 M.P.24.2 (Deerfield Road).

60 miles per hour between I-94 M.P.24.2 (Deerfield Road) and M.P.25.2 (Lake-Cook Road).

60 miles per hour between I-294 M.P.52.7 (Lake-Cook Road) and M.P. 42.2 (Touhy Avenue).

60 miles per hour between I-294 M.P.23.1 (I-55) and M.P.7.6 (I-57).

55 miles per hour on the remainder of I-294.~~55 miles per hour south of M.P.7.0~~

~~65 miles per hour north of M.P.7.0~~

~~Tri-State Tollway (I-294 portion in its entirety):~~

~~55 miles per hour, M.P.0.0 to M.P.52.0~~

b) Jane Addams Memorial~~Northwest~~ Tollway (I-90):

55 miles per hour east of M.P.51.8~~27.2~~ (west of Randall Road).

65 miles per hour between~~west of~~ M.P.51.8~~27.2~~ (west of Randall Road)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

and M.P.17.4 ~~to M.P.17.4~~ (west of the I-39 Interchange).

70 miles per hour west of M.P.17.4 (west of the I-39 Interchange).

c) ~~Ronald~~ Reagan Memorial Highway (I-88):

60~~55~~ miles per hour between ~~the Eisenhower Expressway I-290~~ M.P.140.4 (I-290/Eisenhower Expressway) and M.P.17.1~~115.0~~ (Illinois Route 31~~east of Orchard Rd. M.P.114.4~~).

65 miles per hour between~~west of~~ M.P.117.1~~115.0~~ (Illinois Route 31~~east of Orchard Road M.P.114.4~~) and~~to~~ M.P.109.0 (west of Illinois Route~~Rte.~~ 47).

70 miles per hour west of M.P.109.0 (west of Illinois Route~~Rte.~~ 47).

d) Veterans Memorial~~North-South~~ Tollway (I-355):

60~~55~~ miles per hour between M.P.12.0 (I-55) and M.P.29.8 (Army Trail Road).~~north of I-55 (M.P.12.0)~~

65 miles per hour south of M.P.12.0 (I-55).~~I-55 (M.P.12.0)~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 2520.420 Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers

a) The following shall be the maximum speed limits for trucks and passenger cars towing trailers, house trailers and campers on the Tollway, except as provided by Sections 2520.430 and 2520.440:

1) Tri-State Tollway (I-94 and I-294):

60 miles per hour north of I-94 M.P.25.2 (Lake-Cook Road).

60 miles per hour between I-294 M.P.52.7 (Lake-Cook Road) and M.P.42.2 (Touhy Avenue).

60 miles per hour between I-294 M.P.23.1 (I-55) and M.P.7.6 (I-57).

55 miles per hour on the remainder of I-294.

2) Jane Addams Memorial Tollway (I-90):

55 miles per hour east of M.P.51.8 (west of Randall Road).

60 miles per hour between M.P.51.8 (west of Randall Road) to M.P. 31.2 (McHenry County Line).

65 miles per hour between M.P.31.2 (McHenry County Line) and MP.17.4 (west of the I-39 Interchange).

70 miles per hour west of M.P.17.4 (west of the I-39 Interchange).

3) Reagan Memorial Highway (I-88):

60 miles per hour between M.P.140.4 (I-290/Eisenhower Expressway) and M.P.101.0 (Kane/DeKalb County Line).

70 miles per hour west of M.P.101.0 (Kane/DeKalb County Line).

4) Veterans Memorial Tollway (I-355):

60 miles per hour between M.P.12.0 (I-55) and M.P.29.8 (Army Trail Road).

b) The following shall be the maximum speed limits for buses on the Tollway, except as provided by Sections 2520.430 and 2520.440:

1) Tri-State Tollway (I-94 and I-294):

65 miles per hour north of I-94 M.P.24.2 (Deerfield Road).

60 miles per hour between I-94 M.P.24.2 (Deerfield Road) and M.P.25.2 (Lake-Cook Road).

60 miles per hour between I-294 M.P.52.7 (Lake-Cook Road) and M.P.42.2 (Touhy Avenue).

60 miles per hour between I-294 M.P. 23.1 (I-55) and M.P.7.6 (I-57).

55 miles per hour on the remainder of I-294.

2) Jane Addams Memorial Tollway (I-90):

55 miles per hour east of M.P.51.8 (west of Randall Road).

65 miles per hour between M.P.51.8 (west of Randall Road) to M.P.17.4 (west of the I-39 Interchange).

70 miles per hour west of M.P.17.4 (west of the I-39 Interchange).

3) Reagan Memorial Highway (I-88):

60 miles per hour between M.P.140.4 (I-290/Eisenhower Expressway) and M.P.117.1 (Illinois Route 31).

65 miles per hour between M.P.117.1 (Illinois Route 31) and M.P.101.0 (Kane/DeKalb County Line).

70 miles per hour west of M.P.101.0 (Kane/DeKalb County Line).

4) Veterans Memorial Tollway (I-355):

60 miles per hour between M.P.12.0 (I-55) and M.P.29.8 (Army Trail Road).

~~The maximum speed for trucks, buses, and passenger cars towing trailers, house trailers and campers is generally 55 miles per hour, but 70 miles per hour west of Kane County (M.P.101.0) on I-88 and west of McHenry County (M.P.47.7) on I-90, except as provided by Sections 2520.430 and 2520.440.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Licensure of Direct Child Welfare Services Employees and Supervisors

2) Code Citation: 89 Ill. Adm. Code 412

3)

Section Numbers:	Adopted Actions:
412.10	Repealed
412.20	Repealed
412.30	Repealed
412.40	Repealed
412.50	Repealed
412.60	Repealed
412.70	Repealed
412.80	Repealed
412.90	Repealed
412.100	Repealed
412.110	Repealed

4) Statutory Authority: 20 ILCS 505/5c and 5d

5) Effective Date of Repealer: May 15, 2015

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

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted repealer, including material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed Repealer published in the *Illinois Register*: August 29, 2014; 38 Ill. Reg. 17880

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED REPEALER

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Repealer: This Part is being repealed and replaced with new rules. The content of this repealed Part will be replaced in the Licensure of Direct Child Welfare Services Employees and Supervisors (89 Ill. Adm. Code 412)

16) Information and questions regarding this adopted repealer shall be directed to:

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

217/524-1983
fax: 217/557-0692
TTY: 217/524-3715
email: cfpolicy@idcfs.state.il.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Licensure of Direct Child Welfare Services Employees and Supervisors

2) Code Citation: 89 Ill. Adm. Code 412

3)

Section Numbers:	Adopted Actions:
412.10	New Section
412.20	New Section
412.30	New Section
412.40	New Section
412.50	New Section
412.60	New Section
412.70	New Section
412.80	New Section
412.90	New Section
412.100	New Section
412.110	New Section

4) Statutory Authority: 20 ILCS 505/4

5) Effective Date of Rule: May 15, 2015

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

7) Does this rulemaking contain and incorporation by reference? Yes

8) A copy of the adopted rules, including material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 29, 2014; 38 Ill. Reg. 17907

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

In Section 412.40(b), language was added to clarify that applicants seeking licensure that provides documentation of foreign equivalency will have that equivalency determined by standards of the Council for Higher Education Accreditation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

The Department made cross references to relevant sections of the Illinois Administrative Procedures Act in reference to duties and limitations of ALJ's. Other technical changes were made in agreement with suggestions from the Joint Committee.

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

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking replaces the previous Licensure of Direct Child Welfare Services Employees and Supervisors (89 Ill. Adm. Code 412) that have been repealed and included in this rulemaking.

16) Information and questions regarding this adopted rule shall be directed to:

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

217/524-1983
TTY: 217/524-3715
email: cfpolicy@idcfs.state.il.us
fax: 217/557-0692

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 412
LICENSURE OF DIRECT CHILD WELFARE SERVICE
EMPLOYEES AND SUPERVISORS

Section

412.10 Purpose
412.20 Definitions
412.30 Organization and Administration of Licensing Program
412.40 Licensing Requirements
412.50 Grounds for Suspension, Revocation or Refusal to Reinstate a License
412.60 Investigation, Notice and Proceedings Involving Formal Complaints
412.70 Final Administrative Decision
412.80 Revocation and Suspension of License
412.90 Preliminary Suspension by Board Action
412.100 Reinstatement of Revoked, Suspended or Relinquished License
412.110 Severability of this Part

AUTHORITY: Implementing and authorized by Sections 5c and 5d of the Children and Family Services Act [20 ILCS 505/5c and 5d].

SOURCE: Adopted at 24 Ill. Reg. 18068, effective December 1, 2000; amended at 26 Ill. Reg. 16461, effective October 23, 2002; old Part repealed at 39 Ill. Reg. 7607 and new Part adopted at 39 Ill. Reg. 7609, effective May 15, 2015.

Section 412.10 Purpose

The purpose of this Part is to set licensing standards, consisting of qualifications, education and training, for those who seek to work in the capacity of a direct child welfare services employee.

Section 412.20 Definitions

"Accredited College or University", for purposes of this Part, means a college or university that has been accredited by a regional or national institution accrediting association recognized by the U.S. Department of Education or non-governmental recognition counterpart.

"Act" means the Children and Family Services Act [20 ILCS 505].

"Administrative Law Judge" or "ALJ" means a licensed attorney who is appointed by the Director of the Department and is responsible for conducting pre-hearings, motion hearings, and the administrative hearing, and issuing a recommended decision.

"Affirmative Defense" means a reason that, assuming the factual charges are true, operates to limit or excuse the licensure action.

"Another Jurisdiction" means a different entity that issues a license or certification that is subject to regulation by that entity.

"Authorized Representative" means a contractual employee or person, including an attorney, authorized in writing by a licensee to assist in the administrative hearing process.

"Board" means the Direct Child Welfare Service Employee License Board created by Section 5d of the Act.

"Case Management Services" means services that include the assessment and identification of client needs, the identification of available resources to meet client needs, the development of an individualized service plan, the coordination, monitoring and evaluation of services for each client, and advocacy for a client to assure that services and resources are accessible and provided.

"Child Care Act" means the Child Care Act of 1969 [225 ILCS 10].

"Chief Administrative Law Judge" or "Chief ALJ" means the person who is responsible for the supervision of the Administrative Law Judges and the coordination of the administrative hearing process.

"Child Protection Investigation" means a child abuse and neglect investigation that is conducted in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

"CWEL" means direct child welfare service employee licensure.

"CWEL Investigation" means an investigation authorized by the Emergency Licensure Review Team pursuant to Section 412.60.

"Department" or "DCFS" means the Department of Children and Family Services.

"Department Representative" means the person who is responsible for presenting the Department's case under this Part.

"Direct Child Welfare Service Employee" means a contractual employee or person employed by the Department or a purchase of service agency (i.e., child welfare agency, group home, child care institution, maternity center, and child care facility) who carries assigned cases, conducts child protective investigations, makes recommendations or approves placement decisions, recommends or approves family reunification decisions, provides casework to intact/family preservation cases, or makes licensing decisions, or anyone who provides direct supervision to any of these employees or makes case-related decisions. Individuals responsible for making licensing decisions for domestic and foreign adoption only agencies and who do not make placement decisions are not required to be licensed under this Part.

"Emergency Licensure Review Team" or "ELRT" means a committee consisting of a representative from the Office of Child Welfare Employee Licensure, a representative from the Office of the Inspector General, and the Chairperson of the Board. In the event the Chairperson is not available, the Vice-Chairperson may stand in for the Chairperson.

"Employee Who Carries Assigned Cases" means an employee assigned responsibility for a case opened in the Statewide Automated Child Welfare Information System (SACWIS) and Child and Youth Centered Information System (CYCIS).

"Exchange of Information", for purposes of this Part, means the rights of any party to request and have access to, in advance of the pre-hearing, any documents, inculpatory and exculpatory evidence, and list of witnesses in the possession of any other party.

"Final Administrative Decision" means the Board's final decision, order or determination in a particular case that affects the legal rights, duties or privileges

of participants and that may be further appealed to the circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Imminent Danger to the Public" means there is harm or immediate risk of harm to an individual, public funds, or a child, family or community.

"License" or "Direct Child Welfare Service Employee License" means a document issued by the Department that is required to be held in order to practice as a direct child welfare service employee, the qualifications for which are specified in Section 412.40.

"Licensee" means a direct child welfare service employee who holds a direct child welfare service employee license issued by the Department.

"Licensure Action" means the final administrative decision made by the Board and any subsequent court action.

"OCWEL" means the Office of Child Welfare Employee Licensure.

"Office of the Inspector General" or "OIG" means the Office of the Inspector General of the Department of Children and Family Services.

"Pending Licensure Action" means any activity against a license, including whether the license is subject to a temporary suspension and whether charges have been issued against the license.

"Persons" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, corporations, the State of Illinois and its instrumentalities, legal representatives, trustees in bankruptcy or receivers.

"Pre-licensing Review" means a process by which an administrator of OCWEL makes a final administrative decision on a CWEL application.

"Preponderance of the Evidence" means the greater weight of the evidence that renders a fact more likely than not.

"Purchase of Service Provider" or "POS Provider" means an agency (i.e., child welfare agency, group home, child care institution, maternity center and child care

facility) or individual offering services to a Department client through a signed contract with the Department.

"Reinstatement" means the restoration by the Board of the revoked, suspended or relinquished license of a direct child welfare service employee.

"Relinquishment" means a voluntary surrender to OCWEL of the direct child welfare service employee license by the licensee.

"Respondent" means the licensee who has been served with a notice of administrative hearing.

"Revocation" means the action by the Board that renders the license of a direct child welfare service employee inoperative.

"Standard of Child Welfare Practice" means the level of performance provision services necessary to protect children and State funds from foreseeable and preventable harm and to promote the health, safety, welfare and permanency of children and families.

"Supervision" means responsibility for managing, overseeing, giving direction to, and providing guidance to a direct child welfare service employee that includes approval of critical decisions and other tasks as defined through case management services.

"Suspension" means a period of time during which a license is inoperative.

"Temporary Services Agency" means an agency that provides a temporary direct child welfare service employee through a contract with the Department or a purchase of service agency.

"Valid Driver's License" or "Valid Driver's Permit" means a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction (see 92 Ill. Adm. Code 1030.1). For purposes of this Part, a "restricted driver's license" will not be considered a valid driver's license, and a "temporary visitor's license" will be considered a valid driver's license.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Section 412.30 Organization and Administration of Licensing Program

a) The Department shall:

1) verify that individuals applying for a license meet the requirements of Section 412.40(b) and (f);

2) authorize examinations that fairly test the knowledge and skills of applicants to be a direct child welfare service employee;

3) maintain licensing files for applicants and persons licensed by the Department to be direct child welfare service employees;

4) maintain rosters of names and addresses of all currently licensed direct child welfare service employees and all persons whose licenses have been suspended or revoked;

5) provide Licensing Action and Pending Licensing Action concerning specific individuals to prospective employers within three business days after a request is received. Licensing status information shall include, but not be limited to, date of issuance and pending or implemented licensure action against the licensee within the prior 10 years, including charges issued by the Department;

6) provide known child welfare employers with information within three business days concerning any licensure action or any final administrative decision;

7) obtain written statements from the applicant that attest that he or she is not in default of an educational loan in accordance with the Educational Loan Default Act [5 ILCS 385/2] and that he or she is not more than 30 days delinquent in paying a child support order as specified in the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)];

8) determine whether to issue licenses; and

9) accept relinquishments of licenses and record in the CWEL file if the relinquishment was received during an open CWEL investigation or CWEL proceeding and any subsequent appeals.

b) The Department and POS agencies shall:

1) request a child abuse and neglect prior history person check and a criminal background check on a prospective direct child welfare service employee prior to hiring the employee or as soon afterwards as is reasonably practicable;

2) verify the license status of job applicants/newly hired direct child welfare service employees with OCWEL prior to assigning a caseload to the employee;

3) report licensure violations by direct child welfare service employees to OCWEL in accordance with Section 412.50; and

4) prohibit unlicensed workers from providing or supervising case management services, investigating or supervising child protection investigations, making licensing decisions or supervising licensing workers or otherwise performing direct child welfare services work as set out in this Part.

c) Direct Child Welfare Service Employee License Board
The Board shall consist of nine members appointed by the Director of the Department. All persons appointed to the Board shall be residents of the State of Illinois and serve in a voluntary and unpaid capacity.

1) The nine member Board shall be composed of five licensed professionals from the field of human services, as outlined in 89 Ill. Adm. Code 401.Appendix G, at least two of whom shall be employed in the private not-for-profit sector and at least one of whom shall be from the public sector; two members who serve on the faculty of an accredited university and have child welfare experience; and two members of the general public who are not licensed under this Part or similar rule. Members chosen from the public must clearly represent consumer interests.

2) All licensed professionals and faculty members must be in good standing within their profession. All members of the Board shall have no pending or indicated reports of child abuse or neglect, and no pending or criminal

conviction of any offenses stipulated under the Criminal Code of 2012 [720 ILCS 5] and listed in Section 4.2(b) of the Child Care Act.

3) Board members are to recuse themselves from sitting on any matter involving an employee of a child welfare agency at which the Board member is an employee or contractual employee or any matter involving a person known by the Board member, or if the member has a personal or professional interest in the matter that would interfere with the Board member's ability to exercise objectivity or has any bias against the involved person.

4) Members appointed to the initial Board shall serve for one, two or three years. All successive appointments shall be for a term of three years. No member shall be reappointed if his or her reappointment would cause any conflict of interest or cause that person to serve on the Board for longer than six consecutive years. Appointments to fill expired vacancies shall be made in the same manner as original appointments.

5) Board membership shall have reasonable representation from different geographic areas of Illinois.

6) The Director may terminate the appointment of any member for good cause, which includes, but is not limited to, unjustified absences or failure to meet Board responsibilities, failure to recuse himself or herself as required by subsection (c)(3), or failure to maintain the professional position outlined in subsection (c)(1).

7) The Board shall make recommendations to the Director regarding licensure rules.

8) The Board shall have the authority to preliminarily suspend before a hearing, or revoke or suspend after a hearing under Section 412.60, an employee's license. The Board may also reinstate licenses under Section 412.100. Votes regarding final determinations can be cast in person, by telephonic or electronic means, or by mail, at the discretion of the Chairperson and upon notification of all members. A simple majority of the members appointed and serving is required when Board members vote. A majority of the quorum is required when a recommendation is voted on during a Board meeting.

9) The Director shall designate the Chairperson and Vice-Chairperson of the Board annually.

10) Members of the Board shall be reimbursed for all authorized legitimate and necessary expenses incurred in attending the meetings of the Board.

11) A majority of the currently appointed and serving Board members shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

12) Members of the Board shall have no individual liability in an action based upon any proceeding or other activity performed in good faith as a member of the Board.

13) The Director may assign Department employees to provide staff services to the Board.

Section 412.40 Licensing Requirements

a) Direct Child Welfare Service Employees Requiring Licensure
Direct service casework managers, supervisors and caseworkers who carry assigned cases and/or provide case management services for the purpose of investigation, casework, intact/family preservation, permanency or licensing decisions shall obtain a license to practice as a direct child welfare service employee. Individuals responsible for making licensing decisions for domestic and foreign adoption only agencies and who do not make placement decisions are not required to be licensed under this Part.

b) Qualifications for Licensure
The Department shall issue a license to an applicant who:

1) has applied in writing on the prescribed form and has not provided false information;

2) has had a background check completed in accordance with 89 Ill. Adm. Code 385 (Background Checks), has no pending or indicated reports of child abuse or neglect, and has no pending or criminal charge that is a bar to employment under Section 4.2 of the Child Care Act. Any other

conviction or pending criminal action will be assessed according to Section 4.2 of the Child Care Act and 89 Ill. Adm. Code 385;

3) is a graduate of an accredited college or university with a minimum of a bachelor's degree or provides documentation of foreign equivalency of a minimum of a bachelor's degree from a college or university outside of the United States;

4) has completed a prescribed Department pre-service course of training prior to the prescribed licensing examination;

5) has passed the examination to practice as a direct child welfare service employee as authorized by the Department (a score of at least 70% is required to pass the examination);

6) is not delinquent in paying a child support order as specified in Section 10-65 of the Illinois Administrative Procedure Act;

7) is not in default of an educational loan in accordance with Section 2 of the Educational Loan Default Act;

8) does not pose a possible danger to State resources or clients;

9) has not engaged in conduct described in Section 412.50;

10) has not relinquished his or her license during a licensure investigation or after the commencement of a licensure hearing, or had his or her license revoked after the commencement of a licensure hearing. An applicant who has had his or her license revoked or relinquished under these circumstances must first go through the reinstatement process and shall file a new application and comply with other qualifications in this subsection (b); and

11) holds a valid driver's license and has not been convicted of two or more moving traffic violations under the Illinois Motor Vehicle Code [625 ILCS 5], and has not been convicted of driving under the influence of alcohol or other drugs within the year prior to application for licensure.

c) Referral to the Office of the Inspector General for Pre-Licensing Investigation

OCWEL may refer applicants to the Department's OIG for investigation during the licensing process if information indicates that the applicant has engaged in acts that may be grounds for suspension, revocation or refusal to reinstate a license, as described in Section 412.50. The OIG will complete a limited investigation of the applicant within 30 days after the referral and provide the investigation findings to OCWEL. OCWEL may extend the time of the limited investigation for good cause. If OCWEL finds that the information from the OIG investigation provides the basis for refusal to issue a license, OCWEL may refuse to issue a license to the applicant.

d) OCWEL may recall a license that was issued in error within 10 days after issuance.

e) Licensing Examination

1) The licensing examination shall be administered by the Department or designated testing service. It shall cover knowledge and skills including, but not limited to, understanding of child welfare laws and regulations applicable in Illinois, methods of protecting the safety and well-being of children, and the importance of, and techniques for, coordination of services.

2) The Department shall notify the employee and employer of the testing outcome within seven calendar days after the testing date.

3) Applicants shall be allowed two attempts within one year to pass the written examination.

f) License Restrictions and Limitations

1) All direct child welfare service employees and supervisors must obtain a license under this Part to be employed as a direct child welfare service employee.

2) Licensed direct child welfare service employees are responsible for remaining current with changes in law, rule and procedures governing child welfare services.

3) Licensees must notify OCWEL of any changes in their address. Licensees who fail to notify OCWEL of any address change will have waived their right to object to improper service when the Department provides service to the last address reported to OCWEL by the licensee.

4) This license does not allow any person to represent herself or himself as a licensed social worker or licensed clinical social worker as defined under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]. The license is solely for the purpose of employment with the Department or with a POS agency or a temporary services agency as a direct child welfare service employee.

g) Voluntary Relinquishment of a License

1) A licensee may voluntarily relinquish his or her license;

2) A license voluntarily relinquished during a pending licensure or disciplinary investigation, administrative proceeding, or subsequent court action shall be recorded in the licensee's CWEL file as relinquished during licensure or disciplinary investigation, administrative proceeding, or subsequent court action;

3) Voluntary relinquishment of a license must be filed with OCWEL on a prescribed form. The licensee must acknowledge on the form that reinstatement will be subject to consideration of the facts disclosed in any pending licensure investigation or administrative proceeding. Voluntary relinquishment does not divest the OIG of the jurisdiction to complete a pending investigation;

4) An application for a license from an applicant who previously relinquished his or her license shall be considered a request for reinstatement in addition to an application for license.

Section 412.50 Grounds for Suspension, Revocation or Refusal to Reinstate a License

a) Causes for Licensure Action
The Board may suspend, revoke or refuse to reinstate, and the Department may refuse to issue, any license issued by the Department for any of the following acts:

1) violation or negligent disregard of this Part;

2) a charge or criminal conviction of any offenses stipulated under the Criminal Code of 2012 and listed in Section 4.2 of the Child Care Act (a pending charge may result only in suspension or temporary refusal to reinstate);

3) making any material misrepresentation relevant to obtaining a license, including, but not limited to, failure to certify on the form, or a false statement, that the applicant is not more than 30 days delinquent in complying with a child support order;

4) an egregious act that demonstrates incompetence, unfitness or blatant disregard for one's duties in providing direct child welfare services;

5) a pattern of deviation from a standard of child welfare practice that could result in an injury to a child or a pattern of dishonesty that places State funds or records at risk;

6) aiding or assisting another person in violation of any provision of this Part;

7) failing to provide information or documents regarding a licensure investigation or license within 30 days after a written request by the OIG or the Department;

8) habitual or excessive use of, or addiction to, alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a worker's inability to practice with reasonable judgment, skill or safety. This shall not include any person who has sought, will seek or is receiving substance abuse treatment if it does not impact on his or her ability to practice with reasonable judgment, skill or safety;

9) discipline by another state or national licensing entity when the grounds for suspension, revocation or refusal to reinstate are substantially the same as at least one of the grounds established in this Section;

10) falsification of case records, court reports or court testimony;

11) failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act (ANCRA) [325 ILCS 5];

12) being named as an alleged perpetrator in a pending child abuse or neglect report;

13) being named as a perpetrator in an indicated report by the Department under ANCRA unless or until the indication is reversed on appeal or administrative court review in accordance with 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings); or

14) receiving more than two citations for operating a motor vehicle against traffic regulations governing the movement of vehicle within a 12-month period or being convicted of reckless driving, driving under the influence of alcohol or other drugs, or manslaughter or reckless homicide resulting from the operation of a motor vehicle.

b) Other Causes for Licensure Action
The Department shall refuse to issue and the Board may suspend, revoke or refuse to reinstate any license for the following causes:

1) Mental Health and Developmental Disabilities
Involuntary admission of a licensee to a mental health facility as provided in the Mental Health and Developmental Disabilities Code [405 ILCS 5] shall result in an automatic suspension of his or her license by the Board. The license may be reinstated by the Board after a court finding that the licensee is no longer subject to involuntary admission;

2) Delinquent Compliance with a Child Support Order
Upon a final finding of delinquency or failure to comply with a subpoena or warrant, the Department shall refuse to issue a license to, or the Board shall refuse to reinstate or shall suspend or revoke the license of, a person who is more than 30 days delinquent in paying a child support order as specified in Section 10-65 of the Illinois Administrative Procedure Act. The license may be reinstated by the Board after a finding that the licensee is no longer delinquent in paying a child support enforcement order;

3) Default of Educational Loan

The Department shall refuse to issue and the Board shall refuse to reinstate, or shall suspend or revoke, the license of a person who is found to be in default of an educational loan in accordance with Section 2 of the Educational Loan Default Act. The license may be reinstated by the Board after a finding that the licensee is no longer in default of the educational loan; or

4) Transporting a Child without a Valid Driver's License
The Board shall immediately revoke the license of any employee who, in the course of performing his or her duties, has transported a child or children with a motor vehicle without having a valid driver's license.

Section 412.60 Investigation, Notice and Proceedings Involving Formal Complaints

a) Complaints
Complaints shall be made to OCWEL for determination as to whether the complaint meets the grounds for licensure action in Section 412.50. The complaint shall be confidential within OCWEL, the Board, ELRT and the OIG, unless otherwise ordered by a court or Administrative Law Judge of competent jurisdiction. ELRT shall review the complaint to determine whether the complaint meets the description of one or more of the grounds for licensure action in Section 412.50. If a majority determines that the complaint meets the description of one or more of the grounds for licensure action, the report shall be forwarded to the OIG for investigation.

b) Office of the Inspector General

1) Investigation
The OIG shall investigate formal complaints made to the Board regarding the actions of any person holding or applying for a license. The OIG may impound (pursuant to 89 Ill. Adm. Code 431.130) and subpoena (pursuant to 20 ILCS 505/35.5 and 89 Ill. Adm. Code 430) documents relevant to an investigation authorized under this Part. The OIG will review documents and interview relevant persons to determine whether a licensed employee violated any of the provisions of this Part. If the OIG determines that licensure action is warranted, the OIG shall provide a Notice of Administrative Hearing pursuant to subsection (c), provided, however, that no adverse licensure action (other than preliminary suspension in accordance with Section 412.90) can be made before the employee has

been notified of the allegations in accordance with this Part and given an opportunity to respond.

2) Proposed Action

A) If, after an investigation, the OIG determines that licensure action is inappropriate but that there is a basis for disciplinary action, it shall proceed according to Section 35.5 of the Act. If the investigation discloses possible criminal acts or violations of rules, the OIG may also refer the investigative findings or the investigation to the appropriate law enforcement or regulatory agency. If the OIG determines that licensure action may be appropriate, the OIG will provide a Notice of Administrative Hearing pursuant to subsection (c); provided, however, that no adverse licensure action (other than preliminary suspension in accordance with Section 412.90) can be made before the employee has been notified of the allegations in accordance with this Part and given an opportunity to respond.

B) If the investigation does not provide a basis for adverse licensure action, disciplinary action or referral to law enforcement or other regulatory enforcement, the OIG will notify OCWEL, in writing, and the licensee if the licensee was informed of the investigation. OCWEL will also inform any known child welfare employer of the closure of the licensure investigation if the employer had been notified of the investigation.

c) Notice of Administrative Hearing

1) When the OIG requests, the Administrative Hearing Unit shall identify the date, time and place for an administrative hearing, and shall assign an ALJ to the case. The OIG shall then notify the licensee in writing, at least 30 calendar days before the scheduled hearing date, of the Department's intent to revoke or suspend his or her license and of the right of the licensee to an administrative hearing. The notice shall be sent to the licensee, at the most recent address provided to OCWEL by the licensee or the address provided to the OIG during the investigation. The notice shall also be sent to the Administrative Hearing Unit. The notice to the licensee shall be served by personal delivery by certified or registered mail.

Service in conformance with this subsection (c)(1) shall be sufficient to prove notice.

2) The notice shall contain the following:

A) the date, time, place and nature of the hearing;

B) the name of the licensee and the address of the licensee, if not represented by counsel, or the address of the counsel, if represented by counsel;

C) the name and business address of the Department's representative, if any, at the administrative hearing;

D) a citation to the provision in Section 5c of the Act that grants the Department the legal authority and jurisdiction to hold the hearing;

E) a reference to the particular Sections of the statutes and administrative rules involved;

F) a short and plain statement of the matters that are the basis of the charges;

G) the reasons that may be deemed an abandonment under subsection (n) and the cause for the entry of a final administrative decision before hearing, including the failure to file an answer to the notice of administrative hearing or the failure to appear at a pre-hearing or hearing without having first obtained a continuance;

H) the docket number assigned to the case;

I) the name and mailing address of the ALJ and any other parties, unless ANCRA, the Act or other applicable statute;

J) a statement of the action sought, including but not limited to revocation, suspension or refusal to renew a license; and

K) date the notice was filed with the Administrative Hearing Unit.

d) Answer to the Notice of Administrative Hearing
The respondent shall serve an answer, within 15 calendar days after the date on which the Notice of Administrative Hearing is sent, on the Administrative Hearing Unit. The answer shall be in writing and signed by the respondent or the respondent's authorized representative, and shall include the respondent's telephone number. The answer shall admit or deny the charges or shall state that the respondent lacks sufficient information to admit or deny the charges. If the respondent fails to admit, deny or assert that respondent lacks sufficient information to answer, the charge shall be deemed admitted as true. The answer shall also provide any information that establishes a factual basis for an affirmative defense to the charges. Failure to do so may result in the ALJ barring the respondent from presenting the defense at any hearing on the licensing matter.

e) Rights and Responsibilities in Administrative Hearings

1) Appearance/Authorization to Represent

A) A respondent may bring an authorized representative and witnesses to the hearing. The respondent shall pay expenses of a representative or respondent's witnesses.

B) No person shall be allowed to act as an authorized representative in any matter contested before the Administrative Hearing Unit without first filing a written authorization with the Administrative Hearing Unit. The authorization shall be effective only for the particular matter in which it is filed, unless the matter has been consolidated with other proceedings by order of the Chief ALJ or the assigned ALJ.

C) No particular form is required to file a written authorization for representation. However, all authorizations filed with the Administrative Hearing Unit shall be notarized, signed by the respondent and authorized representative, and identify:

i) the name, address and phone number of the party represented;

ii) the name, address and phone number of the authorized representative; and

iii) the administrative hearing in which representation is authorized.

D) An authorized representative may exercise the rights of the respondent in the hearing process. These rights include the right to:

i) review and copy material placed in the record during the proceeding;

ii) receive Department, Board and administrative hearing notices;

iii) request and receive discovery materials;

iv) speak, or otherwise be heard, on behalf of the respondent in the administrative hearing process; and

v) take any other actions permitted a respondent during the hearing process.

2) During the administrative hearing, the respondent and the Department have the right to:

A) present and question witnesses;

B) present any information relevant to the issues;

C) question or disprove any information, including an opportunity to question opposing witnesses; and

D) dispose of any disputed issue by stipulation, agreed settlement, consent order or default.

3) Before and during the administrative hearing:

A) the respondent may withdraw from the hearing process and relinquish the license in accordance with Section 412.40(g); and

B) the Department may amend the charges subject to due process.

4) The proceedings shall be recorded or conducted before a certified court reporter.

f) Confidentiality during the Hearing Process

1) The ALJ has the right to exclude from an administrative hearing any individual who, or agency that, does not have the right of access to the information being presented in accordance with the federal Adoption Assistance and Child Welfare Act (42 USC 671), the Children and Family Services Act, ANCRA, and any other pertinent Act.

2) The ALJ has the authority to bifurcate the hearing into separate segments that deal with issues of other parties in order to preserve confidentiality as mandated under applicable statutes and rules and to prohibit discussion or introduction of evidence that is outside of the scope of the issues being presented in that segment.

3) Confidentiality During the Hearing Process
The Department has an affirmative duty to protect the confidentiality of personal information, in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services) and the federal Adoption Assistance and Child Welfare Act. Confidentiality shall be preserved throughout the administrative hearing, the transmittal of the ALJ's recommendation to the Board and the release of the final administrative decision. None of the documents, including the ALJ's recommendation to the Board, shall be subject to the Freedom of Information Act [5 ILCS 140]. The final administrative action, however, shall be public information.

g) The Administrative Hearing and Pre-hearing Conference

1) Rules of Evidence
In an administrative hearing, the OIG carries the burden of proving, by a preponderance of the evidence, grounds for suspension, revocation or refusal to reinstate license (Section 412.50).

A) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, unless precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

B) Previous statements made by a child relating to abuse or neglect shall be admitted as hearsay exceptions.

C) In addition to any other hearsay exception that exists in Illinois, a statement may be admitted if it has circumstantial guarantees of trustworthiness, and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant.

2) Motions

A) Copies of the motion shall be served upon the ALJ, the Administrative Hearing Unit, and the opposing party at least 10 days before the date set for hearing.

B) The ALJ may hear any motion that is consistent with administrative practice and procedure.

3) The Chief ALJ or the ALJ may schedule a pre-hearing conference.

A) The ALJ shall address the following issues during the pre-hearing conference:

i) whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing;

ii) whether witnesses should be scheduled to testify at specific times;

iii) whether the parties have or will have exchanged records or documents prior to the administrative hearing;

iv) whether the parties can agree upon any facts as true;

v) motions filed by any party; and

vi) the need for an interpreter for a party whose primary language is not English or who requires communication assistance.

B) The pre-hearing conference shall be convened by telephone unless the ALJ and the parties agree to an in-person pre-hearing conference. The ALJ shall place all telephone calls. The cost of telephone calls shall be borne by the Department. The Administrative Hearing Unit shall arrange for the respondent to use a telephone at a Department Field Office if the respondent has previously notified the Department that he/she does not have access to a telephone.

C) The ALJ may order the parties to attend the pre-hearing conference in person without the consent of all parties. If the ALJ orders personal attendance, the ALJ shall:

i) give written notice to the parties of the date, time and place of the pre-hearing conference; and

ii) hold the pre-hearing conference at a place and time convenient for the parties.

h) The Administrative Law Judge

1) Appointment of the Administrative Law Judge
The Chief ALJ shall select a trained, impartial ALJ from the available pool to conduct the administrative hearing. The ALJ shall:

A) be an attorney licensed to practice law in the State of Illinois;

B) possess knowledge and information acquired through training and/or experience relevant to the fields of child and family welfare law and administrative law, including familiarity with Department rules, procedures and functions;

C) not have been involved in the decision to take the action being contested or have rendered legal advice to the decisionmaker on the issue; and

D) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues contested. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.

2) Functions and Authority of the Administrative Law Judge
The ALJ shall have all authority allowed under Article 10 of the Illinois Administrative Procedure Act, which includes, but is not limited to, the authority to:

A) conduct a fair, impartial and formal hearing;

B) inform participants of their individual rights and their responsibilities;

C) conduct pre-hearing telephone conferences between the parties or their authorized representatives to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;

D) take necessary steps to develop a full and fair record that contains all relevant facts;

E) administer an oath or an affirmation to all witnesses;

F) quash or modify subpoenas issued by the Administrative Hearing Unit for good cause, which includes, but is not limited to,

relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;

G) preserve all documents and evidence for the record;

H) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;

I) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or conduct, that disrupts the hearing;

J) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including, but not limited to, the submission of briefs, memoranda of law, affidavits or post-hearing briefs; and

K) for good cause shown, on the judge's own motion or the motion of any party, allow a witness to testify at the administrative hearing by telephone.

i) Consolidating and Severing Issues and Parties

1) When common issues of fact or law are raised in more than one set of charges or involve more than one licensee, the Chief ALJ or ALJ may consolidate the charges into a single group hearing. Individuals shall be permitted to present their own cases separately. Nothing in this Section shall override confidentiality considerations.

2) The Chief ALJ or ALJ may also combine into one hearing all sets of charges, appeals and issues involving a single respondent, whether arising under this Part or any other Part.

3) The Chief ALJ or ALJ, if required for the fair and efficient administration of the hearing or to prevent possible prejudice to the respondent, may sever any party or any issue from the consolidated hearing. The party or issue severed from the consolidated hearing shall be heard separately.

4) The Chief ALJ or ALJ shall decide the order in which to hear any party, appeal or issue that has been severed.

5) The Chief ALJ or ALJ may delegate the power to hear and decide any action to consolidate or sever under this Section to any ALJ who has been assigned to hear one or more of the appeals.

j) Exchange of Information

1) All requests for information must be in writing and sent to the party from whom the information is sought at least 20 calendar days in advance of the hearing. The requestor must send a copy of the request to the Administrative Hearing Unit. A party, without leave of the ALJ, may request from any other party:

A) a list of witnesses to be called at the hearing; and

B) copies of all documents that a party intends to present to the ALJ at the hearing.

2) Copies of all requests for information shall be filed with the Administrative Hearing Unit. All requests for information shall be answered within 10 calendar days after receipt unless, upon good cause shown, leave is sought for additional time to answer.

3) If a party fails to answer a request for information, the ALJ may enter any just and appropriate order to advance the disposition of the matter.

4) Hearings shall not be delayed to permit the exchange of information unless timeliness and due diligence is shown by the party seeking the information.

k) Continuances

1) The ALJ shall grant no continuance of a scheduled hearing or pre-hearing conference to any party except for good cause shown. Good cause includes, but is not limited to:

A) sickness or death in the immediate family of the respondent, the Department representative or the authorized representative of the respondent;

B) court or administrative hearing dates scheduled prior to the issuance of the notice of hearing;

C) the need to secure counsel;

D) the unavailability of a witness; and

E) adding or amending the charges in the complaint.

2) No request for a continuance shall be granted without notice to all parties and an opportunity to object on the record. All motions for continuance shall be disposed of by written order.

3) If a continuance is requested due to the lack of a certified court reporter or interpreter, the party seeking a continuance must demonstrate due diligence in seeking that service for the hearing date.

4) Notices of a continued hearing date need not include any restatement of the rights of the parties.

l) Attendance of Witnesses
A party or ALJ may subpoena a witness by requesting that the Chief ALJ or ALJ issue a subpoena to compel the attendance of the witness. The request shall be made at least 14 calendar days before the hearing. Requests for subpoenas made less than 14 calendar days before the hearing require the leave of the Chief ALJ or the ALJ. Witness fees and travel expenses for persons other than Department, private agency or temporary services agency employees are the responsibility of the party requesting the subpoena.

m) Grounds for Entry of a Final Administrative Decision before Hearing
The Chief ALJ or the ALJ shall recommend licensure action to the Board, without further hearing, when:

1) the Department, the Board or a court of competent jurisdiction has already made a final decision on the issue as a result of a previous administrative hearing or court decision;

2) the respondent does not file an answer within 15 calendar days after the day the Notice of Administrative Hearing was filed with the Administrative Hearing Unit;

3) the respondent has stated that the respondent does not contest the entry of adverse licensure action;

4) the right to an administrative hearing has been abandoned pursuant to subsection (n); or

5) the issue is otherwise not within the jurisdiction of the Administrative Hearing Unit.

n) Abandonment of Right to Administrative Hearing/Default

1) The Administrative Hearing Unit shall find that the respondent has abandoned the right to an administrative hearing when:

A) the respondent has not filed an answer to the Notice of Administrative Hearing within 15 calendar days after the Notice was filed with the Administrative Hearing Unit;

B) the respondent or the respondent's authorized representative has failed to appear at the scheduled pre-hearing or hearing and failed to respond to the written notification of the finding of abandonment within 30 days, showing good cause why the finding should be vacated;

C) the respondent failed to notify OCWEL or the Chief ALJ or ALJ of a change of address and a Notice of Administrative Hearing, sent to the respondent's last known address, was returned as undeliverable, unclaimed, refused, moved or no forwarding address; or

D) the respondent has filed a relinquishment of license on the form prescribed by the Department.

2) The Administrative Hearing Unit shall find that the Department or the respondent has abandoned the right to an administrative hearing when the Department or the respondent or the respondent's authorized representative, without good cause, fails to appear at a hearing or pre-hearing conference without having received a continuance.

3) Any party seeking to vacate a finding of abandonment under subsections (n)(1)(A) and (B) shall file a motion within 30 days after notice of the entry of a finding of abandonment or default showing good cause why the party failed to appear. A recommendation to the Board regarding licensure action will be entered:

A) at the end of 30 days, if the respondent does not file a motion to vacate; or

B) when the Administrative Hearing Unit determines that good cause for the failure to appear does not exist.

o) Record of an Administrative Hearing
The Chief ALJ or ALJ shall maintain the record of the administrative hearing and the final administrative decision. All final administrative decisions shall be available to any party for public inspection during regular business hours. However, confidential information shall be deleted in accordance with 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).

p) Recommendation of Administrative Law Judge

1) The ALJ shall prepare a recommendation, along with findings of fact and conclusions of law, as to whether to suspend the respondent's license, revoke the respondent's license, allow the respondent's license to continue in good standing, or take any other action regarding the license. The ALJ shall submit the hearing record and recommendation to the Board and all parties. The parties shall have 20 calendar days to file exceptions and a brief to the recommendation of the ALJ. The exceptions shall be filed with OCWEL for consideration by the Board. The parties shall have 20

additional calendar days to respond to the exceptions and brief filed by any other party.

2) The Board shall accept the ALJ's findings of fact as true unless it finds that the findings of fact are contrary to the manifest weight of the evidence. The Board may:

A) issue a final administrative decision by accepting the recommendation of the ALJ;

B) issue a final administrative decision by making its own findings of fact or conclusions of law that shall be based solely on the record; or

C) remand the case to the Administrative Hearing Unit for further proceedings. When the Board remands a case, it shall issue a written order specifying the nature and scope of the additional proceedings. The Administrative Hearing Unit shall schedule a new hearing date that shall be between 15 and 90 calendar days after the date of the remand order. The Administrative Hearing Unit shall notify all parties of the new date. The ALJ shall issue a supplemental recommendation and shall serve a copy on all parties. The Board shall review the supplemental recommendation in the same manner as the initial recommendation.

Section 412.70 Final Administrative Decision

The final administrative decision shall include the name of the person responsible for compliance, if applicable, and shall advise the parties that, under the provisions of the Administrative Review Law, they may seek judicial review of the final administrative decision if it is unfavorable to them, within the statutory time frame. The Board's final administrative decision must be distributed to the licensee, the OIG, the Department's representative, the employer of the licensee, the Administrative Hearing Unit, and the ALJ.

Section 412.80 Revocation and Suspension of License

a) Upon the Board's final administrative decision to revoke or suspend a license, the licensee shall immediately surrender his or her license to the Department. Upon failure to do so by the licensee, the Department shall provide for deactivation of

licensure. A suspension (other than a preliminary suspension) shall be for a specified period of time and shall expire on the date or event stated and the license will be restored with no further action required. The Department shall issue a letter to the licensee and the licensee's known child welfare employer informing them of the final administrative decision and informing the licensee of his or her right to appeal the final administrative decision, including directions on where and when to appeal.

b) Anytime a Child Welfare Employee License is suspended or revoked, and the person whose license was suspended or revoked also holds a license in a child welfare-related field that is monitored by the Illinois Department of Financial and Professional Regulation, OCWEL will notify the Illinois Department of Financial and Professional Regulation of the suspension or revocation. Licenses that are considered child welfare-related include the following:

1) Licensed Clinical Professional Counselor;

2) Licensed Professional Counselor;

3) Licensed Temporary Professional Counselor;

4) Licensed Marriage and Family Therapist;

5) Licensed Clinical Psychologist;

6) Licensed Clinical Social Worker;

7) Licensed Social Worker; and

8) Temporary Licensed Social Worker.

Section 412.90 Preliminary Suspension by Board Action

a) The Board may preliminarily suspend the license of a direct child welfare service employee without a hearing, simultaneously with the receipt of a complaint that contains sufficient indications of reliability and suggests that the licensee may pose an imminent danger to the public if allowed to continue practicing direct child welfare services pending investigation or licensure action or pursuant to Section 412.50(a)(2) or (12). OCWEL shall notify the licensee and the licensee's

known child welfare employer of the preliminary suspension within two business days. The Preliminary Suspension Notice will inform the licensee that, if requested within 14 days after the date of the Notice, a hearing will be scheduled. If requested, a post-preliminary suspension hearing will be scheduled with the Administrative Hearing Unit within 30 calendar days after the request for the hearing, but will be limited to the question of whether preliminary suspension is warranted. The Notice of Preliminary Suspension Hearing shall be sent to the licensee and the known child welfare employer of the licensee. A Preliminary Suspension Notice shall state that the preliminary suspension will expire at the conclusion of the OIG investigation and any administrative or court action following the investigation. The Notice shall also contain a short statement explaining the basis of the Board's decision that the complaint contained sufficient indications of reliability and suggested that the licensee may pose an imminent danger to the public if allowed to continue practicing direct child welfare services pending licensure action or pursuant to Section 412.50(a)(2) or (12). A full hearing on the charges will be offered if charges are filed following completion of the investigation. At the preliminary suspension hearing, the licensee can petition the ALJ for access to the complaint based on a showing that examination of the complaint is relevant to the preliminary suspension hearing.

b) If the OIG determines not to pursue charges once a preliminary suspension has been issued, the OIG will notify OCWEL of its intent not to file charges. OCWEL will then notify the licensee and the licensee's employer, if the licensee's employer was notified of the suspension, that the temporary suspension has been lifted.

c) The ALJ shall prepare a recommendation with findings of fact and conclusions of law as to whether the preliminary suspension was warranted. The ALJ shall submit the hearing record and recommendation to the Board. The ALJ shall submit the recommendation to all parties and notify all parties of the availability of the hearing record. The Board shall have the decisionmaking authority.

Section 412.100 Reinstatement of Revoked, Suspended or Relinquished License

a) A former licensee may be reinstated by the Board when it is in the best interest of the public to do so, or when the former licensee can show that the facts warranting prior licensure action or investigation have been remedied or changed. A former licensee may request the reinstatement of his or her revoked, suspended or

relinquished license by submitting a request to the Board through OCWEL that provides specific information that supports the request.

b) A request for reinstatement may be submitted in writing to OCWEL no earlier than 30 business days after receipt of the written notice of license suspension or revocation or relinquishment during a pending CWEL investigation or licensure action.

c) OCWEL shall notify the OIG and provide any documentation within 10 days after receipt of a request for reinstatement of a license. The OIG may file a written objection to the request within 30 days after receipt of the notice from OCWEL.

d) The Board shall consider any prior recommendation of an ALJ, charges filed, and a report or sworn statement by the OIG regarding evidence developed in the investigation, when considering an application to reinstate a license or grant a license that was relinquished during a pending licensure investigation or administrative proceeding. For the purpose of considering a request for reinstatement of a license, the Board shall review the facts developed during the investigation. The Board may request additional information from the OIG and/or the licensee.

e) The Board may not reinstate a license when it has been determined by investigation and administrative hearing that it is not in the best interest of the public to do so. Considerations that will be reviewed when making a finding of "in the best interest of the public" include, but are not limited to, the nature of the offense for which the license was revoked, the period of time that has elapsed since the revocation, evidence of rehabilitation, and character references.

f) Anytime a license that was suspended or revoked is reinstated, and the Department of Financial and Professional Regulation had been notified of the suspension or revocation, OCWEL will notify the Department of Financial and Professional Regulation.

Section 412.110 Severability of this Part

If any court of competent jurisdiction finds any rule, clause, phrase or provision of this Part to be unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3)

Section Numbers:	Adopted Actions:
650.20	Amendment
650.21	Amendment
650.60	Amendment

4) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Rule: May 18, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: March 6, 2015, 39 Ill. Reg. 3202

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposed and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close State-owned or –managed sites, amend procedures to State sites, changes the existing "Random daily drawing period" for distributing deer permits remaining after 2 lottery drawings to a third (and final) lottery drawing with a

fixed application deadline, and sets an application deadline for property only deer permits.

16) Information and questions regarding this adopted rule shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section
650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements – Landowner/Tenant Permits
650.22 Deer Permit Requirements – Special Hunts
650.23 Deer Permit Requirements – Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.45 Reporting Harvest
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt (Repealed)
650.66 Special Hunts for Young Hunters
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March

21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. 13419, effective August 10, 2012; amended at 37 Ill. Reg. 14888, effective August 30, 2013; amended at 38 Ill. Reg. 22742, effective November 18, 2014; amended at 39 Ill. Reg. 7643, effective May 18, 2015.

Section 650.20 Statewide Deer Permit Requirements

a) All deer hunters must have a current, valid Firearm Deer Permit. Fees for deer permits are as follows:

1) Illinois Resident Permits (issued by Deer Permit Office):
Either-sex − $25
Bonus antlerless-only − $17.50
Antlerless only for Special Hunt Areas with antlerless-only hunts − $25

2) Nonresident Permits (issued by Deer Permit Office):
Either-sex − $300
Bonus antlerless-only − $25
Antlerless-only for Special Hunt Areas with antlerless-only hunts − $300

3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Fees:
Either-sex (full, 1st or 2nd season) − $25 regardless of residency
Antlerless-only (full, 1st or 2nd season) − $17.50 regardless of residency
One-day standby permits − $5 regardless of residency

b) A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Third Lottery~~Random Daily~~ Drawing~~ Period that begins in August~~, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
P.O. Box 19227
Springfield, Illinois 62794-9227

c) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through April 30 of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after April 30 will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (c).

e) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.

f) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

g) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through June 30 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

h) A Third Lottery Drawing will be held during which anyone (regardless of any other deer permit they may have) may apply for one or more either-sex and/or antlerless-only permits for counties or special hunt areas with unfilled quotas. Applications for the Third Lottery Drawing will be accepted through the third Friday in August of the current year. A list of unfilled counties and special hunt areas will be announced upon becoming available after the Second Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Third Lottery will be processed individually (i.e., no group applications will be processed)~~There will be an application period that starts the second Tuesday in August and ends the second Monday in September, during which anyone (regardless of any other permit they may have, subject to subsection (b)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this~~

~~application period. Applicants must mark the "Random Daily Drawings" box on the firearm deer permit application~~.

i) Permits remaining after the Third Lottery~~Random Daily~~ Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the firearm deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.

j) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

1) The applicant must apply using the official Department application.

2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

k) Applications may be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Third Lottery~~Random Daily~~ Drawing will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

l) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A $3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

n) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

o) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 39 Ill. Reg. 7643, effective May 18, 2015)

Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits

a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be $150 for the either-sex permit

and $25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

e) Property-only hunting permit renewal and first time applications will be accepted as soon as they are available. The application deadline for all property-only applications (both renewal and first time) is October 1~~Date of acceptance of landowner/tenant property-only permit applications will be publicly announced~~.

f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed, recorded/file stamped by the County

Recorder or County Clerk;

2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;

3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

4) Submittal of a copy of a current Farm Service Agency 156EZ form; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or

2) A copy of a current Farm Service Agency 156EZ form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented

land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands.

1) In addition:

A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or corporate agreement;

B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the

partnership agreement, certificate of partnership or statement of qualification; and

D) general partnership applicants must submit a copy of the partnership agreement.

2) These documents must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be $150. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; $25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

3) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

4) Bona fide equity member means an individual who:

A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

B) intends to retain the membership for at least 5 years.

5) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.

6) Bona fide equity partner means an individual who:

A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

n) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.26].

o) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 7643, effective May 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

c) Only one tree stand or ground blind is allowed per deer permit holder. Tree~~These tree~~ stands and ground blinds must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and (c)(12) and must be portable. Tree stands and ground blinds must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand or ground blind left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (1) (6)

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (6)

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Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands except for Jim Hawn and East Spillway areas that are closed to firearm deer hunting)

Carlyle Lake State Fish and Wildlife Area (except subimpoundment area) (6)

Chauncey Marsh State Natural Area (1) (6)

Collier Limestone Glade State Natural Area (1)

~~Copperhead Hollow State Wildlife Area (6)~~

Crawford County Fish and Wildlife Area (1) (6)

Cretaceous Hills State Natural Area (1) (6)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (6)

Ferne Clyffe State Park − Cedar/Draper Bluff Hunting Area (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (6)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (all portions of

the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area, excluding Doza Creek Water Management Area and Baldwin Lake Rest Area (1) (2, except south of Highway 154 and north of Highway 13)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (6)

Mermet Lake State Conservation Area (1) (6)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Oakford State Conservation Area ~~(1)~~

Pere Marquette State Park (1) (6)

Rend Lake State Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (6)

Sielbeck Forest State Natural Area (1) (6)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (areas designated as Waterfowl Rest Areas are closed to all access during the Canada Goose Season only) (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Fish and Wildlife~~Conservation~~ Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (6)

Wildcat Hollow State Forest (1) (6)

Wise Ridge State Natural Area (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters

will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (6). In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (6)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Burning Star State Fish and Wildlife Area (6)

Butterfield Trail State Recreation Area (6)

Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (first or second season only) (1) (5) (6)

Cedar Glen State Natural Area (1) (6)

Chain O'Lakes State Park (first season permits only; hunting from elevated stands only, 6 feet minimum above the ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (6)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Fish and Wildlife Area (1) (6)

Des Plaines State Conservation Area (first season only) (2) (5)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ferne Clyffe State Park − Ferne Clyffe Hunting Area (1) (2)

Flag Pond State Natural Area (1)

Fort Massac State Park (6~~2~~)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (first or second season only) (5) (6)

French Bluff State Natural Area (1) (6)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (5) (6)

Hanover Bluff State Natural Area (first or second season only) (6)

Harry "Babe" Woodyard State Natural Area (3) (6)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1) (6)

Horseshoe Lake State Fish and Wildlife Area – Refuge (Alexander County) (hunting only on the third Friday and Saturday of October) (2)

Iroquois County State Conservation Area (first season only) (5) (6)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (5) (6)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jubilee College State Park (first or second season only; hunting is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); ~~only one tree stand is allowed per deer permit holder; these tree stands~~

~~must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable;~~ tree stands may be erected the day before the first season and must be removed by the day after the end of the second season~~; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number~~) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 20 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 − last 2 days of second season)

Kickapoo State Recreation Area (6)

Kishwaukee River State Fish and Wildlife Area (first or second season only) (6)

Lake Shelbyville State Fish and Wildlife Area (must have valid permit for Lake Shelbyville Project Lands – Moultrie County) (6)

Lowden-Miller State Forest (first or second season only) (1) (5) (6)

Mackinaw River State Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

Marshall State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (6)

Mississippi Palisades State Park (first season only) (1) (5) (6)

Momence Wetlands State Natural Area

Moraine Hills State Park (first or second season permits only; ~~an antlerless deer~~

~~permit must be filled before filling an either sex permit,~~ hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2) (5)

Morrison-Rockwood State Park (first season only) (5)

Newton Lake State Fish and Wildlife Area (6)

Paul C. Burrus State Habitat Area (6)

Peabody River King State Fish and Wildlife Area

Prairie Ridge State Natural Area (Jasper County)

Pyramid State Park (3) (6)

Pyramid State Park – Captain Unit (3) (6)

Pyramid State Park – Denmark Unit (3) (6)

Pyramid State Park – East Conant Unit (3) (6)

Pyramid State Park – Galum Unit (3) (6)

Rall Woods State Natural Area (first or second season only) (6)

Ray Norbut State Fish and Wildlife Area (6)

Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (6)

Revis Hill Prairie State Natural Area (2)

~~Sahara Woods State Fish and Wildlife Area (1) (6)~~

Sand Ridge State Forest (2)

Sangamon County State Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season) (1) (6)

Siloam Springs State Park (3) (6)

Spoon River State Forest (first or second season only) (1) (6)

Starved Rock State Park (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

Tapley Woods State Natural Area (first or second season only) (6)

Union County State Fish and Wildlife Area – Refuge (hunting only on the first Friday and Saturday of November (2)

Vesely Land and Water Reserve/Wilmington Shrub Prairie Nature Preserve (first or second season only)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (6)

Weinberg-King State Park (6)

Weinberg-King State Park – Scripps Unit (6)

Weldon Springs State Park − Piatt County Unit (6)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only) (5) (6)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only) (5) (6)

Winston Tunnel State Natural Area (first or second season only) (6)

Witkowsky State Wildlife Area (first or second season only) (6)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3) (6)

i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 39 Ill. Reg. 7643, effective May 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3)

Section Numbers:	Adopted Actions:
660.20	Amendment
660.30	Amendment
660.60	Amendment

4) Statutory Authority: Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Rule: May 18, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: March 6, 2015, 39 Ill. Reg. 3225

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposed and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close State-owned or –managed sites, amend procedures at State sites; change the existing "Random daily drawing period" for distributing deer permits remaining after 2 lottery drawings to a third (and final) lottery drawing with a

fixed application deadline, and changes the language to refer to "rifles" instead of "firearms" to clarify the types of firearms that are allowed.

16) Information and questions regarding this adopted rule shall be directed to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements − Landowner/Tenant Permits
660.22 Deer Permit Requirements – Special Hunts
660.25 Deer Permit Requirements – Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19,

2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. 13436, effective August 10, 2012; amended at 37 Ill. Reg. 14913, effective August 30, 2013; amended at 38 Ill. Reg. 22748, effective November 18, 2014; amended at 39 Ill. Reg. 7666, effective May 18, 2015.

Section 660.20 Statewide Deer Permit Requirements

a) All deer hunters must have a current, valid Muzzleloading Rifle Deer Permit. Fees for deer permits are as follows:

1) Illinois Resident Permits (issued by Deer Permit Office):
Either-sex − $25
Bonus antlerless-only − $17.50
Antlerless only for Special Hunt Areas with antlerless-only hunts − $25

2) Nonresident Permits (issued by Deer Permit Office):
Either-sex − $300
Bonus antlerless-only − $25
Antlerless-only for Special Hunt Areas with antlerless-only hunts − $300

3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available. Fees:
Either-sex (full, 1st or 2nd season) − $25 regardless of residency
Antlerless-only (full, 1st or 2nd season) − $17.50 regardless of residency
One-day standby permits − $5 regardless of residency

b) A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Third Lottery~~Random Daily~~ Drawing~~ Period that begins in August~~, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Deer Permit Office
P.O. Box 19227
Springfield, IL 62794-9227

c) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through April 30 of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after April 30 shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.

e) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through June 30 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

g) A Third Lottery Drawing will be held during which anyone (regardless of any other deer permit he or she may have) may apply for one or more either-sex and/or antlerless-only permits for counties or special hunt areas with unfilled

quotas. Applications for the Third Lottery Drawing will be accepted through the third Friday in August of the current year. A list of unfilled counties and special hunt areas will be announced upon becoming available after the Second Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. All applications for the Third Lottery will be processed individually (i.e., no group applications will be processed)~~There will be an application period that starts the second Tuesday in August and ends the second Monday in September during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (b)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the "Random Daily Drawings" box on the muzzleloading rifle deer permit application~~.

h) Permits remaining after the Third Lottery~~Random Daily~~ Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the muzzleloader deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.

i) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:

1) The applicant must apply using the official agency application.

2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges

revoked pursuant to Section 660.50.

3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

j) Applications shall be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Third Lottery~~Random Daily~~ Drawing shall be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

k) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

l) A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

m) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

n) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 7666, effective May 18, 2015)

Section 660.30 Statewide Muzzleloading Rifle Requirements

a) The only legal hunting device is a single or double barreled muzzleloading rifle~~firearm~~ of at least .45 caliber shooting a single projectile through a barrel of at

least 16 inches in length.

b) The standards and specifications for muzzleloading rifles~~firearms~~ and ammunition are as follows:

1) A muzzleloading rifle~~firearm~~ is defined as a rifle~~firearm~~ that is incapable of being loaded from the breech end.

2) The minimum size of the muzzleloading rifle~~firearm~~ projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

3) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading rifles~~firearms~~ that are specifically designed for their use.

4) Only percussion caps, wheellock, matchlock or flint type ignition may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.

5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading rifle~~firearm~~.

c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the muzzleloading rifle deer season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than muzzleloading deer hunters shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.

d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 39 Ill. Reg. 7666, effective May 18, 2015)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Only one tree stand or ground blind is allowed per deer permit holder. Tree stands and ground blinds must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and (c)(12), and must be portable. Tree stands and ground blinds must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand or ground blind left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (7).

e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (1) (7)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (7)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Fish and Wildlife Area except subimpoundment areas (7)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (closed to firearm deer hunting in the Jim Hawn and East Spillway Areas)

Chauncey Marsh State Natural Area (1) (7)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (7)

Crawford County State Fish and Wildlife Area (1) (7)

Cretaceous Hills State Natural Area (1) (7)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (7)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (7)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Recreation Area (closed during second firearm deer season) (1) (2)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (7)

Mermet Lake State Conservation Area (1) (7)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (7)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26

(Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season) (1)

Oakford State Conservation Area ~~(1)~~

Pere Marquette State Park (hunting in designated area only) (1) (7)

Pyramid State Park (4) (7)

Pyramid State Park − East Conant Unit (4) (7)

Ray Norbut State Fish and Wildlife Area (closed during second firearm deer season) (7)

Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (closed during second firearm deer season) (7)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (7)

Sand Ridge State Forest (closed during second firearm deer season) (7)

Sielbeck Forest State Natural Area (1) (7)

Skinner Farm State Habitat Area (1) (7)

Ten Mile Creek State Fish and Wildlife Area (areas designated as Waterfowl Rest Areas are closed to all access during the Canada Goose Season only) (1) (7); Belle

Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Fish and Wildlife~~Conservation~~ Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (7)

Weinberg-King State Park − Scripps Unit (7)

Weinberg-King State Park – Spunky Bottoms Unit (7)

Wildcat Hollow State Forest (1) (7)

Wise Ridge State Natural Area (1)

i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (7)

Burning Star State Fish and Wildlife Area (7)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Butterfield Trail State Recreation Area (closed during the second firearm deer season) (7)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season) (6) (7)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (7)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (7)

French Bluff State Natural Area (closed during the second firearm deer season) (1) (7)

Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (7)

Hidden Springs State Forest (closed during second firearm deer season) (1) (7)

Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season) (1) (4) (7)

Jubilee College State Park (closed during the second firearm deer season; hunting is prohibited in marked zones) (1, except tree stands must be erected the day before the muzzleloading season and must be removed by the day after the muzzleloading season) (2)

Lake Shelbyville Project Lands in Moultrie County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville Project Lands in Shelby County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not

managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville State Fish and Wildlife Area (closed during the second firearm deer season; antlerless-only; must have valid permit for Lake Shelbyville Project Lands – Moultrie County) (7)

Marseilles State Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

Rall Woods State Natural Area (closed during the second firearm deer season) (7)

~~Sahara Woods State Fish and Wildlife Area (1) (7)~~

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County State Conservation Area (closed during second firearm deer season) (1)

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (7)

Spoon River State Forest (closed during second firearm deer season) (1) (7)

Starved Rock State Park (closed during the second firearm deer season; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (7)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (7)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (7)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (7)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 39 Ill. Reg. 7666, effective May 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Injurious Species

2) Code Citation: 17 Ill. Adm. Code 805

3)

Section Numbers:	Adopted Actions:
805.20	Amendment
805.30	Amendment

4) Statutory Authority: Sections 1-125, 1-150, 5-10, 10-100 and 20-90 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90 and 20-100] and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22]

5) Effective Date of Rule: May 18, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: March 6, 2015, 39 Ill. Reg. 3241

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposed and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to regulate the importation, possession, transportation and stocking of species that have been identified as injurious based upon the potential threat to indigenous wildlife, aquatic life, or the

habitat. Seven species were added to the injurious species list. Asian carp are listed as injurious, therefore, these amendments clarify that permits are required prior to authorization for live haul.

16) Information and questions regarding this adopted rule shall be directed to:

Craig Colbrook, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 805
INJURIOUS SPECIES

Section
805.10 Definition
805.20 Listing of Injurious Species
805.30 Unlawful Acts
805.40 Permits
805.50 Penalties

AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 29 Ill. Reg. 2280, effective May 1, 2005; amended at 37 Ill. Reg. 14976, effective August 30, 2013; amended at 39 Ill. Reg. 7682, effective May 18, 2015.

Section 805.20 Listing of Injurious Species

a) Wild Mammals

*Flying fox or fruit bat of the genus Pteropus

*Mongoose or meerkat of the genera Atilax, Cynictis, Helogale, Heroestes

*Ichneumia, Munzos, and Suricata

*Any species of European rabbit of the genus Oryctolagus

*Any species of Indian wild dog, red dog, or dhole of the genus Cuon

*Any species of multimammate rat or mouse of the genus Mastomys

*Raccoon dog, Nyctereutes procyonoides

b) Wild Birds

*Pink starling or rosy pastor, Sturnus roseus

*Dioch, Quelea quelea, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, Padda oryzivora

*Red-whiskered bul-bul, Pycnonotus jocosus

*Eggs of wild nongame birds

c) Fish, Mollusks and Aquatic Invertebrates~~Crustaceans~~

*Snakeheads (including, but not limited to, all fishes of the genera Channa and Parachanna, and others of the family Channidae)

*Fish or viable eggs of the walking catfish, Clariidae family

*Mollusks, veligers or viable eggs of zebra mussels, genus Dreissena

*Crustaceans or viable eggs of mitten crabs, genus Eriocheir

River ruffe (Gymnocephalus cernuus)

*Silver carp (Hypophthalmichthys molitrix)

*Bighead carp (Hypophthalmichthys nobilis)

*Black carp (Mylopharyngodon piceus)

Gobies (round, tubenose) (Neogobius melanostomus, Proterorhinus marmoratus)

Rusty crayfish (Orconectes rusticus). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (Scardinius erythrophthalmus)

Stone moroko (Pseudorasbora parva)

Zander (Sander lucioperca)

Wels catfish (Silurus glanis)

Killer Shrimp (Dikerogammarus villosus)

Yabby (Cherax destructor)

Golden mussel (Limnoperna fortune)

d) Plants

Mosquito fern (Azolla pinnata)

Flowering rush (Butomus umbellatus)

Caulerpa or Mediterranean killer algae (Caulerpa taxifolia)

Brazilian elodea, Brazilian waterweed, Anacharis or Egeria (Egeria densa)

Anchored water hyacinth (Eichhornia azurea)

Hydrilla or water thyme (Hydrilla verticillata)

European frogbit or common frogbit (Hydrocharis morsus-ranae)

Miramar weed, Indiana swampweed or hygro (Hygrophilia polysperma)

Chinese waterspinach or swamp morning-glory (Ipomoea aquatic)

Yellow flag iris or tall yellow iris (Iris pseudacorus)

Oxygen weed or African elodea (Lagarosiphon major)

Asian marshweed or ambulia (Limnophila sessiliflora)

Monochoria, arrowleaf, or false pickerelweed (Monochoria hastata)

Heartshape or false pickerelweed (Monochoria vaginalis)

Parrot feather or parrot feather watermilfoil (Myriophyllum aquaticum)

Eurasian watermilfoil (Myriophyllum spicatum)

Brittle naiad or brittle water nymph (Najas minor)

Yellow floating heart (Nymphoides peltata)

Duck lettuce (Ottelia alismoides)

Curlyleaf pondweed (Potamogeton crispus)

Arrowhead (Sagittaria sagittifolia)

Giant salvinia (Salvinia auriculata)

Giant salvinia (Salvinia biloba)

Giant salvinia (Salvinia herzogii)

Giant salvinia (Salvinia molesta)

Exotic bur-reed (Sparganium erectum)

Water chestnut (Trapa natans)

Water soldier (Stratiotes aloides)

e) Amphibians

None

f) Reptiles

*Specimens or eggs of the brown tree snake, Boiga irregularis

NOTE: Species noted by an asterisk (*) are federally listed.

(Source: Amended at 39 Ill. Reg. 7682, effective May 18, 2015)

Section 805.30 Unlawful Acts

a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department.

1) Under no circumstances shall an interstate transporter:

A) transfer any injurious species from one container to another; nor

B) exchange or discharge from a container containing injurious species without first obtaining written permission from the Department:

i) water;

ii) bedding;

iii) soluble material; or

iv) insoluble material.

2) The Department shall grant permission under subsection (a)(1)(B) only if:

A) it approves of the final disposition of the water, bedding, or material; and

B) the transporter satisfies the Department that there is no possibility of release into the environment.

b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].

c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).

d) Live haul of commercially wild-caught Asian carp shall not be allowed unless a Restricted Species Transportation Permit is obtained (as outlined in 17 Ill. Adm. Code 830.12 and 870.6). Restricted Species Transportation Permits are available by writing to:

Aquaculture Specialist
Illinois Department of Natural Resources
Aquatic Nuisance Species and Aquaculture Program
One Natural Resources Way
Springfield IL 62702-1271

(Source: Amended at 39 Ill. Reg. 7682, effective May 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Viral Hemorrhagic Septicemia (VHS)

2) Code Citation: 17 Ill. Adm. Code 875

3)

Section Numbers:	Adopted Actions:
875.20	Amendment
875.30	Amendment
875.50	Amendment

4) Statutory Authority: Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20]

5) Effective Date of Rule: May 18, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: March 6, 2015; 39 Ill. Reg. 3264

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Section 875.20(d)(6), "spp." has been changed to "hybrid/subspecies". In Section 875.50(c)(1), "B" has been changed to "A".

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

13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to update outdated information and to provide an example of when a permit is appropriate to import Tilapia spp.

16) Information and questions regarding this adopted rule shall be directed to:

Craig Colbrook, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 875
VIRAL HEMORRHAGIC SEPTICEMIA (VHS)

Section
875.10 Definitions
875.20 Susceptible Species
875.30 Permits
875.40 Fish Health Inspection Reports
875.50 Unlawful Acts/Penalties

AUTHORITY: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 10636, effective June 30, 2008, for a maximum of 150 days; emergency expired November 26, 2008; adopted at 32 Ill. Reg. 19765, effective December 3, 2008; amended at 39 Ill. Reg. 7690, effective May 18, 2015.

Section 875.20 Susceptible Species

a) For purposes of this Part, susceptible species are:

1) those species designated by USDA-APHIS in the Federal Order update of September 9, 2008~~April 2, 2008~~;

2) Additional species known to be carriers of VHS virus (VHSV)~~VHSv~~ that present significant risk to the aquatic resources of Illinois;

3) hybrids (offspring) of listed species for which both parent species are listed; and

4) all species that originate from affected regions.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

b) The current list of susceptible species from the APHIS Federal Order (http://www.aphis.usda.gov/focusonfish/species-affected.php) is as follows:

Black crappie	Pomoxis nigromaculatus
Bluegill	Lepomis macrochirus
Bluntnose minnow	Pimephales notatus
Brown bullhead	Ictalurus nebulosus
Brown trout	Salmo trutta
Burbot	Lota lota
Channel catfish	Ictalurus punctatus
Chinook salmon	Oncorhynchus tshawytscha
Emerald shiner	Notropis atherinoides
Freshwater drum	Aplodinotus grunniens
Gizzard shad	Dorosoma cepedianum
Lake whitefish	Coregonus clupeaformis
Largemouth bass	Micropterus salmoides
Muskellunge	Esox masquinongy
~~Shorthead redhorse~~	~~Moxostoma macrolepidotum~~
Northern pike~~Pike~~	Esox lucius
Pumpkinseed	Lepomis gibbosus
Rainbow trout	Onchorhynchus mykiss
Rock bass	Ambloplites rupestris
Round goby	Neogobius melanostomus
Shorthead redhorse	Moxostoma macrolepidotum
Silver redhorse	Moxostoma anisurum
Smallmouth bass	Micropterus dolomieu
Spottail shiner	Notropis hudsonius
Trout-Perch	Percopsis omiscomaycus
Walleye	Sander vitreus
White bass	Morone chrysops
White perch	Morone americana
Yellow perch	Perca flavescens

c) Additional species known to be carriers of VHSv that present significant risk to the aquatic resources of Illinois include:

Atlantic herring	Clupea harengus
Pacific herring	Clupea pallasii

Sea lamprey Petromyzon marinus

d) Examples:

1) Hybrid bluegill (bluegill X green sunfish) are not considered susceptible species as only one parent species is listed.

2) Tiger muskellunge (muskellunge X northern pike) are considered susceptible species because both parent species are listed.

3) All wild-trapped minnows are subject to certification standards if they originate from affected regions.

4) Farm-raised minnows from affected regions (defined in Section 875.10) are subject to testing.

5) Farm-raised minnows from Arkansas or Missouri are not subject to testing.

6) Tilapia hybrid/subspecies and other non-approved species coming from an affected region (also need a Restricted Species Transportation Permit; see 17 Ill. Adm. Code 870).

e) The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department's website (http://dnr.state.il.us). Updates to the list of susceptible fish species will be made as necessary, and notice shall be given by issuing a press release, by publication in the official State newspaper, and by such other means as the Department determines are reasonably likely to inform the public, including notification on the Department website.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)

Section 875.30 Permits

a) Application Requirements
Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources in accordance with Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100, 20-100] for persons or businesses

holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes, under the following provisions:

1) Applicants wishing to import live VHS-susceptible species must make application to the Department in writing, at the following address:

Aquaculture Specialist
Illinois Department of Natural Resources
Aquatic Nuisance Species and Aquaculture Program~~Region V Office~~
~~VHS-Susceptible Species Permit~~
One Natural Resources Way~~11731 State Hwy. 37~~
Springfield IL 62702-1271~~Benton IL 62812~~

2) The Department may accept applications via fax or email if time permits and it is deemed to be in the best interest of the Department to do so.

3) Applications must contain the following minimum information:

A) name, address and telephone number of the applicant, including the business, research or educational institution;

B) the common and scientific name, size and total number (or pounds) of each VHS-susceptible species for which a permit is requested;

C) date of anticipated imports and number of shipments;

D) source of supply, including name, address and telephone number of the supplier; and

E) any other information requested by the Department (e.g., route of transportation, holding facility location, stocking locations, disposition of animals and federal permit, if required).

b) Issuance Criteria
The Department shall consider the following in determining whether to issue a permit to import live VHS-susceptible species:

1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes;

2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department;

3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and

4) whether the Department approves of the live market stocking locations based upon the potential risk to the fishery resource of the State.

c) Permit Conditions
Permits issued to import live VHS-susceptible species shall be subject to the following conditions:

1) All specimens approved under the permit must be imported only to the facilities, and at the location approved on the permit.

2) A person in possession of VHS-susceptible species, at all times during shipment and stocking, shall allow the Department, its agents or authorized employees to inspect the shipment and pertinent records to ensure compliance with this Part.

3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit or accompanying letter.

4) All importers shall maintain records documenting disposition of all VHS-susceptible species for a minimum of 2 years from date of disposition.

5) It is unlawful for any person to violate any condition stipulated on the permit or accompanying letter issued by the Department. Violation of any special condition will result in revocation of the permit.

6) Shipments found in violation of this Part shall be subject to confiscation, quarantine and/or seizure. Disposition of specimens confiscated, placed under quarantine (including conditions under which they may be sold, traded, bartered or transferred), or seized under this Part shall be as designated by the Department.

d) Permit Exceptions
The permits required by subsection (a) do not apply to:

1) Any licensed veterinarian, agent of a veterinary clinic, fish pathologist, or fish health inspector recognized by the American Fisheries Society providing diagnostic services subject to all of the following conditions:

A) the fish are in transit to an approved research or diagnostic laboratory authorized by the Department to work with VHS;

B) if entering from outside the State of Illinois, the fish must be accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office; and

C) effluent and carcasses shall be considered medical waste and shall be disposed of at the receiving research or diagnostic facility according to all applicable EPA and State regulatory criteria.

2) Any person moving fish to a slaughter facility subject to all of the following conditions:

A) the fish are for human consumption;

B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office;

C) the fish are being transported to a State-inspected slaughter facility that:

i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or

ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria;

D) offal, including carcasses, from the slaughter facility must be rendered or composted; and

E) VS 1-27 form only applies to fish entering the State of Illinois.

3) Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait.

4) Any shippers in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport live VHS-susceptible species across Illinois. Under no circumstances shall an interstate transporter:

A) transfer any VHS-susceptible species from one container to another; or

B) exchange or discharge water or other materials from a container containing VHS-susceptible species without first obtaining written permission from the Department.

5) Persons having a Salmonid Import Permit issued in accordance with 17 Ill. Adm. Code 870, provided that:

A) FHIR is issued in accordance with Section 875.40(a); and

B) lot inspections (60 fish each) were tested according to the Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook.

6) Any licensed commercial fisherman moving fish to a live market subject to all of the following conditions:

A) the fish are for human consumption;

B) the facility is located on the same body of water where the fish are captured;

C) the fish are being transported to a State-inspected live market that:

i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or

ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; or

iii) may discharge maintenance water into the same water body where the aquatic life originated according to all applicable EPA and State regulatory criteria;

D) offal, including carcasses, from the slaughter facility must be rendered or composted.

7) Any licensed Commercial Roe Harvester in possession of roe-bearing species that are captured and transported under a Commercial Roe Harvest Permit as defined in 17 Ill. Adm. Code 830.13, provided no susceptible species are commingled.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)

Section 875.50 Unlawful Acts/Penalties

a) It shall be unlawful to:

1) import VHS-susceptible species into the State of Illinois without a VHS-Susceptible Species Permit issued by the Department;

2) stock VHS-susceptible species into waters of the State without securing permission from Department fish health authorities, or unless an FHIR is on file with the Department;

3) remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities,

unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);

4) remove natural water from waters of the State via bait bucket, livewell, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);

5) remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, livewell, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and

6) use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken.

b) The Department may make exceptions to the unlawful acts listed in subsection (a) in writing for special circumstances (e.g., fishing special waters via contract, import or stocking facilities in process of gaining OIE facility-level certification, etc.) based upon the potential risk to the fishery resource of the State.

c) Violation Classifications

1) Violation of subsection (a)(1) is a Class A misdemeanor~~Petty Offense~~ if the value of the aquatic life is $300 or less (see 515 ILCS 5/10-105 and 20-35), and a Class 3 felony if the value of the aquatic life is in excess of a total of $300 with intent to profit or for commercial purposes. Possession of aquatic life valued in excess of $600 shall be considered prima facie evidence of possession for profit or commercial purposes. (See 515 ILCS 5/5-25.)

2) Violation of subsection (a)(2) is a Class A misdemeanor (see 515 ILCS 5/10-100(b)) and violation of subsection (a)(3), (4), (5) or (6) is a Petty Offense (see 515 ILCS 5/1-150 and 20-35).

d) Revocation/Suspension

1) Any violations of the Fish and Aquatic Life Code or administrative rules of the Department may result in revocation of licenses and permits, as well as suspension of privileges for up to five years.

2) Violation of any conditions of a permit issued under this Part shall result in cancellation of the permit.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Conservation Stewardship Program

2) Code Citation: 17 Ill. Adm. Code 2580

3)

Section Numbers:	Adopted Actions:
2580.10	Amendment
2580.20	Amendment
2580.30	Amendment
2580.60	Amendment
2580.110	Amendment
2580.120	Amendment
2580.140	Amendment
2580.160	Amendment
2580.170	Amendment
2580.180	Amendment

4) Statutory Authority: The Conservation Stewardship Law [35 ILCS 200/Art. 10, Div. 16]

5) Effective Date of Rule: May 18, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: February 13, 2015, 39 Ill. Reg. 2235

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

In Section 2580.10, the following definition has been added:

> "Taxpayer" means the individual or entity responsible for payment of taxes on the enrolled property or on the property for which enrollment in CSP is sought.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In Section 2580.20(d), "(not landlocked)" has been added after "access" and "that is being enrolled" has been changed to "prior to enrollment".

In Section 2580.60, "8" x 11.5"" has been changed to "8.5" x 11""; after "map", "(identified areas designated for native species management (stand))" has been added, and "assessors" has been changed to "assessor's".

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

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to clarify eligibility as well as the required management plan and non-compliance.

16) Information and questions regarding this adopted rule shall be directed to:

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2580
CONSERVATION STEWARDSHIP PROGRAM

Section

2580.10 Definitions
2580.20 Eligibility
2580.30 Conservation Management Plan Development
2580.40 Taxpayer Contact Information
2580.50 Location of Managed Land
2580.60 Map of Managed Land
2580.70 Description of Managed Land
2580.80 Recent History of Managed Land
2580.90 Plants and Animals Present
2580.100 Adjacent Land Use
2580.110 Management Objectives
2580.120 Management Practices
2580.130 Protection Measures
2580.140 Exotic/Non-Native Invasive Species
2580.150 Uses of Managed Lands to be Allowed by Landowner~~Landower~~
2580.160 Taxpayer Signature
2580.170 Plan Review and Appeal Procedures
2580.180 Conservation Management Plan Non-Compliance

AUTHORITY: Implementing and authorized by the Conservation Stewardship Law [35 ILCS 200/Art. 10, Div. 16].

SOURCE: Adopted by emergency rulemaking at 31 Ill. Reg. 16751, effective December 6, 2007; adopted at 32 Ill. Reg. 7778, effective April 30, 2008; amended at 39 Ill. Reg. 7702, effective May 18, 2015.

Section 2580.10 Definitions

"Conservation Management Plan" means a plan approved by the Department of Natural Resources that specifies conservation and management practices, including uses that will be conducted to preserve and restore unimproved land.

"Conservation Stewardship Program" or "CSP" means the program described in this Part designed to incentivize landowners to maintain, preserve, conserve and manage unimproved land by reducing the valuation of property taxes of landowners with a conservation management plan approved by the Department.

"Contiguous" means not separated by anything other than rivers, streams, road or right-of-way easement.

"Department" means the Illinois Department of Natural Resources.

"Managed Land" means unimproved land of 5 contiguous acres or more that is subject to a conservation management plan.

"Materially Disturbs the Land" means to degrade the natural state of the land.

"Taxpayer" means the individual or entity responsible for payment of taxes on the enrolled property or on the property for which enrollment in CSP is sought.

"Unimproved Land" means woodlands, prairie, wetlands or other vacant and undeveloped land that is not used for any residential or commercial purpose that materially disturbs the land.

"Wooded Acreage" means unimproved land that is predominately tree and shrub cover.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.20 Eligibility

a) A taxpayer who has a conservation~~Conservation~~ management plan~~plans will be accepted only~~ for unimproved land of 5 ~~contiguous acres~~ or more contiguous acres may be accepted into the Conservation Stewardship Program. Unimproved land in Cook County is not eligible for the special valuation under this Section.

b) A taxpayer may apply for reassessment under this Section, and shall not be penalized for doing so, if the taxpayer owns land:

1) included in a forestry management plan under Section 10-150 of the Property Tax Code [35 ILCS 200/10-150];

2) registered or encumbered by conservation rights under Section 10-166 of the Property Tax Code [35 ILCS 200/10-166]; or

3) registered as a Land and Water Reserve under Section 16 of the Natural Areas Preservation Act [525 ILCS 30/16].

c) A taxpayer may apply for reassessment of land formerly assessed as farmland under Sections 10-110 through 10-145 of the Property Tax Code [35 ILCS 200/10-110 through 10-145] during the first year in which the land is not used for farm purposes as defined in Section 1-60 of the Property Tax Code. The special valuation offered under this Section cannot be applied to land formerly assessed as farmland until the second year in which the land is not used for farm purposes.

d) A taxpayer must have legal access (not landlocked) to the property prior to enrollment.

e) CSP plans expire every 10 years. For continuous CSP tax valuation, taxpayers must reapply for CSP prior to their 10-year contract expiring or there is a change in ownership of acreage enrolled in CSP.

f) New landowners of previously enrolled CSP properties may submit an application for enrollment only after they have taken control of the property.

g) A taxpayer must timely pay all tax debts on the CSP property, and the CSP property must not be in foreclosure at any time during the enrollment process or during enrollment in CSP.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.30 Conservation Management Plan Development

a) A taxpayer requesting special valuation of unimproved land under this Section must first submit a conservation management plan for that land to the Department for review. The submission of an application for a conservation management plan under Section 10-415 of the Property Tax Code [35 ILCS 200/10-415] or of a forestry management plan under Section 10-150 of the Property Tax Code shall

be treated as compliance with the requirements of that plan until the Department can review the application. The conservation management plan may be prepared by the taxpayer or his/her representative and shall include those items listed under Sections 2580.40 through 2580.160. The Department shall provide a means for submittal of conservation management plans via the Internet at http://dnr.state.il.us. Conservation management plans may also be submitted to the Department as a hard copy via standard means of delivery. Conservation management plans submitted in hard copy should be sent to:

Conservation Stewardship Program
Office of Resource Conservation
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

b) A taxpayer whose eligibility is based on Section 2580.20(b) shall not be required to submit a new~~an original~~ conservation management plan if a management plan prepared as a condition of the programs listed in Section 2580.20(b) has been approved by the Department.

c) Management plans prepared for participation in other conservation programs administered by the Department and approved by the Department will be accepted as a conservation management plan provided that the plan includes a description of the managed land and specifies the conservation and management practices to be implemented on the managed land as required by Section 10-410 of the Property Tax Code.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.60 Map of Managed Land

Maps~~A map~~ of the enrolled managed land and vicinity shall be included. The map shall be at a minimum scale of 2 inches to the mile and shall depict an area large enough to include local landmarks (roads, streams, municipalities, etc.) that will allow a reviewer to locate the managed land within a larger landscape. Maps should be printed on 8.5" x 11" paper or larger. An aerial stand map (identifies areas designated for native species management (stand)), a tax assessor's Property Index Number map, and a plat book map are required.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.110 Management Objectives

The conservation management plan shall include a description of the specific~~general~~ management objectives to be pursued on the managed land, for example, management~~maintenance~~ of existing habitat types, conversion/restoration to historic habitat type (e.g., woodland, wetland, prairie), reduction of erosion and/or removal of invasive/exotic species. If more than one management objective is to be pursued, each shall be described and the portion of the managed land on which each will be applied shall be specified and delineated on the map included in the conservation management plan.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.120 Management Practices

a) The specific management practices (herbicide application, planting, prescribed burning, tree thinning, water control structures, etc.) that will be used to achieve the management objectives shall be described. If a management practice is to be implemented on only a portion of the managed land, the portion on which each practice will be applied shall be specified and delineated on an aerial~~the~~ map included in the conservation management plan.

b) The description of management practices to be implemented on the managed land shall include a detailed annual implementation schedule for the first five~~two~~ years of management. That schedule shall specify the times at which each management practice will be implemented, the portion of the managed land on which each management practice will be implemented, and the identity of the persons who will implement each management practice (the taxpayer, a private contractor, volunteers from a conservation organization, or others).

c) The description of management practices to be implemented on the managed land shall include a general annual implementation schedule for the ~~third through~~ fifth through tenth years of management. That schedule shall list the management practices that will be implemented on the managed land during each of the calendar years.

d) During each year of the enrollment period, the landowner shall report to the Department, on an annual basis, the management practices that were implemented the previous year.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.140 Exotic/Non-Native Invasive Species

Exotic plants that have been identified on the managed land shall be listed in the conservation management plan. The conservation management plan shall include a description of practicable management practices specifically intended to reduce or eliminate exotic plants from the managed land. No conservation management plan shall include the intentional introduction of exotic plants. For the purposes of this Part, exotic plants shall be those included on a list maintained by the Department available at http://dnr.state.il.us or by writing to the Conservation Stewardship Program at the address listed in Section 2580.30(a).

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.160 Taxpayer Signature

A conservation management plan submitted as a hard copy shall be signed and dated by the taxpayer. A conservation management plan submitted via the Internet shall include the electronic signature of the taxpayer. The Department shall provide a certification form that must~~may~~ be signed by the taxpayer and sent to the Department in lieu of an electronic signature.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.170 Plan Review and Appeal Procedures

a) The Department will review all conservation management plans received from taxpayers to determine compliance with the Conservation Stewardship Law and other applicable laws and regulations including, but not limited to, the Illinois Endangered Species Protection Act [520 ILCS 10] and the Illinois Natural Areas Preservation Act [525 ILCS 30].

b) Upon receipt of an application and an approved~~for a~~ conservation management plan, the Department shall certify to the Department of Revenue the application as being an approved plan for the purpose of the Conservation Stewardship Law (see 35 ILCS 200/10-415(e)). The conservation management plan will be reviewed by the Department. If the plan meets all requirements of the Act, the Department will notify the Department of Revenue of the acceptance of the plan~~ and will provide a copy of the plan to the Department of Revenue~~. If the plan does not

satisfy the requirements of the Act, the Department will provide the taxpayer an explanation of the deficiencies and give a date by which a revised plan must be submitted to the Department to maintain eligibility for the special valuation. No more than 90 days will be allowed for revision of all documents~~a conservation management plan~~ that do~~does~~ not meet the requirements of the Act on first submission. If the taxpayer fails to submit~~ a~~ revised documentation~~conservation management plan~~ by the specified date, the Department will~~ notify the Department of Revenue to~~ remove the taxpayer from the list of those eligible~~qualified~~ for the special valuation. The taxpayer will be eligible to resubmit a new application if the deadline was not met for supporting documentation.

c) Pursuant to Section 10-415(e) of the Property Tax Code, a taxpayer may appeal the denial of a conservation management plan to an independent 3-member panel to be established within the Department. A taxpayer who wishes to appeal the denial of a conservation management plan shall send notice of the intent to appeal to Office of Legal Counsel, ATTN: Conservation Management Appeals, at the address listed in Section 2580.30(a).

d) Procedures governing the hearing of appeals are set forth in 17 Ill. Adm. Code 2530 – Revocation Procedures for Conservation Offenses.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

Section 2580.180 Conservation Management Plan Non-Compliance

a) If the Department determines, based on field inspections or other reasonable evidence, that the land no longer meets the criteria under the Conservation Stewardship Law, the Department shall withdraw all or a portion of the land from the special valuation.

b) The chief county assessment officer shall notify the Department when the property no longer qualifies for the special valuation because the property no longer meets the land use or minimum acreage requirements.

c) The chief county assessment officer shall notify the Department when he or she has reasonable evidence that shows non-compliance with the approved conservation management plan. Reasonable evidence must be based on, but not limited to, visual inspection of the property, evidence of improper land use, or the

taxpayer's refusal to respond to the chief county assessment officer's request for information about the land use or other similar information pertinent to the continued special valuation of the land. Notification shall be made, in writing, to the Department. Upon receipt, the Department shall, within a reasonable length of time, visually inspect the property and pertinent conservation management plans and shall determine if the owner is complying with the approved management plan. Within 15 days after inspecting the property, the Department shall notify the chief county assessment officer and the Illinois Department of Revenue of its determination. If the property is found to be non-compliant, the chief county assessment officer shall remove the property from the special valuation.

d) If, after attempting to remind the taxpayer, the Department determines that the taxpayer is not fulfilling its obligation to update and report management activities on CSP-enrolled property, the Department can remove the property from CSP.

e) If ownership of the enrolled acres changes, the Department will remove them from CSP. However, the new property owner may re-enroll the property.

(Source: Amended at 39 Ill. Reg. 7702, effective May 18, 2015)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Compassionate Use of Medical Cannabis Patient Registry

2) Code Citation: 77 Ill. Adm. Code 946

3)

Section Numbers:	Adopted Actions:
946.10	Amendment
946.20	Amendment
946.30	Amendment
946.200	Amendment
946.201	New Section
946.205	Amendment
946.210	Amendment
946.220	Amendment
946.230	Amendment
946.260	Amendment
946.280	Amendment
946.310	Amendment
946.410	Amendment

4) Statutory Authority: The Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

5) Effective Date of Rule: May 15, 2015

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: January 2, 2015; 39 Ill. Reg. 247

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Difference between Proposed and Final Version: Various nonsubstantive, typographical, grammatical, and form changes were made in response to comments from JCAR.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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

13) Will this rulemaking replace an emergency rule currently in effect? Yes, 39 Ill. Reg. 444; January 2, 2015

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking sets forth the requirements for qualifying patients under 18 years of age to participate in the Department's Compassionate Use of Medical Cannabis Patient Registry Program, which is designed to ensure access to medical cannabis to qualifying patients with specific debilitating medical conditions who apply for and are approved for a registry identification card. This rulemaking is identical to the emergency rulemaking filed to assist the Department in meeting the mandate to approve registration identification cards for qualifying patients under 18 years of age to access medical cannabis-infused food products for treating or alleviating symptoms associated with one or more debilitating conditions in accordance with amendments to the Act.

16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 946
COMPASSIONATE USE OF MEDICAL CANNABIS PATIENT REGISTRY

SUBPART A: GENERAL PROVISIONS

Section
946.10 Definitions
946.15 Referenced Materials
946.20 Debilitating Medical Conditions
946.30 Addition of Debilitating Medical Conditions
946.40 Limitations and Penalties
946.50 Notifications to the Department
946.60 Confidentiality
946.70 Applicability to the Smoke Free Illinois Act

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section
946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers
946.201 Application for Registry Identification Card for Qualifying Patients under 18 Years of Age
946.205 Deadlines for Submission of Application for Registry Identification Card
946.210 Fees
946.220 Fingerprint-Based Criminal History Records Check
946.230 General Provisions
946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities
946.250 Disposal of Medical Cannabis by Qualifying Patients
946.260 Responsibilities of Designated Caregivers
946.270 Revocation of a Registry Identification Card
946.275 Suspension of a Registry Identification Card
946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization
946.290 Renewal of Registry Identification Cards

SUBPART C: PHYSICIAN REQUIREMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
946.300 Qualifications of the Certifying Physician
946.310 Physician Written Certification
946.320 Records Maintained by the Physician and Department

SUBPART D: CANNABIS-INFUSED PRODUCTS

Section
946.400 Manufacture of Cannabis-Infused Products
946.410 Sale and Distribution of Cannabis-Infused Products
946.420 Preparation
946.430 Health Hazards

SUBPART E: ENFORCEMENT

Section
946.500 Circuit Court Review

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. 17367, effective July 29, 2014; emergency amendment at 39 Ill. Reg. 444, effective December 22, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 7712, effective May 15, 2015.

SUBPART A: GENERAL PROVISIONS

Section 946.10 Definitions

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"*Adequate supply" means 2.5 ounces of usable cannabis during a period of 14 days and that is derived solely from an intrastate source.* (Section 10(a)(1) of the Act)

"Administer" or "Administration" means the direct introduction of medical cannabis into the body of a person, whether by inhalation, ingestion, or any other means.

"Bona-fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a patient's debilitating medical condition, or a symptom of the patient's debilitating medical condition, for which the physician has certified to the Department that the qualifying patient would receive therapeutic or palliative benefit from the medical use of cannabis.

"Cannabis" means *marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa* and including any and all derivatives or subspecies, such as Indica, of all strains of cannabis, *whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.* (Section 3(a) of the Cannabis Control Act)

"Caregiver" or "designated caregiver" means a person who is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a certified medical cannabis dispensary, dispense and assist in the administration of medical cannabis.

"Cultivation center" means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (Section 10(e) of the Act)

"DD214" means a certified DD214 Certificate of Release or Discharge from Active Duty Member Copy 4 or State Director of Veteran Affairs Copy 6; a

certified DD214 Report of Separation from Active Duty Copy 2; or equivalent certified document indicating character of service and dates of service. A DD214 can be certified by the State Department of Veterans' Affairs, county veteran's officials, and the federal Department of Veterans Affairs.

"DEA Registration Certificate" means a certificate to prescribe controlled substances issued by the U.S. Department of Justice's Drug Enforcement Administration.

"*Debilitating medical condition*" *means cancer, glaucoma, positive status for human immunodeficiency virus* (HIV)*, acquired immune deficiency syndrome* (AIDS)*, hepatitis C, amyotrophic lateral sclerosis* (ALS)*, Crohn's disease, agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis* (RA)*, fibrous dysplasia, spinal cord injury, traumatic brain injury* (TBI) *and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomelia, Spinocerebellar Ataxia (SCA), Parkinson's* disease*, Tourette's* syndrome*, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, seizures (including those characteristic of epilepsy) or the treatment of these conditions; or any other debilitating medical condition that is added* pursuant to the statute or *by the Department by rule as provided in Section* 946.30. (Section 10(h) of the Act)

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Dispensing organization district" or "District" means one of the 43 geographically dispersed areas identified in the Act and by the Department of Financial and Professional Regulation where one or more dispensing organizations may be located.

"Evidence-based medical research" means documentation of published, peer-reviewed best evidence on research related to the use of medical cannabis, which includes up-to-date information from relevant, valid research about the effects of medical cannabis on different forms of diseases and conditions, its use in health care, the potential for harm from exposure, and other relevant medical information.

"*Excluded offense*" *means:*

a violent crime defined in Section 3 of the Rights of Crime Victims and Witnesses Act or a substantially similar offense that was classified as a felony in the jurisdiction where the person was convicted; or

a violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except that the Department may waive this restriction if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.

This exception does not apply if the conviction was under state law and involved a violation of an existing medical cannabis law. (Section 10(l) of the Act)

"Fingerprint-based criminal history records check" means a fingerprint-based criminal history records check conducted by the Illinois State Police in accordance with the Uniform Conviction Information Act (UCIA).

"Health care facility" means any and all facilities and agencies licensed by the Illinois Department of Public Health, including, but not limited to, those registered under the Hospital Licensing Act, Nursing Home Care Act, Ambulatory Surgical Treatment Center Act, Alternative Health Care Delivery Act, Hospice Program Licensing Act, Specialized Mental Health Rehabilitation Act of 2013 and any nursing facility operated by the Illinois Department of Veterans' Affairs.

"ISP" means the Illinois State Police.

"Livescan" means an inkless electronic system designed to capture an individual's fingerprint images and demographic data in a digitized format that can be transmitted to ISP for processing. The data is forwarded to the ISP Bureau of Identification (BOI) over a virtual private network (VPN) and then processed by ISP's Automated Fingerprint Identification System (AFIS). Once received at the BOI for processing, the inquiry may be forwarded electronically to the Federal Bureau of Investigation (FBI) for processing.

"Livescan vendor" means an entity licensed by the Department of Financial and Professional Regulation to provide commercial fingerprinting services under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Medical cannabis" means cannabis and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD), used as an herbal remedy or therapy to treat disease or alleviate symptoms. Medical cannabis can be administered in a variety of ways, including, but not limited to: vaporizing or smoking dried buds; using concentrates; administering tinctures or tonics; applying topicals such as ointments or balms; or consuming medical cannabis-infused food products.

"*Medical cannabis container*" *means a sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis.* (Section 10(n) of the Act)

"*Medical cannabis dispensing organization*" or "*Dispensing organization" means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing* medical *cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients*. (Section 10(o) of the Act)

"*Medical cannabis-infused product*" *means food, oils, ointments,* sodas or teas, capsules *or other products containing usable cannabis that are not smoked.* (Section 10(q) of the Act)

"Petitioner" means an applicant who seeks to add debilitating medical conditions to those listed in Section 10(h) of the Act as allowed under Section 946.30.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a private residence.

"Promptly" means as soon as reasonably practicable, but not later than five days.

"Public place" means any place where an individual could reasonably be expected to be observed by others, including all parts of buildings owned in whole or in part or leased by the State or a unit of local government. A "public place" does not include health care facilities, as defined in this Part, or private residences unless the private residence is used to provide child care, foster care or other similar social service care on the premises.

"*Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.* (Section 10(t) of the Act)

"Quorum" means a majority of the appointed members of the advisory committee being present in person or participating through video conference or by telephonic means.

"Registered qualifying patient" means a qualifying patient who has been approved by the Department and has been issued a registry identification card.

"*Registry identification card"* or "medical cannabis patient registry card" *means a document issued by the Department that identifies a person as a current registered qualifying patient or registered designated caregiver.* (Section 10(v) of the Act)

"Reviewing physician" means a physician currently licensed under the Medical Practice Act of 1987 or who possesses a current, active medical license issued by another state, who has conducted a review of the medical records from other physician treating a qualifying patient who is under 18 years of age for the purpose of attesting that the qualifying patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the qualifying patient's debilitating medical condition.

"Spinal cord injury" means damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.

"Tincture" means cannabis flowered tops and leaves that are soaked in liquid, usually an alcohol solution, transferring the THC and other cannabanoids to the liquid. The tincture may be added to foods and liquids, applied to the skin, or consumed directly by drinking a small quantity or placing a few drops under the tongue.

"Tetrahydrocannabinol" or "THC" means the primary active ingredient in cannabis.

"VA" means federal Department of Veterans Affairs.

"Veteran" means person who served in one of the five active-duty Armed Services or their respective Guard or Reserve units, and who was discharged or released from service under conditions other than dishonorable.

"VA hospital" means a health care facility operated by the federal Department of Veterans Affairs-Veterans Health Administration providing hospital and outpatient health care services to U.S. military service veterans.

"VA official hospital medical records" means records from the VA documenting medical conditions and dates of treatment in the VA healthcare system.

"Violent crime" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this definition, *"personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and*

injuries that require the injured party to be carried from the scene; or a substantially similar offense that was tried and convicted as a felony in the jurisdiction where the qualifying patient or designated caregiver was convicted. (Section 3(c) of the Rights of Crime Victims and Witnesses Act and Section 10(l)(1) of the Act)

"Waiver" means a waiver of an excluded offense granted by the Department solely based upon the results of a fingerprint-based criminal history records check *if the person demonstrates to the Department's satisfaction that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(l)(2) of the Act)

"*Written certification*" *means a document dated and signed by a physician, stating that in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition; that the qualifying patient has a debilitating medical condition and specifying the debilitating medical condition the qualifying patient has; and that the patient is under the physician's care for the debilitating medical condition. A written certification shall be made only in the course of a bona-fide physician-patient relationship, after the physician has completed an assessment of the qualifying patient's medical history, reviewed relevant records related to the patient's debilitating condition, and conducted a physical examination*. (Section 10(y) of the Act)

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.20 Debilitating Medical Conditions

A qualifying patient shall be eligible to apply for a Medical Cannabis Patient Registry Identification Card for the use of medical cannabis for treating or alleviating the symptoms associated with~~if diagnosed as~~ having one or more debilitating medical conditions (see Section 946.10).

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.30 Addition of Debilitating Medical Conditions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Residents may petition the Department to add debilitating medical conditions to those listed in Section 10(h) of the Act and Section 946.20. The Department will accept petitions twice annually. The open period for accepting petitions will be for a one-month period from January 1 through January 31 and again from July 1 through July 31 each year. Petitions received outside of the open periods specified in this Section will not be reviewed and will be returned to the resident submitting the petition.

a) The Department will convene a Medical Cannabis Advisory Board (Advisory Board) composed of 16~~15~~ members, including:

1) One medical cannabis patient advocate or designated caregiver;

2) One parent or designated caregiver of a person under age 18 who is a qualified medical cannabis patient;

3~~2~~) Two registered nurses or nurse practitioners~~ who work with medical cannabis patients~~;

4~~3~~) Three registered qualifying patients, including one veteran; and

5~~4~~) Nine healthcare practitioners with current professional licensure in their field. The Advisory Board shall be composed of~~There shall be one~~ healthcare practitioners~~practitioner with expertise in and~~ representing ~~each of~~ the following areas.~~, and~~ At~~at~~ least one~~two of the~~ appointed healthcare practitioner~~practitioners~~ shall have direct experience related to~~with~~ the health care needs of veterans and at least one individual shall have pediatric experience:

A) Neurology;

B) Pain management;

C) Medical oncology;

D) Psychiatry or mental health;

E) Infectious disease;

F) Family medicine;

G) General primary care;

H) Medical ethics; ~~and~~

I) Pharmacy; ~~.~~

J) Pediatrics; or

K) Psychiatry or mental health for children or adolescents.

b) The Advisory Board shall review petitions and recommend to the Department additional debilitating conditions or diseases that would benefit from the medical use of cannabis.

c) Members of the Advisory Board will be appointed by the Governor.

1) Members shall serve a term of four years or until a successor is appointed and qualified. If a vacancy occurs, the Governor will appoint a replacement to complete the original term created by the vacancy.

2) Members shall select a chairperson.

3) Members may serve multiple terms.

4) Members shall not have an affiliation with, serve on the board of, or have a business relationship with a registered cultivation center or a registered medical cannabis dispensary.

5) Members shall disclose any real or apparent conflicts of interest that may have a direct bearing of the subject matter, such as relationships with pharmaceutical companies, biomedical device manufacturers, or corporations whose products or services are related to the medical condition or disease to be reviewed.

6) Members will not be paid but will be reimbursed for travel expenses incurred while fulfilling the responsibilities of the Advisory Board.

d) The Advisory Board shall convene at least twice per year to:

1) Review petitions received from residents of Illinois for the addition of debilitating medical conditions or diseases that would benefit from the medical use of cannabis.

2) Conduct a public hearing to review the petitions received.

3) Review conditions previously reviewed by the Advisory Board and accepted by the Department for the purposes of determining whether to recommend the revision of the list of debilitating medical conditions or to review new medical and scientific evidence pertaining to currently approved conditions.

4) Recommend the approval or denial of each petitioner's request by submitting a written report to the Department within 60 days after conducting the public hearing. The written report shall include a medical justification for the recommendation based upon the individual or collective expertise of the members of the advisory board. The medical justification shall delineate between the findings of fact made by the Advisory Board and the scientific conclusions of evidence-based medical research.

e) During the open period, the Department will accept petitions from any resident requesting the addition of a new debilitating medical condition or disease to the list of approved debilitating medical conditions for which the use of cannabis has been shown to have a therapeutic or palliative effect. The Department will provide public notice 30 days before the open period for accepting petitions, describing the time period for submission, the required format of the submission, and the submission address, which is set forth in Section 946.205.

f) Each petition shall be limited to one proposed debilitating medical condition or disease.

g) A petitioner shall file one original petition in the format provided by the Department and two paper copies, along with a CD/DVD or flash drive containing the petition and all associated documents in electronic form, with the Department by certified U.S. mail. For a petition to be processed and submitted to the Advisory Board, the following information shall be included:

1) The petition, prepared on forms provided by the Department.

2) A specific description of the medical condition or disease that is the subject of the petition. The petitioner shall not submit broad categories, e.g., all mental illnesses. Each petition shall be limited to a single condition or disease. Information about the proposed condition or disease shall include:

   A) The extent to which the condition or disease itself and/or the treatments cause severe suffering, such as severe and/or chronic pain, severe nausea and/or vomiting, or otherwise severely impair a person's ability to carry on with activities of daily living;

   B) Information about why conventional medical therapies are not sufficient to alleviate the suffering caused by the disease or condition and its treatment;

   C) The proposed benefits from the medical use of cannabis specific to the medical condition or disease;

   D) Evidence from the medical community and other experts supporting the use of medical cannabis to alleviate suffering caused by the condition or disease and/or treatment;

   E) Letters of support from physicians or other licensed health care providers knowledgeable about the condition or disease, including, if feasible, a letter from a physician with whom the petitioner has a bona-fide physician-patient relationship;

   F) Any additional medical, testimonial or scientific documentation; and

   G) An electronic copy of all materials submitted.

3) Upon review of materials submitted pursuant to subsection (g)(2), the Department will determine whether:

   A) The petition meets the standards for submission and, if so, will accept the petition for further review; or

B) The petition does not meet the standards for submission and, if so, will deny the petition without further review.

4) If the petition does not fulfill the standards for submission, the petition will be considered deficient. The Department will notify the petitioner, who may correct any deficiencies and resubmit the petition during the next open period.

5) If the petition is accepted, the Department will refer the petition documents to the Advisory Board for review.

h) The petitioner may withdraw his or her petition by submitting a written statement to the Department indicating withdrawal.

i) The Advisory Board shall have a minimum of 30 days to review the petitions before convening a public hearing.

j) The Advisory Board shall convene a public hearing to review all petitions accepted by the Department pursuant to Section f(4)(B) requesting the addition of medical conditions or diseases to the list of debilitating medical conditions that would benefit from the medical use of cannabis.

1) The Department will provide a notice of public hearing setting forth the date, time and location of the hearing, a brief description of the petitions received, and information on the requirements for public comment or statement of intent to present technical evidence, as required by the Open Meetings Act. The Department will publish a notice of the hearing on its website to provide notice to the public.

2) Meetings of the Advisory Board shall be in accordance with the Open Meetings Act.

3) Any meeting consisting of a quorum of the Advisory Board members held for the purpose of evaluating, discussing or otherwise formulating specific opinions concerning the recommendation of a petition filed pursuant to this Part shall be declared a public hearing open to the public at all times, unless a portion of the hearing is closed to protect information made confidential by applicable State or federal laws.

4) A petitioner may request to close a portion of the hearing to protect the disclosure of confidential information. The request for closure of the hearing shall be submitted to the same address as the initial submission set forth in Section 946.205. The request must be received by the Department at least 48 hours prior to the hearing.

k) Any individual or an association of individuals who wishes to present technical evidence at the hearing shall file a statement of intent, no later than 15 days prior to the date of the hearing. The statement of intent to present technical evidence shall include:

1) Name of the person filing the statement;

2) Indication of whether the person filing the statement supports or opposes the petition at issue;

3) Name of each witness;

4) Estimate of the length of the direct testimony of each witness;

5) List of exhibits, if any, to be offered into evidence at the hearing; and

6) Summary or outline of the anticipated direct testimony of each witness.

l) Upon final determination, the Advisory Board shall provide the Director a written report of findings recommending either the approval or denial of the petitioner's request. The written report of findings shall include a medical justification for the recommendation based upon the individual or collective expertise of the Advisory Board membership. The medical justification shall delineate between the findings of fact made by the Advisory Board and scientific conclusions of evidence-based medical research. The written report of findings shall protect information by applicable State or federal laws (e.g., FOIA or HIPAA).

m) Upon review of the Advisory Board's recommendations, the Director will render a final decision regarding the acceptance or denial of the proposed debilitating medical conditions or diseases.

n) *The Department will approve or deny a petition within 180 days after its submission* during the biannual petition period. (Section 45 of the Act)

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section 946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers

a) A qualifying patient who has been issued a written certification who seeks to use medical cannabis for palliative or therapeutic benefit to treat or alleviate the symptoms associated with~~for~~ the patient's debilitating condition, and the qualifying patient's designated caregiver, when applicable, shall register with the Department on forms and in a manner prescribed by the Department.

b) To qualify for a registry identification card, a qualifying patient shall:

1) Be a resident of the State of Illinois, as defined in subsection (c), at the time of application and remain a resident during participation in the program;

2) Have a qualifying medical condition for which the use of medical cannabis will provide help with treating or alleviating the pain, nausea and other symptoms associated with the condition;

3) Have a signed, written certification for the use of medical cannabis meeting the requirements of this Part;

4) Complete the fingerprint-based background check and not have been convicted of an ~~excluded~~ offense ~~as~~ specified under Section 65(b)~~25(b)~~ of the Act.~~; and~~

~~5) Be least 18 years of age unless otherwise authorized by statute or rule.~~

c) Residency. For purposes of this Part, the qualifying patient and designated caregiver, if any, shall be a resident of the State of Illinois if the individual:

1) Physically resides in the State of Illinois, or has taken verifiable actions to make Illinois his or her home indefinitely with no present intent to reside in another state.

2) Provides proof of Illinois residency by submitting at least two of the following items with the application for a registry identification card; persons who are homeless shall only be required to submit a Notarized Homeless Status Certification (available at https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a230.pdf):

A) Pay stub or electronic deposit receipt, issued less than 60 days prior to the application date, that shows evidence of the applicant's withholding for State income tax;

B) Valid voter registration card with an address in Illinois;

C) Valid, unexpired Illinois driver's license or other State identification card issued by the Illinois Secretary of State in the name of the applicant in accordance with the Illinois Identification Card Act;

D) Bank statement (dated less than 60 days prior to application);

E) Deed/title, mortgage or rental/lease agreement;

F) Insurance policy (homeowner's or renter's);

G) Medical claim or statement of benefits (from private insurance company or public (government) agency, dated less than 90 days prior to application) or Social Security Disability Insurance Statement or Supplemental Security Income Benefits Statement;

H) Tuition invoice/official mail from college or university, dated less than the 12 months prior to application; or

I) Utility bill, including, but not limited to, those for electric, water, refuse, telephone land-line, cable or gas, issued less than 60 days prior to application.

d) To apply for a registry identification card, a qualifying patient shall submit a completed application to the Department on the required forms, which shall include, at a minimum, the following items:

1) Written certification for the use of medical cannabis meeting the requirements of this Part issued by a physician who meets the requirements set forth in the Act and the Medical Practice Act of 1987 and dated less than 90 days prior to the application;

2) Proof of Illinois residency of the qualifying patient, as specified in subsection (c);

3) Proof of identity of the qualifying patient;

4) Proof of the qualifying patient's age;

5) Photograph of the qualifying patient and designated caregiver, if applicable, as follows:

A) Current digital passport-size image, taken no more than 30 calendar days before the submission of the application;

B) Taken against a plain background or backdrop;

C) At least 2 inches by 2 inches in size;

D) In natural color; and

E) That provides an unobstructed front view of the full face. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head coverings not covering any areas of the open face will be allowed.

i) A qualifying patient or designated caregiver will not be required to submit to a photograph if sufficient justification is provided by the qualifying patient or caregiver to establish that a photograph would be in violation of or contradictory to the qualifying patient's or designated caregiver's religious convictions. If a qualifying patient or designated caregiver declares that the use of a photograph is against his/her religious convictions, the qualifying

patient or designated caregiver will be given an affidavit~~Affidavit~~ to be completed. This affidavit~~Affidavit~~ contains designated areas for a detailed written explanation of the reasons why a photograph is against the qualifying patient's or designated caregiver's religious convictions, a place for the qualifying patient's or designated caregiver's signature and date, the designation of the religious sect or denomination involved, space for a minister or other religious leader to apply his/her signature attesting to the explanation the qualifying patient or designated caregiver has offered, along with the date and official title of the minister or religious leader.

ii) The Affidavit shall be submitted to the Department. The Director will appoint a committee of three Department employees to review each affidavit. The committee shall submit a recommendation to the Director for his or her final decision.

iii) If the qualifying patient or designated caregiver meets all other application requirements of this Part, the Department will issue a non-photo temporary registry identification card, not to exceed 90 days in duration, to allow for medical cannabis use privileges during the determination

iv) Upon approval by the Department, a valid registry identification card without a photograph will be issued and can be renewed. The card will be mailed to the qualifying patient's home address.

6) Designation of the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis. During 2014, and later if the Department so elects, a qualifying patient may designate the dispensing organization district in which he or she expects to obtain his or her medical cannabis.

7) Completion of the designated caregiver application if applicable.

8) Payment of the applicable application fee (see Section 946.210) by check or money order. If the qualifying patient or caregiver is applying on-line, the Department will accept credit card payments.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.201 Application for Registry Identification Card for Qualifying Patients under 18 Years of Age

a) A qualifying patient under 18 years of age shall register with the Department on forms and in a manner prescribed by the Department. The designated caregiver shall complete the application for registry identification card for a qualifying patient under 18 years of age. Once the qualifying patient becomes 18 years of age, he or she must submit a full application for a registry identification card as specified in Section 946.200. Qualifying patients who become 18 years of age during the time period in which their registry identification card is valid may apply for a registry identification card either immediately or during the normal renewal period. Until that time, the registry identification card shall be subject to the conditions applicable to the registered qualifying patient under age 18.

b) To qualify for a registry identification card, a qualifying patient under 18 years of age shall:

1) Be a resident of the State of Illinois, as defined in subsection (c), at the time of application and remain a resident during participation in the program;

2) Be diagnosed with any debilitating medical condition listed in Section 946.310 for which medical cannabis may be used to treat or alleviate the pain, nausea or other symptoms associated with the condition.

c) The application for a registry identification card for a qualifying patient under 18 years of age shall include the following:

1) Two signed written certifications for the use of medical cannabis:

A) A signed written certification as specified in Section 946.310; and

B) A signed written certification from a reviewing physician indicating that a comprehensive review of the qualifying patient's medical records from other physicians treating the qualifying patient has been conducted;

2) Identify a designated caregiver (custodial parent or legal guardian) who shall complete an application for a caregiver registry identification card as specified in Section 946.200;

3) A completed, signed Medical Cannabis Custodial Parent and Legal Guardian Attestation form. This form can be downloaded from the Illinois Department of Public Health website at http://idph.state.il.us/; and

4) If applicable, provide proof of guardianship documentation.

d) Residency. For purposes of this Part, the qualifying patient and custodial parent or legal guardian shall be residents of the State of Illinois.

e) The designated caregiver shall provide proof of Illinois residency by submitting the following items with the application for a registry identification card. Persons who are homeless shall be required to submit only a Notarized Homeless Status Certification (available at https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a230.pdf):

1) A copy of the caregiver's unexpired Illinois driver's license; or

2) A copy of the caregiver's unexpired Illinois identification card; or

3) A copy of the caregiver's unexpired U.S. passport.

f) To apply for a registry identification card for a qualifying patient under 18 years old, the designated caregiver shall submit a completed application to the Department on the required forms, which shall include, at a minimum, the following items:

1) A written certification for the use of medical cannabis meeting the requirements of this Part, issued by a physician who meets the requirements set forth in the Act and the Medical Practice Act of 1987, and dated less than 90 days prior to the application;

2) A signed written certification from a reviewing physician indicating that a comprehensive review of the qualifying patient's medical records from other physicians treating the qualifying patient has been conducted. This physician shall meet the requirements set forth in the Medical Practice Act of 1987 or shall provide proof of a current, active medical license issued by another state.

3) Proof of Illinois residency of the qualifying patient, as specified in subsection (c);

4) Proof of identity of the qualifying patient (copy of the qualifying patient's birth certificate);

5) Proof of the qualifying patient's age. A copy of the qualifying patient's birth certificate shall fulfill this requirement;

6) Current digital passport-size photograph of the designated caregiver, as follows:

A) Taken no more than 30 calendar days before the submission of the application;

B) Taken against a plain background or backdrop;

C) At least 2 inches by 2 inches in size;

D) In natural color; and

E) That provides an unobstructed front view of the full face. A full-faced photograph must be taken without any obstruction of the applicant's facial features or any items covering any portion of the face. Prescription glasses and religious head coverings not covering any areas of the open face will be allowed.

i) A designated caregiver for a qualifying patient under 18 years old will not be required to submit a photograph if sufficient justification is provided by the caregiver to establish that a photograph would be in violation of or

contradictory to the designated caregiver's religious convictions. If a designated caregiver declares that the use of a photograph is against his/her religious convictions, the designated caregiver will complete an affidavit on a form provided by the Department. The affidavit contains designated areas for a detailed written explanation of the reasons why a photograph is against the designated caregiver's religious convictions; a place for the designated caregiver's signature and date, the designation of the religious sect or denomination involved; space for a minister or other religious leader to apply his/her signature attesting to the explanation the designated caregiver has offered; and the date and official title of the minister or religious leader.

ii) The affidavit shall be submitted to the Department. The Director will appoint a committee of three Department employees to review each affidavit. The committee shall submit a recommendation to the Director for his or her final decision.

iii) If the designated caregiver meets all other application requirements of this Part, the Department will issue a non-photo temporary registry identification card, not to exceed 90 days in duration, to allow for medical cannabis use privileges during the determination.

iv) Upon approval by the Department, a valid registry identification card without a photograph will be issued and can be renewed. The card will be mailed to the designated caregiver's home address.

7) Designation of the medical cannabis dispensing organization where the designated caregiver will obtain medical cannabis on behalf of the qualifying patient under 18 years of age.

8) Completion of the Medical Cannabis Parent and Legal Guardian Attestation form.

9) If applicable, submission of proof of guardianship documentation.

10) Payment of the applicable application fee (see Section 946.210) by check or money order. If the patient or caregiver is applying on-line, the Department will accept credit card payments.

(Source: Added at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.205 Deadlines for Submission of Application for Registry Identification Card

A qualifying patient who has been issued a physician written certification who seeks to use medical cannabis for palliative or therapeutic benefit for the patient's debilitating condition, and the qualifying patient's designated caregiver when applicable, shall register with the Department on forms and in a manner prescribed in this Part.

~~a) During 2014, qualifying patients whose last names begin with the letters A through L, and their designated caregivers, if applicable, regardless of the caregiver's last name, shall submit an application for a registry identification card from September 1, 2014 through October 31, 2014.~~

~~b) During 2014, qualifying patients whose last names begin with the letters M through Z, and their designated caregivers, if applicable, regardless of the caregiver's last name, shall submit an application for a registry identification card from November 1, 2014 through December 31, 2014.~~

a~~c~~) Beginning January 1, 2015, applications for registry identification cards will be accepted year round.

b~~d~~) Application Submission

1) Applications for registry identification cards shall be submitted electronically through the Department's website (www.idph.state.il.us) or shall be sent via U.S. mail to the following address:

Division of Medical Cannabis
Illinois Department of Public Health
535 West Jefferson Street
Springfield IL 62761-0001

2) Applications for registry identification cards not submitted electronically or to the above address shall be considered deficient.

c) *The Department of Public Health shall send a notification to a registered qualifying patient or designated caregiver 90 days prior to the expiration date* on the registry identification card. (Section 70 of the Act)

d) *To maintain a valid registry identification card, a registered qualifying patient and designated caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application* (see Section 946.200), *renewal fee* (see Section 946.210) *and accompanying documentation* (see Section 946.200). (Section 70 of the Act)

~~e) To maintain a valid registry identification card, a registered qualifying patient and designated caregiver must annually resubmit, at least 45 days prior to the expiration date stated on the registry identification card, a completed renewal application (see Section 946.200), renewal fee (see Section 946.210) and accompanying documentation (see Section 946.200). (Section 70 of the Act)~~

~~f) The Department of Public Health shall send a notification to a registered qualifying patient or designated caregiver 90 days prior to the expiration date on the registry identification card. (Section 70 of the Act)~~

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.210 Fees

a) Except as set forth in subsection (b), the registration, renewal and replacement card fees are as specified in this subsection (a). All fees submitted to the Department shall be non-refundable. Annually, the Department may revise these fees:

1)	Annual qualifying patient application fee	$100
2)	Annual application fee for a qualifying patient under 18 years of age (includes caregiver application fee)	$100
3~~2~~)	Annual caregiver application fee	$25

4~~3~~) Replacement card fee $25

5~~4~~) Returned check fee $35

b) The Department may reduce registration and renewal card fees for a qualifying patient enrolled in the federal Social Security Disability Income (SSDI) or the Supplemental Security Income (SSI) disability programs, with submission of proof as described in subsection (b)(2), and for veterans with proof of service as described in subsection (b)(3).

1) Annual reduced qualifying patient application fee $50

2) The applicant shall submit a copy of a letter or other documentation from the Social Security Administration identifying the qualifying patient and showing the amount of monthly SSDI and SSI benefits to be received by the qualifying patient during the current year of application.

3) Veterans shall provide a copy of their DD214.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.220 Fingerprint-Based Criminal History Records Check

No person who has been convicted of a felony under the Illinois Controlled Substances Act, Cannabis Control Act, or Methamphetamine Control and Community Protection Act, or similar provisions in a local ordinance or other jurisdiction is eligible to receive a registry identification card. (Section 65(b) of the Act)

a) The Illinois State Police (ISP) will act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each qualifying patient and designated caregiver, if applicable, applying for a registry identification card.

1) The ISP will conduct background checks for conviction information contained within ISP and Federal Bureau of Investigation (FBI) criminal history databases to the extent allowed by law.

2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department.

3) The electronic background checks will be submitted as outlined in the Illinois Uniform Conviction Information Act or ISP rules at 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprints).

b) Each qualifying patient and designated caregiver, if applicable, applying for a registry identification card shall have his or her fingerprints collected electronically by a livescan vendor licensed by the Illinois Department of Financial and Professional Regulation, and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a registry identification card. If the qualifying patient is under age 18 at the time of application, no fingerprint collection shall be necessary for the qualifying patient; however, the designated caregiver shall comply with the requirements of this Section.

1) The qualifying patient or designated caregiver shall submit to the Department, with the registry card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that fingerprints have been collected.

2) Registry card applications submitted without a copy of the livescan request form and receipt will be considered incomplete and will not be processed until fingerprinting is completed.

3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a registry identification card and will be collected by the livescan vendor at the time of fingerprinting.

4) If the fingerprints are rejected by ISP, the qualifying patient or designated caregiver shall have his or her fingerprints collected electronically by a licensed livescan vendor a second time.

5) If equipment malfunction or other special circumstances make electronic transmission of fingerprint data impractical, the Department will allow use of paper fingerprint records.

c) The Department will obtain from ISP a State and federal criminal records check for each qualifying patient applying for a registry identification card and for each designated caregiver identified on a qualifying patient registry application.

d) The Department will maintain the results of the criminal history records check for the time period associated with the registry identification card or the registered qualifying patient and designated caregiver, if any, and in accordance with the State Records Act, after which the documentation shall be destroyed.

e) Denial of Application or Renewal

1) The Department may deny an application or renewal for a qualifying patient or a designated caregiver who has been convicted of an excluded offense in accordance with this subsection (e).

A) Denial of a designated caregiver will not automatically result in the denial of a qualifying patient application.

B) The qualifying patient shall identify a new designated caregiver within 15 days after receiving notice of the denial of his or her designated caregiver application or shall indicate that a designated caregiver is not required.

C) The Department will not deny an application for a registry identification card based solely on the qualifying patient's or designated caregiver's conviction for an excluded offense for a violation of a State or federal controlled substance law that was classified as a felony if his or her conviction was for the possession, cultivation, transfer or delivery of a reasonable amount of cannabis intended for medical use and the termination of the last sentence was 10 or more years prior to application.

2) Exception
If the qualifying patient or designated caregiver has been convicted of any excluded offenses, the Department may approve a registry identification

card pursuant to this Part *if the person demonstrates that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10(l)(2) of the Act) In determining whether to waive a conviction for excluded offenses, the Department will:

A) Review the criminal records and the qualifying patient's medical history to determine whether the patient had been diagnosed with the debilitating medical condition at the time of the offense; and

B) Determine whether the offense consisted of conduct for which, had it occurred on or after January 1, 2014, would likely have been protected by the Act and would likely not have resulted in a conviction.

3) Qualifying Patients Under 18 Years of Age

A) Denial of a designated caregiver (custodial parent or legal guardian) because of an excluded offense will not automatically result in the denial of an application for a qualifying patient under 18.

B) The custodial parent or legal guardian shall identify a new designated caregiver within 15 days after receiving notice of the denial of his or her designated caregiver application. The custodial parent or legal guardian shall execute an Authorization and Consent form designating a person over 21 years of age to act as the designated caregiver for the qualifying patient under 18.

f) The Department will not waive convictions for violations of the medical cannabis laws of Illinois or any other State or jurisdiction.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.230 General Provisions

a) A registry identification card shall not be transferable.

b) A registry identification card issued under this Section is the property of the State of Illinois and shall be surrendered upon demand of the Director or the Director's designee.

c) The qualifying patient and the designated caregiver, if applicable, shall sign and date the application for a registry identification card. If the qualifying patient is under 18 years of age at the time of application, only the designated caregiver shall be required to sign and date the application for a registry identification card.

d) The Department will require each applicant for a registry identification card to include a signed statement that specifies that the applicant attests that all information submitted as part of the application is true and accurate to the best of the applicant's knowledge and, at minimum, certifies that the applicant has actual notice that, notwithstanding any State law:

1) Cannabis is a prohibited Schedule I controlled substance under federal law;

2) Participation in the program is permitted only to the extent provided by the strict requirements of the Act and this Part;

3) Any activity not sanctioned by the Act or this Part may be in violation of State law;

4) Growing, distributing or possessing cannabis in any capacity, except through a federally approved research program, is a violation of federal law;

5) Use of medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;

6) Use of medical cannabis, in tandem with other conduct, may be in violation of State or federal law;

7) Participation in the program does not authorize any person to violate federal or State law and, other than as specified in Section 25 of the Act, does not provide any immunity from or affirmative defense to arrest or prosecution under federal or State law; and

8) Applicants shall indemnify, hold harmless, and defend the State of Illinois for any and all civil or criminal penalties resulting from participation in the program.

e) Once the qualifying patient reaches 18 years of age, he or she must submit a full application for a registry identification card as specified in Section 946.200. Qualifying patients who become 18 years of age during the time period in which their registry identification card is valid may apply for a registry identification card either immediately or during the normal renewal period. Until a full application is submitted and approved, the registry identification card shall be subject to the conditions applicable to the registered qualifying patient under age 18.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.260 Responsibilities of Designated Caregivers

a) A designated caregiver shall not receive payment or other compensation for services provided as a designated caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a designated caregiver. In the case of an employee of a hospice provider, nursing facility or medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a designated caregiver, the individual shall not receive payment or compensation above or beyond his or her regular wages.

b) A designated caregiver is responsible for notifying the Department within 10 business days after any change to the information that his or her registered qualifying patient was previously required to submit to the Department, or after the designated caregiver discovers that his or her registry identification card has been lost or stolen.

c) A designated caregiver shall carry his or her registry identification card at all times while in possession of medical cannabis.

d) A designated caregiver may:

1) Transport a registered qualifying patient to and from a licensed medical cannabis dispensary;

2) Obtain and transport an adequate supply of medical cannabis from a licensed medical cannabis dispensary on behalf of a registered qualifying patient;

3) Prepare medical cannabis for consumption by a registered qualifying patient; ~~and~~

4) Administer medical cannabis to a registered qualifying patient; and~~.~~

5) Purchase only medical cannabis-infused products for use by registered qualifying patients under age 18.

e) A designated caregiver shall not:

1) Consume, by any means, medical cannabis that has been dispensed on behalf of a registered qualifying patient;

2) Sell, provide or otherwise divert medical cannabis that has been dispensed to a registered qualifying patient; or

3) Grow or cultivate medical cannabis on behalf of a registered qualifying patient.

f) The designated caregiver shall notify the Department promptly by phone and in writing within 10 calendar days following the death of the designated caregiver's registered qualifying patient.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

Section 946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization

a) A registered qualifying patient or designated caregiver shall obtain medical cannabis only from the medical cannabis dispensing organization designated on his or her registry identification application and shall not:

1~~a~~) Grow or cultivate medical cannabis;

2~~b~~) Purchase medical cannabis from non-authorized sources; or

3~~c~~) Obtain medical cannabis from other registered qualifying patients or designated caregivers.

b) Designated caregivers of registered qualifying patients under 18 years of age may purchase only medical cannabis-infused products from medical cannabis dispensing organizations.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

SUBPART C: PHYSICIAN REQUIREMENTS

Section 946.310 Physician Written Certification

a) A certification indicating that a qualifying patient is recommended for the use of medical cannabis shall be written on a form provided by the Department and shall include, at minimum, the following:

1) The qualifying patient's name, date of birth, home address and primary telephone number;

2) The physician's name, address, telephone number, e-mail address, medical license number, indication of specialty or primary area of clinical practice, if any, and DEA registration number;

3) The length of time the qualifying patient has been under the care of the physician;

4) The qualifying patient's debilitating medical condition;

5) Additional comments, if necessary, that would be useful in assessing the qualifying patient's application for use of medical cannabis;

6) A statement that the physician has confirmed a diagnosis of a debilitating medical condition; has a bona-fide physician-patient relationship; has conducted an in-person physical examination; has conducted a review of the patient's medical history, including reviewing medical records from other treating physicians, if any, from the previous 12 months; and has

explained the potential risks and benefits of the use of medical cannabis to the qualifying patient; and

7) The physician's signature and date.

b) A *patient may apply for a waiver where a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, 2.5 ounces is an insufficient adequate supply for a 14-day period to properly alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition*. (Section 10(a)(2) of the Act)

1) The waiver recommendation shall be on a Physician Waiver Recommendation form provided by the Department.

2) The waiver shall describe in the physician's professional opinion why 2.5 ounces is an insufficient supply for a 14-day period.

3) The waiver shall describe how the qualifying patient will benefit from an increased supply.

4) The waiver shall include a statement by the physician indicating the amount of medical cannabis that would be a sufficient supply for the qualifying patient's debilitating medical condition and provide a recommendation for the length of time the waiver should be in effect.

5) If the Department approves the waiver, the amount of medical cannabis recommended by the physician shall be noted on the registry identification card.

c) Applications for qualifying patients under 18 years old shall require a written certification from a physician and a reviewing physician.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

SUBPART D: CANNABIS-INFUSED PRODUCTS

Section 946.410 Sale and Distribution of Cannabis-Infused Products

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Neither the Department of Public Health nor the Department of Agriculture nor the health department of a unit of local government may regulate the service of medical cannabis-infused *food* products *by a registered cultivation center or registered dispensing organizations provided all* of the following *conditions are met.* (Section 80 of the Act)

a) *No cannabis infused products requiring refrigeration or hot-holding* or considered potentially hazardous food (Section 4 of the Food Handling Regulation Enforcement Act) *shall be manufactured at a cultivation center for sale or distribution at a dispensing organization due to the potential for food-borne illness* (Section 80(a) of the Act).

b) *Baked products infused with medical cannabis (such as brownies, bars, cookies, cakes,* breads, pastries*), tinctures, and other non-refrigerated items are acceptable for sale at dispensing organizations* (Section 80(a) of the Act). The products are allowable for sale only at dispensing organizations registered with the Department of Financial and Professional Regulation.

c) All cannabis-infused products offered for sale at registered dispensing organizations shall be labeled in accordance with Section 946.400.

d) Designated caregivers of registered qualifying patients under 18 years of age may purchase only medical cannabis-infused products from registered dispensing organizations.

(Source: Amended at 39 Ill. Reg. 7712, effective May 15, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Perinatal Mental Health Disorders Prevention and Treatment

Code Citation: 77 Ill. Adm. Code 2110

Section Numbers:

2110.10	2110.70
2110.20	2110.80
2110.30	2110.90
2110.40	2110.100
2110.50	2110.110
2110.60	

Date Originally Published in the *Illinois Register*: 1/23/15
39 Ill. Reg. 01427

At its meeting on May 12, 2015, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department be more timely in implementing statute in its rules. PA 95-469, which this rulemaking implements, became effective 1/1/08.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Quality of Life Code

Code Citation: 77 Ill. Adm. Code 974

Section Numbers:

974.10	974.130	974.190
974.20	974.140	974.200
974.30	974.150	974.210
974.100	974.160	974.300
974.110	974.170	974.310
974.120	974.180	974.320

Date Originally Published in the *Illinois Register*: 12/5/14
38 Ill. Reg. 22435

At its meeting on 5/12/15, the Joint Committee on Administrative Rules objected to the above-cited rulemaking because the Department, since 2010, has been awarding grants funded from the Quality of Life Endowment Fund without having adopted rules establishing standards for making those grant awards.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)

2. Summary of information: PROPOSED RENEWAL OF HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER RESIDENTIAL WAIVER FOR CHILDREN AND YOUNG ADULTS WITH DEVELOPMENTAL DISABILITIES – IL0473

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Developmental Disabilities (DHS-DDD) propose to renew the HCBS Residential Waiver for Children and Young Adults with Developmental Disabilities – IL0473. The proposed waiver renewal includes a continuation of current services and provider qualifications and language regarding service settings, participant centered planning and prevention of spousal impoverishment.

Illinois seeks public input into the development of the HCBS Residential Waiver for Children and Young Adults with Developmental Disabilities – IL0473 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx and the DHS-DDD website at http://www.dhs.state.il.us/page.aspx?item=45915. 2) For persons that may not have access to the website, the waiver renewal application is available at Independent Service Coordination (ISC) agencies across the State. To locate the closest ISC agency or see a listing of all ISC agencies, persons may use the Office Locator on the DHS website at http://www.dhs.state.il.us/page.aspx?module=12&officetype=3&county.

In addition to the two methods of notification, the operating agency of the HCBS Residential Waiver for Children and Young Adults with Developmental Disabilities – IL0473 has emailed language located in this notification and the website to its stakeholders which include provider agencies, ISC agencies, trade organizations and family and consumer advocacy organizations. DHS-DDD has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS and DHS websites or in person at any of the Independent Service Coordination (ISC) agencies across the State.
HFS will be accepting public input regarding the proposed renewal of the HCBS Residential Waiver for Children and Young Adults with Developmental Disabilities – IL0473 for a 30 day public comment period from May 29, 2015 through June 28, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: HFS.SWTransitionPlan@illinois.gov; or mail their input to the Illinois

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2nd FL, Springfield IL 62763.

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Ave East, 2nd FL
Springfield IL 62763

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)

2. Summary of information: PROPOSED RENEWAL OF HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER PERSONS WITH DISABILITIES – IL0142

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Rehabilitative Services (DHS-DRS) propose to renew the HCBS Waiver for Persons with Disabilities – IL0142. The proposed waiver renewal includes revisions and additions to allowable service settings, participant centered plan, extended state plan nursing services and prevention of spousal impoverishment.

Illinois seeks public input into the development of the HCBS Waiver for Persons with Disabilities – IL0142 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx with links to this website located on the DHS-DRS HCBS website. 2) For persons that may not have access to the website, the waiver renewal application is available at DHS-DRS offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons with Disabilities has emailed language located in this notification and the HFS website to its stakeholders which includes provider agencies and care coordination entities. DHS-DRS has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS website or in person at any of the DHS-DRS offices located throughout the State of Illinois.

HFS will be accepting public input regarding the proposed renewal of the HCBS Waiver for Persons with Disabilities – IL0142 for a 30 day public comment period from May 29, 2015 through June 28, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: HFS.SWTransitionPlan@illinois.gov; or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2nd FL, Springfield IL 62763.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Ave East, 2nd FL
Springfield IL 62763

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)

2. Summary of information: PROPOSED RENEWAL OF HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER FOR PERSONS WHO ARE ELDERLY – IL0143

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department on Aging (IDoA) proposes to renew the HCBS Waiver for Persons Who Are Elderly – IL0143. The proposed waiver renewal includes revisions and additions to the waiver cap, service settings and the participant centered plan.

Illinois seeks public input into the development of the HCBS Waiver for Persons who are Elderly – IL0143 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx with a link to this website located on IDoA's HCBS website. 2) For persons that may not have access to the website, the waiver renewal application is available at Area Agencies on Aging and Care Coordination offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons who are Elderly has emailed language located in this notification and the website to its stakeholders which includes provider agencies and care coordination entities. IDoA has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS website or in person at any of the Area Agencies on Aging or Care Coordination offices located across the State.

HFS will be accepting public input regarding the proposed renewal of the HCBS Waiver for Persons who are Elderly – IL0143 for a 30 day public comment period from May 29, 2015 through June 28, 2015. Those interested in providing input are asked to email their feedback to the HFS web portal email address: HFS.SWTransitionPlan@illinois.gov; or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2nd FL, Springfield IL 62763.

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Ave East, 2nd FL
Springfield IL 62763

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)

2. Summary of information: PROPOSED RENEWAL OF HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER SUPPORT WAIVER FOR CHILDREN AND YOUNG ADULTS WITH DEVELOPMENTAL DISABILITIES – IL0464

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Developmental Disabilities (DHS-DDD) propose to renew the HCBS Support Waiver for Children and Young Adults with Developmental Disabilities – IL0464. The proposed waiver renewal includes a continuation of current services and provider qualifications, language regarding service settings, service facilitation, participant centered planning and prevention spousal impoverishment.

Illinois seeks public input into the development of the HCBS Support Waiver for Children and Young Adults with Developmental Disabilities – IL0464 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx and the DHS-DDD website at http://www.dhs.state.il.us/page.aspx?item=45915. 2) For persons that may not have access to the website, the waiver renewal application is available at Independent Service Coordination (ISC) agencies across the State. To locate the closest ISC agency or see a listing of all ISC agencies, persons may use the Office Locator on the DHS website at http://www.dhs.state.il.us/page.aspx?module=12&officetype=3&county.

In addition to the two methods of notification, the operating agency of the HCBS Support Waiver for Children and Young Adults with Developmental Disabilities has emailed language located in this notification and the website to its stakeholders which includes provider agencies, ISC agencies, trade organization and family and consumer advocacy organizations. DHS-DDD has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS and DHS websites or in person at any of the Independent Service Coordination (ISC) agencies across the State.

HFS will be accepting public input regarding the proposed renewal of the HCBS Support Waiver for Children and Young Adults with Developmental Disabilities – IL0464 for a 30 day public comment period from May 29, 2015 through June 28, 2015. Those

interested in providing input are asked to email feedback to the HFS web portal email address: HFS.SWTransitionPlan@illinois.gov; or mail their input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2nd FL, Springfield IL 62763.

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services
Attn: Waiver Management
201 South Grand Ave East, 2nd FL
Springfield IL 62763

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of May 12, 2015 through May 18, 2015. Rulemaking are scheduled for review at the Committee's June 16, 2015 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
6/26/15	Department of State Police, Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)	2/20/15 39 Ill. Reg. 2540	6/16/15
7/1/15	State Board of Education, Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)	2/27/15 39 Ill. Reg. 2916	6/16/15
7/1/15	State Board of Education, Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)	2/27/15 39 Ill. Reg. 02961	6/16/15
7/1/15	State Board of Education, Children's Low-cost Laptop Program (Repealer) (23 Ill. Adm. Code 365)	2/27/15 39 Ill. Reg. 02978	6/16/15
7/1/15	State Board of Education, Regional Offices of Education and Intermediate Services (Repealer) (23 Ill. Adm. Code 525)	2/27/15 39 Ill. Reg. 02986	6/16/15
7/1/15	State Board of Education, Intermediate Services (23 Ill. Adm. Code 525)	2/27/15 39 Ill. Reg. 03007	6/16/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/1/15	State Board of Education, Parental Participation Pilot Project (Repealer) (23 Ill. Adm. Code 560)	2/27/15 39 Ill. Reg. 03024	6/16/15

ILLINOIS ADMINISTRATIVE CODE
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