



**TABLE OF CONTENTS**

**December 2, 2016 Volume 40, Issue 49**

**PROPOSED RULES**

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF  
Practice in Administrative Hearings  
89 Ill. Adm. Code 104.....15830

POLLUTION CONTROL BOARD  
Sewer Discharge Criteria  
35 Ill. Adm. Code 307.....15854

REVENUE, DEPARTMENT OF  
Income Tax  
86 Ill. Adm. Code 100.....15878

STATE BOARD OF EDUCATION  
Public Schools Evaluation, Recognition, and Supervision  
23 Ill. Adm. Code 1.....15915

**EMERGENCY RULES**

STATE BOARD OF EDUCATION  
Public Schools Evaluation, Recognition, and Supervision  
23 Ill. Adm. Code 1.....15957

**PUBLIC HEARINGS ON PROPOSED RULES**

INSURANCE, DEPARTMENT OF  
Misrepresentation and False Warranties.....15978

**JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
December Agenda.....15980

**SECOND NOTICES RECEIVED**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Second Notices Received.....15985

**JCAR REVIEW OF PROPOSED RULES STATEMENT OF RECOMMENDATION**

STUDENT ASSISTANCE COMMISSION, ILLINOIS  
Illinois Prepaid Tuition Program  
23 Ill. Adm. Code 2775.....15987

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS  
Notice of Public Information.....15988

**REGULATORY AGENDA**

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD  
Chief Procurement Officer for Capital Development Board  
44 Ill. Adm. Code 8.....15990

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

Chief Procurement Officer for General Services Standard Procurement	
44 Ill. Adm. Code 1 .....	15991
<b>CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION</b>	
Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement	
44 Ill. Adm. Code 4 .....	15992
<b>EXECUTIVE ETHICS COMMISSION</b>	
Organization, Information, Rulemaking and Hearings	
2 Ill. Adm. Code 1620.....	15993
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
<b>PROCLAMATIONS</b>	
Independent Retailers Week (Revised)	
2016-262.....	15994
Diabetes Awareness Month (Revised)	
2016-268.....	15994
University of Illinois Paralympian Day	
2016-291.....	15995
Day of the Deployed	
2016-292.....	15997
Illinois Groundwater Awareness Week	
2016-293.....	15997
Illinois Rural and Small Schools Day	
2016-294.....	15998
National Adoption Month	
2016-295.....	15999
Rural Health Day	
2016-296.....	16000
School Psychology Awareness Week	
2016-297.....	16001
Year of Scott Air Force Base	
2016-298.....	16002
Marine Corps Day	
2016-299.....	16002
Native American Heritage Month	
2016-300.....	16003
Veterans Day	
2016-301.....	16004
Flag Lowering Order - Officer James Brockmeyer	
2016-302.....	16005
Coach Joe Newton Day	
2016-303.....	16005
World Champion Chicago Cubs Day	
2016-304.....	16006
#ILGive for Giving Tuesday	

2016-305.....	16007
Blue Man Group Day	
2016-306.....	16008
Small Business Saturday	
2016-307.....	16009
Thanksgiving Day	
2016-308.....	16009
Bill of Rights Day	
2016-309.....	16010
Pearl Harbor Remembrance Day	
2016-310.....	16011

## INTRODUCTION

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

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

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

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

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

---

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2016 until January 3, 2017.

---

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
104.1	Amendment
104.10	Repealed
104.11	Repealed
104.12	Repealed
104.20	Repealed
104.21	Repealed
104.22	Repealed
104.23	Repealed
104.30	Repealed
104.35	Repealed
104.40	Repealed
104.45	Repealed
104.50	Repealed
104.55	Repealed
104.60	Repealed
104.70	Repealed
104.74	Repealed
104.75	Repealed
104.80	Repealed
104.102	Amendment
104.275	New Section
104.276	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended and new Sections are being added because all relevant content is contained in the DHS rules for Practice in Administrative Hearings at 89 Ill. Adm. Code 14 SUBPART A. The two sets of rules are almost identical. This change will help eliminate duplicative rules in the Administrative Code and give individuals a better understanding of the Administrative Hearings process.

An economic effect of these proposed amendments is not anticipated.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

The Department anticipates adoption of these amendments approximately three to six months after publication of the Notice in the *Illinois Register*.

- 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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
104.205	Amendment	40 Ill. Reg. 9900; July 22, 2016
104.270	Amendment	40 Ill. Reg. 9900; July 22, 2016

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Mollie Zito  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3rd Floor  
Springfield IL 62763-0002

217/782-1233  
HFS.Rules@illinois.gov

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

---

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER a: GENERAL PROVISIONS

## PART 104

## PRACTICE IN ADMINISTRATIVE HEARINGS

## SUBPART A: ASSISTANCE APPEALS

## Section

104.1	Assistance Appeals
104.10	Initiation of Appeal Process ( <a href="#">Repealed</a> )
104.11	Pre-Appeal Review ( <a href="#">Repealed</a> )
104.12	Notice of Hearing ( <a href="#">Repealed</a> )
104.20	Conduct of Hearings ( <a href="#">Repealed</a> )
104.21	Representation ( <a href="#">Repealed</a> )
104.22	Appellant Participation in Hearing ( <a href="#">Repealed</a> )
104.23	Evidentiary Requirements ( <a href="#">Repealed</a> )
104.30	Subpoenas ( <a href="#">Repealed</a> )
104.35	Amendment of Appeal ( <a href="#">Repealed</a> )
104.40	Consolidation of Appeals ( <a href="#">Repealed</a> )
104.45	Postponement or Continuation of Hearings ( <a href="#">Repealed</a> )
104.50	Withdrawal of Appeal ( <a href="#">Repealed</a> )
104.55	Closing of Hearing Record ( <a href="#">Repealed</a> )
104.60	Dismissal of Appeal ( <a href="#">Repealed</a> )
104.70	Final Administrative Decision ( <a href="#">Repealed</a> )
104.74	Surety Bonds ( <a href="#">Repealed</a> )
104.75	Immediate Suspension of a Vendor ( <a href="#">Repealed</a> )
104.80	Public Aid Committee ( <a href="#">Repealed</a> )

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

## Section

104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- Tax Refunds or Other Joint Federal or State Payments  
104.104 Conduct of Other Hearings  
104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders  
104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits  
104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

## SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

- Section  
104.200 Applicability  
104.202 Definitions  
104.204 Notice of Denial of ~~an~~ Application  
104.205 Notice of Appeal for Ground Ambulance Service Provider  
104.206 Notice of Intent to Recover Money  
104.207 Notice of Contested Paternity Hearing  
104.208 Notice of Intent to Terminate, Suspend, Exclude or Not Renew Provider Agreement or to Revoke Alternate Payee  
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)  
104.210 Right to Hearing  
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services  
104.212 Prior Factual Determinations  
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship  
104.215 Notice of Formal Conference  
104.216 Formal Conference on Recovery of Money  
104.217 Purpose of Formal Conference  
104.220 Notice of Hearing  
104.221 Issues at Hearings  
104.225 Legal Counsel  
104.226 Appearance of Attorney or Other Representative  
104.230 Notice, Service and Proof of Service  
104.231 Form of Papers  
104.235 Discovery

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers
104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments and Release of Withholds
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
<a href="#">104.275</a>	<a href="#">Surety Bonds</a>
<a href="#">104.276</a>	<a href="#">Immediate Suspension of a Vendor</a>
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST  
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE  
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

## SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

## SUBPART F: INCORPORATION BY REFERENCE

Section	
104.800	Incorporation <u>By</u> Reference

## SUBPART G: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section	
104.900	Unauthorized Use of Medical Assistance
104.910	Definitions
104.920	Applicability
104.930	Notice of Intent to Recover Money
104.940	Request for Hearing
104.950	Representation
104.960	Conduct of Hearings
104.970	Recommended Decision
104.980	Final Administrative Decision

**AUTHORITY:** Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

**SOURCE:** Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011; amended at 35 Ill. Reg. 12900, effective July 25, 2011; amended at 36 Ill. Reg. 7530, effective May 7, 2012; amended at 36 Ill. Reg. 9086, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10195, effective July 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10172, effective June 27, 2013; amended at 37 Ill. Reg. 12838, effective July 24, 2013; expedited correction at 37 Ill. Reg. 16034, effective July 24, 2013; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART A: ASSISTANCE APPEALS

**Section 104.1 Assistance Appeals**

~~All Sections 104.10 through 104.70 apply to all~~ appeals before the Department filed by or ~~on~~<sup>on</sup> behalf of applicants or recipients of public assistance under the ~~Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children Program (AFDC), Aid to the Aged, Blind, or Disabled Program (AABD), General Assistance Program (GA), Medical Assistance Program, or Food Stamp Program,~~ as administered by the Department are governed by 89 Ill. Adm. Code 14.1 through 80.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.10 Initiation of Appeal Process (Repealed)**

- a) ~~For General Assistance outside the city of Chicago, the appeal process is initiated by filing a written, signed request with the Public Aid Committee.~~
- b) ~~For all other appeals, the appeal process is initiated by either:~~
  - 1) ~~filing a written, signed request with the Assistance Hearings Section;~~
  - 2) ~~filing a written, signed request with the respective local office; or~~
  - 3) ~~telephoning a request to the Assistance Hearings Section's tollfree number for filing appeals.~~
- e) ~~For purposes of initiating the appeal process, a facsimile of a written, signed request for a fair hearing is considered the same as the original written, signed request.~~
- d) ~~A food stamp appeal may also be initiated by an oral request to the Department.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.11 Pre-Appeal Review (Repealed)**

- a) ~~Upon the initiation of an appeal, the Department shall immediately conduct an~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~informal review of the action or inaction which has served as the basis for the appeal and, if indicated, reverse or modify its decision or take other action, as necessary.~~

- b) ~~If the appellant does not withdraw the appeal following the informal review, the Department shall complete a statement of facts supporting its action or inaction.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.12 Notice of Hearing (Repealed)**

- a) ~~The Department shall send written notice to all parties of the time, date and place of the hearing.~~
- b) ~~The written notice for food stamp hearings shall be provided at least 10 days prior to the hearing.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.20 Conduct of Hearings (Repealed)**

- a) ~~All hearings will be conducted in the county in which the appellant resides. However, if the appellant is outside the state, the hearing officer may take depositions from him and his witnesses or permit the appellant to present all relevant matter in support of his claim through witnesses acting in his behalf, or both by deposition or testimony of witnesses, depending upon the circumstances in each case.~~
- b) ~~All hearings will be conducted by:~~
- 1) ~~An impartial hearing officer authorized by the Director of the Department to consider issues under appeal by AABD, AFDC, Food Stamp, AMI, or MANG clients, or GA clients in the City of Chicago. The hearing shall be conducted in the county in which the appellant resides or another county acceptable to the appellant.~~
  - 2) ~~A Public Aid Committee for GA appeals outside the City of Chicago.~~
- c) ~~The hearing shall be open to such persons as the hearing officer or the Public Aid~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~Committee (of a local governmental unit which receives State funds) deems necessary and proper for its orderly and efficient conduct.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.21 Representation (Repealed)**

- a) ~~The appellant may represent himself at the hearing or may be represented by legal counsel or other authorized representative and need not be present at the hearing. Action or inaction of an authorized representative shall be deemed to be action or inaction of the appellant.~~
- b) ~~If the appellant is not present at the hearing, a written, signed authorization designating the representative to serve in said capacity shall be required if:~~
  - 1) ~~the representative is an employee, agent, or representative of a hospital;~~
  - 2) ~~the representative is an employee, agent, or representative of a group care facility; or~~
  - 3) ~~the hearing officer, in his judgment, has reason to question the representative's authority to serve in said capacity.~~
- e) ~~If written authorization is not available at the hearing, it shall:~~
  - 1) ~~Be presented to the hearing officer within two working days subsequent to the adjournment of the hearing.~~
  - 2) ~~If, in the judgment of the hearing officer, circumstances warrant a period greater than two days for presentation of written authorization, the time period established by the hearing officer shall be controlling.~~
  - 3) ~~If the authorization is not received within the time period provided it shall be deemed a non-appearance and dismissed pursuant to Section 104.60.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.22 Appellant Participation in Hearing (Repealed)**

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~The appellant and/or his representative shall have the opportunity to:~~

- ~~a) Examine the appellant's case record and obtain copies of case record material upon payment of a charge for reproduction. For food stamp appeals, copies of the parts of the case record which are relevant to the hearing shall be provided free if requested by the appellant or authorized representative.~~
- ~~b) Present evidence and witnesses in their behalf.~~
- ~~e) Refute testimony or other evidence and cross-examine witnesses.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.23 Evidentiary Requirements (Repealed)**

~~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.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.30 Subpoenas (Repealed)**

- ~~a) Subpoenas may be requested by the appellant and/or his representative prior to and/or at the hearing. Subpoenas may be granted at the discretion of the hearing officer.~~
- ~~b) The hearing officer may defer ruling on a request for a subpoena until after available evidence has been gathered and heard at the hearing.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.35 Amendment of Appeal (Repealed)**

~~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 hearing.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.40 Consolidation of Appeals (Repealed)**

- a) ~~The Department 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 complaint, and the only issue in question is one of:~~
- ~~1) State or Federal law or policy, or changes in State or Federal law or policy by AABD, AFDC, or MANG appellants.~~
  - ~~2) State law or policy, or changes in State law or policy by GA or AMI appellants.~~
- b) ~~Each appellant may, at his option, withdraw from the group and present his appeal individually.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.45 Postponement or Continuation of Hearings (Repealed)**

- a) ~~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 and a "continuance" is a decision not to proceed with a hearing that has convened.~~
- b) ~~A request to postpone or continue a hearing may be made prior to or at the hearing, and should be made as soon as the party or representative becomes aware that good cause might exist for either not appearing for, or not proceeding with, the hearing. See subsection (b)(2) for what constitutes "good cause".~~
- ~~1) All requests for postponement made prior to the hearing must be directed to the Assistance Hearings Section. Except for the first postponement at the appellant's request of a food stamp appeal, all requests for postponement made prior to the hearing must be in writing.~~
  - ~~2) The first postponement or continuance at the appellant's request of a food stamp appeal does not require a showing of good cause. All other requests for postponement made prior to the hearing ordinarily will be granted in~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~advance of the hearing only when the party or representative shows that he has good cause for not appearing for that hearing for reasons such as illness or similar circumstances beyond his reasonable control.~~

- 3) ~~At the hearing, the hearing officer may grant a request to continue the hearing when the party or representative shows that good cause exists for not proceeding with the hearing. If the request to continue the hearing 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.~~
- e) ~~Absent notice from the Assistance Hearings Section granting a postponement of the hearing, the appellant and/or his representative will be expected to appear for that hearing. If a request to postpone or continue a hearing is not granted and the appellant and/or his representative does not appear for or refuses to proceed with the hearing, the appeal will be dismissed in accordance with Section 104.60.~~
- d) ~~If the request for a continuance or postponement is granted, the Assistance Hearings Section 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: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.50 Withdrawal of Appeal (Repealed)**

~~An appeal may be withdrawn by the appellant and/or his authorized representative either prior to or at the hearing. A withdrawal must be in writing and signed by the appellant and/or representative, or on the record during the hearing.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.55 Closing of Hearing Record (Repealed)**

~~At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted by the Department or the appellant unless, prior to the adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence was made by the Department and/or the appellant and granted by the hearing officer.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

**Section 104.60 Dismissal of Appeal (Repealed)**

- a) ~~In the event appellant and/or his authorized representative does not appear at the time, date and place designated for the hearing, the appeal shall be deemed abandoned and shall be dismissed.~~
- b) ~~Refusal of the appellant and/or his authorized representative to proceed with the hearing shall be deemed a non appearance, and the appeal shall be deemed abandoned and shall be dismissed.~~
- e) ~~The appellant and/or his authorized representative shall be informed of the dismissal by written notice.~~
- d) ~~Request to vacate a dismissal must be in writing and signed by the appellant and/or his authorized representative. Such requests must be received by the Department not more than 10 calendar days subsequent to 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 which reasonably prohibits the appellant from attending the hearing, and/or~~
  - 3) ~~sudden and unexpected emergencies.~~
- f) ~~Disposition by dismissal is a Final Administrative Decision.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.70 Final Administrative Decision (Repealed)**

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~A decision on appeal shall be given the interested parties within 60 days from the date of the filing of the appeal unless additional time is required for a proper disposition of the appeal in AABD, AFDC, MANG, Food Stamp, GA, and AMI cases.~~
- e) ~~When the appealed action is not upheld, the Department shall take appropriate action, in accordance with the decision, including authorization of retroactive assistance benefits, if necessary.~~
- d) ~~Appropriate action implementing the results of the decision shall be taken within 90 days from the date of initiation of the appeal, extended by any delay in the hearing caused by the appellant. In Food Stamp cases, if the decision results in an increase in household benefits, the increase shall be reflected in the coupon allotment within 10 days of receipt of the hearing decision. If the decision results in a decrease of food stamp benefits, the decrease shall be reflected in the next scheduled issuance following receipt of the hearing decision.~~
- e) ~~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 inability to attend, the Department shall proceed with the planned change in assistance/food stamp benefits, unless the Department determines that there was good cause as defined in Section 104.60 for the non-appearances.~~
- f) ~~If an appellant dies before the date of hearing, the appeal process may be pursued by someone acting responsibly in the appellant's behalf.~~
- g) ~~Once a final decision is released by the Department or Committee, it is reviewable only through the Circuit Courts of the State of Illinois.~~
- h) ~~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 such correspondence or motion will delay the time for filing of a complaint in the Circuit Court.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.74 Surety Bonds (Repealed)**

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- a) ~~Effective July 1, 2012, the following individuals and entities may be required to post a surety bond as part of a condition of enrollment or participation in the Medical Assistance Program:~~
- ~~1) a vendor or a prior vendor who has been terminated, excluded or suspended from the Medical Assistance Program, or from another state or federal medical assistance or health care program;~~
  - ~~2) any individual currently or previously barred from the Medical Assistance Program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor during the time of any conduct that served as the basis for that vendor's termination, suspension or exclusion;~~
  - ~~3) a vendor or a prior vendor who has a debt owed to the Department;~~
  - ~~4) any individual currently or previously barred from the Medical Assistance Program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in that corporate or limited liability company vendor who has a debt owed to the Department, when the individual was in that position during the time of any conduct that served as the basis for the vendor's debt; or~~
  - ~~5) vendors, individuals or entities that demonstrated previous poor performance or conduct who pose a risk of fraud, waste, abuse or harm, as defined in 89 Ill. Adm. Code 140.13.~~
- b) ~~When required by the Department, the value of surety bond shall be based on:~~
- ~~1) the potential for loss to the Department;~~
  - ~~2) the value of claims historically submitted by the individual or entity to the Department, or to another state or federal medical assistance or health care program;~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- ~~3) the previous performance and conduct of the individual or entity; and~~
- ~~4) when a debt is owed the Department, the amount of the debt.~~
- e) ~~As used in this Section, "surety bond" means a bond executed by the individual or entity for enrollment or participation in the Medical Assistance Program and a person or firm authorized to conduct surety business in Illinois that obligates the guarantor to pay the Department or its designee upon default by the individual or entity in the performance of any duty the individual or entity owes to the Department or a third party.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.75 Immediate Suspension of a Vendor (Repealed)**

- a) ~~Effective July 1, 2012, anything in this Part to the contrary notwithstanding, upon making a determination based upon information in the possession of the Department that continuation of participation in the Medical Assistance Program by a vendor would constitute an immediate danger to the public, the Department may immediately suspend the vendor's participation in the Medical Assistance Program without a prior hearing.~~
- b) ~~In instances in which the Department immediately suspends the Medical Assistance Program participation of a vendor under subsection (a):~~
  - ~~1) The Department shall notify the vendor of the action in writing.~~
  - ~~2) A hearing upon the vendor's participation shall be convened by the Department within 15 days after suspension and completed without appreciable delay.~~
  - ~~3) The sole issue at hearing shall be held to determine whether to recommend to the Department Director that the vendor's Medical Assistance Program participation be denied, terminated, suspended, placed on provisional status or reinstated.~~
  - ~~4) The standard of proof at the hearing shall be a preponderance of the evidence.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 5) ~~Any evidence relevant to the vendor constituting an immediate danger to the public may be introduced against the vendor. The vendor, or his or her counsel, shall have the opportunity to discredit, impeach and submit evidence rebutting the evidence.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.80 Public Aid Committee (Repealed)**

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

- a) ~~In counties under township organization (except Cook County), the Committee shall consist of the Chairman of the County Board and four County Board members.~~
- b) ~~In Cook County, the Public Aid Committee shall consist of five Supervisors of General Assistance appointed by the President of the Cook County Board of Commissioners from townships outside the City of Chicago.~~
- e) ~~In Commission form counties, the Public Aid Committee shall consist of the County Board of Commissioners.~~

(Source: Repealed at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

**Section 104.102 Conduct of Administrative Support Hearings**

- a) Hearing De Novo
- 1) The hearing shall be de novo and the Department's determination of liability or non-liability pursuant thereto shall be independent of the prior determination of liability.
  - 2) In Title IV-D cases, the hearing shall only consider such matters as are relevant for a determination of the duty and financial ability to support under 89 Ill. Adm. Code 160.60 and 160.65.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- b) Rules Governing Hearing
- 1) Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by [89 Ill. Adm. Code 14.10](#)~~Sections 104.10~~ through [14.70](#)~~104.70~~, except that "appellant" as used within ~~that~~this Part shall refer to the responsible relative or Title IV-D client who petitions and except as set out in subsection (b)(2) of this Section.
  - 2) In Title IV-D cases, the following additional rules shall govern:
    - A) A request for appeal must be filed with the regional or central office of the Division of Child Support Enforcement at the address furnished in the administrative support order.
    - B) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.
    - C) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D clients and responsible relatives.
    - D) In the event of cross appeals, if the client is an Illinois resident, the hearing shall be held in the client's county of residence. Otherwise, if the appellant is an Illinois resident, the hearing shall be conducted in the appellant's county of residence. If the appellant is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the appellant nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the appellant, the client, and the Division of Child Support Enforcement. If a party is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Public Aid Code [305 ILCS 5/11-8.2], present his or her case through depositions and

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

witnesses. In addition, a party may request to participate in the hearing by telephone, at his or her own expense.

- E) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)
  - F) In addition to the appellant, the Division of Child Support Enforcement or Title IV-D client may request and receive a continuance for good cause shown (for example, illness or other circumstance which prevents a party from continuing in the normal course of the hearing).
  - G) Effective January 1, 2011, enforcement of administrative support orders entered under 89 Ill. Adm. Code 160.60 or modified under 89 Ill. Adm. Code 160.65 shall not be stayed pending the filing and resolution of a petition for release from or modification of the administrative support order.
  - H) Following the hearing, the Director of the Department shall make a Final Administrative Decision. A copy of the decision shall be mailed to each interested party and the parties' representatives, if any, within 90 days after the Department's receipt of the request for hearing, extended by any delay caused by any party other than the Department. The Department shall take appropriate action implementing the results of the decision within 30 days after its release.
- c) A hearing to vacate registration or to modify the administrative income withholding notice of the Department shall consider only matters ~~that~~ which would be available to the responsible relative as defenses in a civil action in Illinois to enforce a foreign money judgment (such as, payment, partial payment, or identification of the party against whom the judgment was entered). If the responsible relative shows the Department that an appeal from the registered support order is pending or will be taken in the court or administrative body of the jurisdiction which originally entered the order, or that a stay of execution has been granted, the Department shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the stay order is vacated.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

**Section 104.275 Surety Bonds**

- a) Effective July 1, 2012, the following individuals and entities may be required to post a surety bond as part of a condition of enrollment or participation in the Medical Assistance Program:
- 1) A vendor or a former vendor who has been terminated, excluded or suspended from the Medical Assistance Program, or from another state or federal medical assistance or health care program;
  - 2) Any individual currently or previously barred from the Medical Assistance Program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidence of ownership in a corporate or limited liability company vendor during the time of any conduct that served as the basis for that vendor's termination, suspension or exclusion;
  - 3) A vendor or a former vendor who has a debt owed to the Department;
  - 4) Any individual currently or previously barred from the Medical Assistance Program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidence of ownership in that corporate or limited liability company vendor who has a debt owed to the Department, when the individual was in that position during the time of any conduct that served as the basis for the vendor's debt; or
  - 5) Vendors, individuals or entities that demonstrated previous poor performance or conduct who pose a risk of fraud, waste, abuse or harm, as defined in 89 Ill. Adm. Code 140.13.
- b) When required by the Department, the value of the surety bond shall be based on:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) The potential for loss to the Department;
  - 2) The value of claims historically submitted by the individual or entity to the Department, or to another state or federal medical assistance or health care program;
  - 3) The previous performance and conduct of the individual or entity; and
  - 4) When a debt is owed to the Department, the amount of the debt.
- c) As used in this Section, "surety bond" means a bond executed by the individual or entity for enrollment or participation in the Medical Assistance Program and a person or firm authorized to conduct surety business in Illinois that obligates the guarantor to pay the Department or its designee upon default by the individual or entity in the performance of any duty the individual or entity owes to the Department or a third party.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 104.276 Immediate Suspension of a Vendor**

- a) Effective July 1, 2012, anything in this Part to the contrary notwithstanding, upon making a determination based upon information in the possession of the Department that continuation of participation in the Medical Assistance Program by a vendor would constitute an immediate danger to the public, the Department may immediately temporarily suspend the vendor's participation in the Medical Assistance Program without a prior hearing.
- b) In instances in which the Department immediately suspends a vendor from participation in the Medical Assistance Program under subsection (a):
  - 1) The Department shall notify the vendor of the action in writing.
  - 2) A hearing upon the vendor's participation shall be convened by the Department within 15 days after suspension and completed without appreciable delay.
  - 3) The sole issue at hearing shall be to determine whether to recommend to the Department Director that the vendor's Medical Assistance Program

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

participation be denied, terminated, suspended, placed on provisional status or reinstated.

- 4) The standard of proof at the hearing shall be a preponderance of the evidence.
- 5) Any evidence relevant to the vendor constituting an immediate danger to the public may be introduced against the vendor. The vendor, or his or her counsel, shall have the opportunity to discredit, impeach and submit evidence rebutting that evidence.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
307.4503	New Section
307.4508	New Section
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 13.3, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R17-8 rulemaking. A comprehensive description is contained in the Board's opinion and order of November 17, 2016, proposing amendments in docket R17-8, which opinion and order is available from the address below.

This proceeding updates the Illinois wastewater pretreatment rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during the period January 1, 2016 through June 30, 2017.

The following briefly summarizes the federal action in the update period:

June 28, 2016 (81 Fed. Reg. 41845)

USEPA adopted pretreatment standards for facilities in the unconventional oil and gas extraction (UOG) source category. The Board must incorporate the UOG source category pretreatment standards into the Illinois pretreatment regulations.

In addition to the federal actions that fall within the timeframe of this docket, the Board included one additional federal action that occurred later. This additional action directly impacted one of the actions that USEPA took within the timeframe that is involved.

September 30, 2016 (81 Fed. Reg. 67191)

USEPA extended the implementation date of the UOG pretreatment standards by a direct final rule. The Board adds this later-extended date to this docket for consideration together with the UOG pretreatment standards.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R17-8 which list the deviations from the literal text of the federal amendments. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R17-8.

Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does 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? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
307.3301	Amendment	40 Ill. Reg. 14580; October 28, 2016

- 11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a state mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R17-8 and be addressed to:

John T. Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Chicago IL 60601

Please direct inquiries to the following person and reference docket R17-8:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago IL 60601

312/814-6924  
email: michael.mccambridge@illinois.gov

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
  - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: 40 Ill. Reg. 8832; July 1, 2016

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 307  
SEWER DISCHARGE CRITERIA

## SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants
307.1006	Electronic Reporting

## SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

## SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelties, and Other Dairy Desserts

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

## SUBPART G: GRAIN MILLS

## Section

307.1601	Corn Wet Milling
307.1602	Corn Dry Milling
307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling
307.1605	Normal Rice Milling
307.1606	Parboiled Rice Milling
307.1607	Animal Feed
307.1608	Hot Cereal
307.1609	Ready-to-Eat Cereal
307.1610	Wheat Starch and Gluten

## SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

## Section

307.1700	General Provisions
307.1701	Apple Juice
307.1702	Apple Products
307.1703	Citrus Products
307.1704	Frozen Potato Products
307.1705	Dehydrated Potato Products
307.1706	Canned and Preserved Fruits
307.1707	Canned and Preserved Vegetables
307.1708	Canned and Miscellaneous Specialties

## SUBPART I: CANNED AND PRESERVED SEAFOOD

## Section

307.1801	Farm-Raised Catfish
307.1815	Fish Meal Processing Subcategory

## SUBPART J: SUGAR PROCESSING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

- 307.1901 Beet Sugar Processing
- 307.1902 Crystalline Cane Sugar Refining
- 307.1903 Liquid Cane Sugar Refining

## SUBPART K: TEXTILE MILLS

## Section

- 307.2000 General Provisions
- 307.2001 Wool Scouring
- 307.2002 Wool Finishing
- 307.2003 Low Water Use Processing
- 307.2004 Woven Fabric Finishing
- 307.2005 Knit Fabric Finishing
- 307.2006 Carpet Finishing
- 307.2007 Stock and Yarn Finishing
- 307.2008 Nonwoven Manufacturing
- 307.2009 Felted Fabric Processing

## SUBPART L: CEMENT MANUFACTURING

## Section

- 307.2101 Nonleaching
- 307.2102 Leaching
- 307.2103 Materials Storage Piles Runoff

## SUBPART M: CONCENTRATED ANIMAL FEEDING OPERATIONS

## Section

- 307.2201 General
- 307.2202 Ducks

## SUBPART N: ELECTROPLATING

## Section

- 307.2300 General Provisions
- 307.2301 Electroplating of Common Metals
- 307.2302 Electroplating of Precious Metals

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.2304	Anodizing
307.2305	Coatings
307.2306	Chemical Etching and Milling
307.2307	Electroless Plating
307.2308	Printed Circuit Boards

## SUBPART O: ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

## Section

307.2400	General Provisions
307.2401	Rayon Fibers
307.2402	Other Fibers
307.2403	Thermoplastic Resins
307.2404	Thermosetting Resins
307.2405	Commodity Organic Chemicals
307.2406	Bulk Organic Chemicals
307.2407	Specialty Organic Chemicals
307.2410	Indirect Discharge Point Sources
307.2490	Non-Complexed Metal-Bearing and Cyanide-Bearing Waste Streams
307.2491	Complexed Metal-Bearing Waste Streams

## SUBPART P: INORGANIC CHEMICALS MANUFACTURING

## Section

307.2500	General Provisions
307.2501	Aluminum Chloride Production
307.2502	Aluminum Sulfate Production
307.2503	Calcium Carbide Production
307.2504	Calcium Chloride Production
307.2505	Calcium Oxide Production
307.2506	Chlor-Alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
307.2508	Hydrofluoric Acid Production
307.2509	Hydrogen Peroxide Production
307.2511	Potassium Metal Production
307.2512	Potassium Dichromate Production
307.2513	Potassium Sulfate Production
307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

## SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps
307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

## SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

## SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

## SUBPART U: IRON AND STEEL MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating
307.3013	Other Operations

## SUBPART V: NONFERROUS METALS MANUFACTURING

## Section

307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

## SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating

## SUBPART Y: FERROALLOY MANUFACTURING

Section	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices
307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium

## SUBPART Z: LEATHER TANNING AND FINISHING

Section	
307.3500	General Provisions
307.3501	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save, Chrome Tan, Retan-Wet Finish
307.3503	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3504	Retan-Wet Finish-Sides

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.3505	No Beamhouse
307.3506	Through-the-Blue
307.3507	Shearling
307.3508	Pigskin
307.3509	Retan-Wet Finish-Splits
307.3590	Potassium Ferricyanide Titration Method

## SUBPART BA: GLASS MANUFACTURING

## Section

307.3601	Insulation Fiberglass
307.3602	Sheet Glass Manufacturing
307.3603	Rolled Glass Manufacturing
307.3604	Plate Glass Manufacturing
307.3605	Float Glass Manufacturing
307.3606	Automotive Glass Tempering
307.3607	Automotive Glass Laminating
307.3608	Glass Container Manufacturing
307.3610	Glass Tubing (Danner) Manufacturing
307.3611	Television Picture Tube Envelope Manufacturing
307.3612	Incandescent Lamp Envelope Manufacturing
307.3613	Hand Pressed and Blown Glass Manufacturing

## SUBPART BB: ASBESTOS MANUFACTURING

## Section

307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

## SUBPART BC: RUBBER MANUFACTURING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded, and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion, and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded, and Latex-Molded Rubber
307.3811	Latex Foam

## SUBPART BD: TIMBER PRODUCTS PROCESSING

## Section

307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving – Water Borne or Nonpressure
307.3907	Wood Preserving – Steam
307.3908	Wood Preserving – Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production without Water Wash Spray Booths or without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booths or with Laundry Facilities

## SUBPART BE: PULP, PAPER, AND PAPERBOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

307.4000	General Provisions
307.4001	Dissolving Kraft
307.4002	Bleached Papergrade Kraft and Soda
307.4003	Unbleached Kraft
307.4004	Dissolving Sulfite
307.4005	Papergrade Sulfite
307.4006	Semi-Chemical
307.4007	Mechanical Pulp
307.4008	Non-Wood Chemical Pulp
307.4009	Secondary Fiber Deink
307.4010	Secondary Fiber Non-Deink
307.4011	Fine and Lightweight Papers from Purchased Pulp
307.4012	Tissue, Filter, Non-Woven, and Paperboard from Purchased Pulp
307.4013	Groundwood-Thermo-Mechanical (Repealed)
307.4014	Groundwood-CMN Papers (Repealed)
307.4015	Groundwood-Fine Papers (Repealed)
307.4016	Soda (Repealed)
307.4017	Deink (Repealed)
307.4018	Nonintegrated-Fine Papers (Repealed)
307.4019	Nonintegrated-Tissue Papers (Repealed)
307.4020	Tissue From Wastepaper (Repealed)
307.4021	Papergrade Sulfite (Drum Wash) (Repealed)
307.4022	Unbleached Kraft and Semi-Chemical (Repealed)
307.4023	Wastepaper-Molded Products (Repealed)
307.4024	Nonintegrated-Lightweight Papers (Repealed)
307.4025	Nonintegrated-Filter and Nonwoven Papers (Repealed)
307.4026	Nonintegrated-Paperboard (Repealed)

## SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

## Section

307.4101	Builder's Paper and Roofing Felt (Repealed)
----------	---------------------------------------------

## SUBPART BG: MEAT PRODUCTS

## Section

307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

## SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

SUBPART BJ: OIL AND GAS EXTRACTION

<u>Section</u>	
<u>307.4503</u>	<u>Onshore Facility Standards</u>
<u>307.4508</u>	<u>Coalbed Methane Subcategory</u>

## SUBPART BL: CENTRALIZED WASTE TREATMENT

Section	
307.4700	General Provisions
307.4701	Metals Treatment and Recovery
307.4702	Oils Treatment and Recovery
307.4703	Organics Treatment and Recovery
307.4704	Multiple Waste Streams

## SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section	
307.4900	General Provisions
307.4901	Fermentation Products
307.4902	Extraction Products
307.4903	Chemical Synthesis Products
307.4904	Mixing/Compounding and Formulation
307.4905	Research (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART BQ: TRANSPORTATION EQUIPMENT CLEANING

- Section  
307.5200 General Provisions  
307.5201 Tank Trucks and Intermodal Tank Containers Transporting Chemical and Petroleum Cargos  
307.5202 Rail Tank Cars Transporting Chemical and Petroleum Cargos  
307.5203 Tank Barges and Ocean/Sea Tankers Transporting Chemical and Petroleum Cargos  
307.5204 Tanks Transporting Food Grade Cargos

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

- Section  
307.5301 Asphalt Emulsion  
307.5302 Asphalt Concrete  
307.5303 Asphalt Roofing  
307.5304 Linoleum and Printed Asphalt Felt

SUBPART BS: WASTE COMBUSTORS

- Section  
307.5401 Commercial Hazardous Waste Combustor

SUBPART BT: LANDFILLS

- Section  
307.5500 General Provisions  
307.5501 RCRA Subtitle C Hazardous Waste Landfill  
307.5502 RCRA Subtitle D Non-Hazardous Waste Landfill

SUBPART BU: PAINT FORMULATING

- Section  
307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section  
307.5701 Oil-Base Solvent Wash Ink

## SUBPART CD: PESTICIDE CHEMICALS

Section  
307.6500 General Provisions  
307.6501 Organic Pesticide Chemicals Manufacturing  
307.6502 Metallo-Organic Pesticides Chemicals Manufacturing  
307.6503 Pesticide Chemicals Formulating and Packaging  
307.6505 Repackaging of Agricultural Pesticides Performed at Refilling Establishments

## SUBPART CG: CARBON BLACK MANUFACTURING

Section  
307.6801 Carbon Black Furnace Process  
307.6802 Carbon Black Thermal Process  
307.6803 Carbon Black Channel Process  
307.6804 Carbon Black Lamp Process

## SUBPART CJ: BATTERY MANUFACTURING

Section  
307.7100 General Provisions  
307.7101 Cadmium  
307.7102 Calcium  
307.7103 Lead  
307.7104 Leclanche  
307.7105 Lithium  
307.7106 Magnesium  
307.7107 Zinc

## SUBPART CL: PLASTICS MOLDING AND FORMING

Section  
307.7300 General Provisions  
307.7301 Contact Cooling and Heating Water  
307.7302 Cleaning Water  
307.7303 Finishing Water

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART CM: METAL MOLDING AND CASTING

## Section

307.7400	General Provisions
307.7401	Aluminum Casting
307.7402	Copper Casting
307.7403	Ferrous Casting
307.7404	Zinc Casting

## SUBPART CN: COIL COATING

## Section

307.7500	General Provisions
307.7501	Steel Basis Material
307.7502	Galvanized Basis Material
307.7503	Aluminum Basis Material
307.7504	Canmaking

## SUBPART CO: PORCELAIN ENAMELING

## Section

307.7600	General Provisions
307.7601	Steel Basis Material
307.7602	Cast Iron Basis Material
307.7603	Aluminum Basis Material
307.7604	Copper Basis Material

## SUBPART CP: ALUMINUM FORMING

## Section

307.7700	General Provisions
307.7701	Rolling With Neat Oils
307.7702	Rolling With Emulsions
307.7703	Extrusion
307.7704	Forging
307.7705	Drawing With Neat Oils
307.7706	Drawing With Emulsions or Soaps

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART CQ: COPPER FORMING

## Section

307.7800	General Provisions
307.7801	Copper Forming
307.7802	Beryllium Copper Forming

## SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

## Section

307.7901	Semiconductor
307.7902	Electronic Crystals
307.7903	Cathode Ray Tube
307.7904	Luminescent Materials

## SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

## Section

307.8100	General Provisions
307.8101	Lead-Tin-Bismuth Forming
307.8102	Magnesium Forming
307.8103	Nickel-Cobalt Forming
307.8104	Precious Metals Forming
307.8105	Refractory Metals Forming
307.8106	Titanium Forming
307.8107	Uranium Forming
307.8108	Zinc Forming
307.8109	Zirconium-Hafnium Forming
307.8110	Metal Powders

## 307.APPENDIX A References to Previous Rules (Repealed)

**AUTHORITY:** Implementing Sections 7.2, 13, and 13.3 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3, and 27].

**SOURCE:** Adopted in R70-5, March 31, 1971; amended in R70-8/R71-14/R71-20, March 7, 1972; amended in R74-3, October 30, 1975; amended in R74-15/R74-16 at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17 at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21 at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

7818; amended in R82-5/R82-10 at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9 at 14 Ill. Reg. 3100, effective February 20, 1990; amended in R89-12 at 14 Ill. Reg. 7620, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7377, effective April 27, 1992; amended in R93-2 at 17 Ill. Reg. 19483, effective October 29, 1993; amended in R94-10 at 19 Ill. Reg. 9142, effective June 23, 1995; amended in R95-22 at 20 Ill. Reg. 5549, effective April 1, 1996; amended in R97-23 at 21 Ill. Reg. 11930, effective August 12, 1997; amended in R99-4 at 23 Ill. Reg. 4413, effective March 31, 1999; amended in R99-17 at 23 Ill. Reg. 8421, effective July 12, 1999; amended in R00-15 at 24 Ill. Reg. 11640, effective July 24, 2000; amended in R01-5 at 25 Ill. Reg. 1735, effective January 11, 2001; amended in R01-25 at 25 Ill. Reg. 10867, effective August 14, 2001; amended in R03-13 at 27 Ill. Reg. 15095, effective September 10, 2003; amended in R04-1 at 28 Ill. Reg. 3076, effective February 6, 2004; amended in R04-18 at 28 Ill. Reg. 10661, effective July 13, 2004; amended in R05-4/R05-15 at 29 Ill. Reg. 6921, effective April 26, 2005; amended in R06-13 at 30 Ill. Reg. 17811, effective October 26, 2006; amended in R08-5/R08-7/R08-13 at 32 Ill. Reg. 18986, effective November 26, 2008; amended in R13-7 at 37 Ill. Reg. 1936, effective February 4, 2013; amended in R17-8 at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART BJ: OIL AND GAS EXTRACTIONSection 307.4503 Onshore Facility Standards

- a) Applicability. This Section applies to facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry that are not included within subpart F of 40 CFR 435 (2016) (Stripper Subcategory), incorporated by reference. This incorporation includes no later amendments or editions.

BOARD NOTE: Subsection (a) is derived from 40 CFR 435.30 (2016).

- b) Specialized Definitions. For the purpose of this Section, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 (2016), incorporated by reference, apply to this Section. This incorporation includes no later amendments or editions.

BOARD NOTE: Subsection (b) is derived from 40 CFR 435.31 (2016).

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

c) Pretreatment Standards for Existing Sources (PSES)

- 1) PSES for Wastewater from Unconventional Oil and Gas Extraction Except as provided in 40 CFR 403.7 and 403.13, incorporated by reference, any existing source subject to this Section must achieve the following PSES. This incorporation by reference includes no later amendments or editions.
  - A) There must be no discharge of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (including, but not limited to, drilling muds, drill cuttings, produced sand, or produced water) into publicly owned treatment works.
  - B) For the purposes of this subsection (c) and subsection (d), the following definitions apply:
    - i) "Unconventional oil and gas" means crude oil and natural gas produced by a well drilled into a shale or tight formation (including, but not limited to, shale gas, shale oil, tight gas, or tight oil).
    - ii) "Drill cuttings" means the particles generated by drilling into subsurface geologic formations and carried out from the wellbore with the drilling fluid.
    - iii) "Drilling mud" means the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure.
    - iv) "Produced sand" means the slurried particles used in hydraulic fracturing, the accumulated formation sands, and scales particles generated during production. Produced sand also includes desander discharge from the produced water waste stream and blowdown of the water phase from the produced water treating system.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

v) "Produced water" means the fluid brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and includes, where present, formation water, injection water, and any chemicals added downhole or during the oil/water separation process.

C) Compliance Deadline for Existing Sources. Existing sources lawfully discharging into publicly owned treatment works on or between April 7, 2015 and June 28, 2016 must comply with the PSES before August 29, 2019. All other existing sources must immediately comply.

BOARD NOTE: Corresponding 40 CFR 435.33(a)(3) provides, "All other existing sources shall comply by August 29, 2016."

2) PSES for Wastewater from Conventional Oil and Gas Extraction. This subsection (c)(2) corresponds with 40 CFR 435.33(a)(2), which USEPA has marked "reserved" to clarify that the pretreatment standards of 40 CFR 435.33 do not apply to conventional oil and gas extraction. This statement fulfills USEPA's intent in the Illinois standards.

BOARD NOTE: Subsection (c) is derived from 40 CFR 435.33 (2016), as amended at 81 Fed. Reg. 67191 (Sept. 30, 2016).

d) Pretreatment Standards for New Sources (PSNS)

1) Wastewater from Unconventional Oil and Gas Extraction. Except as provided in 40 CFR 403.7 and 403.13, incorporated by reference, any new source with discharges subject to this Section must achieve the following PSNS. This incorporation by reference includes no later amendments or editions. There must be no discharge of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (including, but not limited to, drilling muds, drill cuttings, produced sand, or produced water) into publicly owned treatment works.

2) PSNS for Wastewater from Conventional Oil and Gas Extraction. This subsection (d)(2) corresponds with 40 CFR 435.34(b), which USEPA has marked "reserved" to clarify that the pretreatment standards of 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

435.34 do not apply to conventional oil and gas extraction. This statement fulfills USEPA's intent in the Illinois standards.

BOARD NOTE: Subsection (d) is derived from 40 CFR 435.34 (2016).

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 307.4508 Coalbed Methane Subcategory**

This Section corresponds with subpart H of 40 CFR 435, which USEPA has marked "reserved" to clarify that the pretreatment standards of subpart C of 40 CFR 435 do not apply to coalbed methane. This statement fulfills USEPA's intent in the Illinois standards.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
100.3380	Amendment
100.3390	Amendment
- 4) Statutory Authority: 35 ILCS 5/304(f)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Sections 100.3380 and 100.3390 to reflect PA 98-478, which IITA Section 304(f) to provide that an alternative formula for apportioning business income to Illinois could be allowed or required if the statutory formula did not fairly represent the market for the taxpayer's goods and services in Illinois (rather than the extent of the taxpayer's business activities in Illinois under prior law) and to reflect current Department of Revenue policies.
- 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 a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Brian Stocker  
Staff Attorney  
Illinois Department of Revenue

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

Legal Services Office  
101 West Jefferson  
Springfield IL 62796

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance for small businesses that are required to use an alternate apportionment formula to determine the amount of their business income that is taxable by Illinois.
  - 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: June 2016

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

## Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

## SUBPART B: CREDITS

## Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.2198 Economic Development for a Growing Economy Credit (IITA 211)  
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

## Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES  
OCCURRING ON OR AFTER DECEMBER 31, 1986

## Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

## SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

- Section
- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

## SUBPART F: BASE INCOME OF INDIVIDUALS

- Section
- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

## Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

## SUBPART J: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

## Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

## SUBPART K: COMPENSATION

## Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3373 Sales Factor for Publishing
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3450 Apportionment of Business Income of Transportation Companies (IITA Section 304(d))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART N: ACCOUNTING

## Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

## SUBPART O: TIME AND PLACE FOR FILING RETURNS

## Section

- 100.5000 Time for Filing Returns (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns
- 100.5060 Reportable Transactions (IITA Section 501(b))
- 100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
- 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

## SUBPART P: COMPOSITE RETURNS

## Section

- 100.5100 Composite Returns: Eligibility (IITA Section 502(f))
- 100.5110 Composite Returns: Responsibilities of Authorized Agent
- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income (IITA Section 502(f))
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credits on Separate Returns
- 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"
- 100.5180 Composite Returns: Overpayments and Underpayments

## SUBPART Q: COMBINED RETURNS

## Section

- 100.5200 Filing of Combined Returns
- 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
- 100.5205 Election to File a Combined Return
- 100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
- 100.5215 Filing of Separate Unitary Returns (IITA Section 304(e))
- 100.5220 Designated Agent for the Members
- 100.5230 Combined Estimated Tax Payments
- 100.5240 Claims for Credit of Overpayments
- 100.5250 Liability for Combined Tax, Penalty and Interest
- 100.5260 Combined Amended Returns
- 100.5265 Common Taxable Year
- 100.5270 Computation of Combined Net Income and Tax
- 100.5280 Combined Return Issues Related to Audits

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART R: PAYMENTS

Section  
100.6000 Payment on Due Date of Return (IITA Section 601)

## SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
100.7000 Requirement of Withholding (IITA Section 701)  
100.7010 Compensation Paid in this State (IITA Section 701)  
100.7020 Transacting Business Within this State (IITA Section 701)  
100.7030 Payments to Residents (IITA Section 701)  
100.7035 Nonresident Partners, Subchapter S Corporation Shareholders, and Trust  
Beneficiaries (IITA Section 709.5)  
100.7040 Employer Registration (IITA Section 701)  
100.7050 Computation of Amount Withheld (IITA Section 702)  
100.7060 Additional Withholding (IITA Section 701)  
100.7070 Voluntary Withholding (IITA Section 701)  
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
100.7090 Reciprocal Agreement (IITA Section 701)  
100.7095 Cross References

## SUBPART T: AMOUNT EXEMPT FROM WITHHOLDING

Section  
100.7100 Withholding Exemption (IITA Section 702)  
100.7110 Withholding Exemption Certificate (IITA Section 702)  
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART U: INFORMATION STATEMENT

Section  
100.7200 Reports for Employee (IITA Section 703)

## SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7380 Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

## SUBPART W: ESTIMATED TAX PAYMENTS

- Section
- 100.8000 Payment of Estimated Tax (IITA Section 803)
- 100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

## SUBPART X: COLLECTION AUTHORITY

- Section
- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

## SUBPART Y: NOTICE AND DEMAND

- Section
- 100.9100 Notice and Demand (IITA Section 902)

## SUBPART Z: ASSESSMENT

- Section
- 100.9200 Assessment (IITA Section 903)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

## SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

## Section

100.9300 Deficiencies and Overpayments (IITA Section 904)  
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART BB: CREDITS AND REFUNDS

## Section

100.9400 Credits and Refunds (IITA Section 909)  
100.9410 Limitations on Claims for Refund (IITA Section 911)  
100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART CC: INVESTIGATIONS AND HEARINGS

## Section

100.9500 Access to Books and Records (IITA Section 913)  
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)  
100.9510 Taxpayer Representation and Practice Requirements  
100.9520 Conduct of Investigations and Hearings (IITA Section 914)  
100.9530 Books and Records

## SUBPART DD: JUDICIAL REVIEW

## Section

100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART EE: DEFINITIONS

## Section

100.9700 Unitary Business Group Defined (IITA Section 1501)  
100.9710 Financial Organizations (IITA Section 1501)  
100.9720 Nexus  
100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))  
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

Section 1501)

## SUBPART FF: LETTER RULING PROCEDURES

Section  
100.9800 Letter Ruling Procedures

## SUBPART GG: MISCELLANEOUS

Section  
100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents  
100.TABLE A Example of Unitary Business Apportionment  
100.TABLE B Example of Unitary Business Apportionment for Groups Which  
Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990;

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1,

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

**Section 100.3380 Special Rules (IITA Section 304)**a) Determining Business Activity or Market Within Illinois

## 1) Petition

IITA Section 304(f) provides that *if the allocation and apportionment provisions of subsections (a) through (e) and of subsection (h) do not, for taxable years ending before December 31, 2008, fairly represent the extent of a person's business activity in this State, or do not, for taxable years ending on or after December 31, 2008, fairly represent the market for the person's goods, services, or other sources of business income, the*

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

*person may petition for, or the Director may require, in respect of all or any part of the person's business activity, if reasonable:*

- A) *Separate accounting;*
- B) *The exclusion of any one or more factors;*
- C) *The inclusion of one or more additional factors which will fairly represent the person's business activities or market in this State; or*
- D) *The employment of any other method to effectuate an equitable allocation and apportionment of the person's business income.*

## 2) Director's Determination

The Director has determined that, in the instances described in this Section, the apportionment provisions provided in subsections (a) through (e) and (h) of IITA Section 304 do not fairly represent the extent of a person's business activity or market within Illinois. For tax years beginning on or after the effective date of a rulemaking amending this Section to prescribe a specific method of apportioning business income, all nonresident taxpayers are directed to apportion their business income employing that method in order to properly apportion their business income to Illinois. Taxpayers whose business activity or market within Illinois is not fairly represented by a method prescribed in this Section and who do not want to use that method for a tax year beginning after the effective date of the rulemaking adopting that method must file a petition under Section 100.3390 requesting permission to use an alternative method of apportionment. For tax years beginning prior to the effective date of the rulemaking adopting a method of apportioning business income, the Department will not require a taxpayer to adopt that method; provided, however, if any taxpayer has used that method for any of those tax years such tax year, the taxpayer must continue to use that method for that tax year. Moreover, a taxpayer may file a petition under Section 100.3390 to use a method of apportionment prescribed in this Section for any open tax year beginning prior to the effective date of the rulemaking adopting that method, and that such petition shall be granted in the absence of facts showing that that such method will not fairly represent the extent of a person's business activity or market in Illinois.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- b) Property Factor. The following special rules are established in respect to the property factor in IITA Section 304(a)(1):
- 1) If the subrents taken into account in determining the net annual rental rate under Section 100.3350(c) produce a negative or clearly inaccurate value for any item of property, another method that will properly reflect the value of rented property may be required by the Director or requested by the person. In no case however shall the value be less than an amount that bears the same ratio to the annual rental rate paid by the person for the property as the fair market value of that portion of the property used by the person bears to the total fair market value of the rented property.  
  
EXAMPLE~~Example~~: A corporation rents a 10-story building at an annual rental rate of \$1,000,000. The corporation occupies two stories and sublets eight stories for \$1,000,000 a year. The net annual rental rate of the taxpayer must not be less than two-tenths of the corporation annual rental rate for the entire year, or \$200,000.
  - 2) If property owned by others is used by the person at no charge or rented by the person for a nominal rate, the net annual rental rate for the property shall be determined on the basis of a reasonable market rental rate for ~~that~~such property.
- c) Sales Factor. The following special rules are established in respect to the sales factor in IITA Section 304(a)(3):
- 1) For taxable years ending on or before December 31, 2008, in~~in~~ the case of sales in which neither the origin nor the destination of the sale is within this State, and the person is taxable in neither the state of origin nor the state of destination, the sale will be attributed to this State (and included in the numerator of the sales factor) if the person's activities in this State in connection with the sales are not protected by the provisions of P.L. 86-272, 15 USC 381-385. Although P.L. 86-272, by its terms covers only sales of tangible personal property, its rules regarding a state's power to impose a net income tax, for purposes of this special rule, will be applied whether the sale is of tangible or intangible property. This subsection (c)(1) shall not apply in taxable years ending on or after December 31, 2008, because attributing the sale to this State is not required by IITA Section 304(a)(3) and does not fairly represent the market for the person's

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

goods, services, or other sources of business income in this State.

EXAMPLEExample: A corporation's salesman operates out of an office in Illinois. He regularly calls on customers both within and without Illinois. Orders are approved by him and transmitted to the corporation's headquarters in State A. If the property sold by the salesman is shipped from a state in which the corporation is not taxable to a purchaser in a state in which the corporation is not taxable, the sale is attributable to Illinois.

- 2) When gross receipts arise from an incidental or occasional sale of assets used in the regular course of the person's trade or business, those such gross receipts shall be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded. Gross receipts from the sale of stock in a subsidiary will also be excluded. Exclusion of these gross receipts from the sales factor is appropriate for several reasons, more than one of which may apply to a particular sale, including:
- A) incidental or occasional sales are not made in the market for the person's goods, services or other ordinary sources of business income;
  - B) to the extent that gains realized on the sale of assets used in a taxpayer's business are comprised of recapture of depreciation deductions, the economic income of the taxpayer was understated in the years in which those deductions were taken. The recapture gains that reflect a correction of that understatement should be allocated using a method approximating the factors that were used in apportioning the deductions. If the business otherwise remains unchanged, including the gross receipts from the sale in the sales factor numerator of the state in which the assets were located would allocate a disproportionate amount of the recapture gains to that state compared to how the deductions being recaptured were allocated;
  - C) to the extent the gain on the sale is attributable to goodwill or similar intangibles representing the value of customer relationships, including the gross receipts from the sale in the sales

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

factor will not reflect the market for the taxpayer's goods, services or other ordinary sources of business income to the extent the sourcing of the receipts from that sale differs from the sales factor computed without regard to that sale; and

D) in the case of sales of assets that are made in connection with a partial or complete withdrawal from the market in the state in which the assets are located, including the gross receipts from those sales in the sales factor would increase the business income apportioned to that state when the taxpayer's market in that state has decreased.

- 3) When the income producing activity relevant to the sourcing of~~in respect to~~ business income from intangible personal property can be readily identified, ~~that such~~ income is included in the denominator of the sales factor and, if the income producing activity occurs in this State, in the numerator of the sales factor as well. For example, with respect to taxable years ending before December 31, 2008, usually the income producing activity can be readily identified in respect to interest income received on deferred payments on sales of tangible property (see Section 100.3370(a)(1)(A)).
- 4) When business income from intangible property is sourced according to the income producing activity, and the income cannot readily be attributed to any income producing activity of the person, the income cannot be assigned to the numerator of the sales factor for any state and shall be excluded from the denominator of the sales factor. The following provisions illustrate this concept:
- A) Subpart F (26 USC 951-964) income is passive income generated by the mere holding of an intangible. For taxable years ending on or after December 31, 1995, subpart F income is excluded from the sales factor under IITA Section 304(a)(3)(D). For prior taxable years, there is a rebuttable presumption that subpart F income is not includable in either the numerator or the denominator of the sales factor. If a taxpayer wishes to include subpart F income in either the numerator or the denominator of the sales factor, the burden of proof is on the taxpayer to identify the income producing activities and to situs those activities within a particular state, or

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- B) When business income in the form of dividends received on stock during taxable years ending before December 31, 1995, or interest received on bonds, debentures or government securities results from the mere holding of intangible personal property by the person, those dividends and interest shall be excluded from the denominator of the sales factor.
- 5) In the case of sales in the regular course of business of ~~business~~ intangibles (including, by means of example, without limitation, patents, copyrights, bonds, stocks and other securities), gross receipts shall be disregarded and only the net gain (loss) shall be included in the sales factor, provided that, for taxable years ending on or after December 31, 2008, only net gains shall be included in the sales factor for sales sourced under IITA Section 304(a)(3)(C-5)(iii).

EXAMPLE: In 1990, Corporation A, a calendar year taxpayer, sells stock with an adjusted basis of \$98,000,000 for \$100,000,000, realizing a federal net capital gain of \$2,000,000. Only the net capital gain of \$2,000,000 is reflected in A's sales factor for the taxable year ending December 31, 1990.

- 6) Hedging Transactions
- A) A "hedging transaction" is a transaction entered into by a taxpayer in the normal course of business primarily to manage interest rate risk or the risk of price or currency fluctuations. (See 26 USC 475(c)(3), 1221(b)(2)(A) and 1256(e)(2).) The purpose of the sales factor in IITA Section 304(a) is to apportion the business income of a taxpayer conducting an interstate business to this State based on this State's relative share of the marketplace for the goods and services sold by the taxpayer in the course of its business. Gains and losses on hedging transactions entered into to manage the risks associated with the acquisition of resources by a taxpayer (for example, price fluctuations in commodities consumed in the taxpayer's business) do not reflect the market for the taxpayer's goods and services and, therefore, should be excluded from the sales factor. Gains and losses on hedging transactions entered into to manage risks associated with the gross income the taxpayer

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

expects from its sales of goods and services (for example, the effect of foreign currency fluctuations on the dollar amount of gross income the taxpayer will receive from sales to a particular foreign country) are best accounted for in the sales factor as adjustments to the gross receipts from the transactions whose risks are being hedged. Gains and losses on hedging transactions that manage risks associated with both acquisitions and sales of the taxpayer (for example, electricity futures bought or sold by a taxpayer engaged in the business of buying and selling electrical power), or that otherwise cannot be associated with a particular transaction or class of transactions in the computation of the sales factor, should be excluded from the sales factor. Federal income tax law provides a framework for identifying gains and losses from hedging transactions to the transactions or class of transactions being hedged and for keeping records necessary to support the identifications. The federal practice should be followed for State purposes.

- B) General Rule. Except as provided in subsection (c)(6)(C), any income, gain or loss from a transaction properly identified as a hedge under 26 USC 1221(b)(2)(A), 475(c)(3) or 1256(e)(2) is excluded from the numerator and denominator of the sales factor.
- C) Special Rule. With respect to any hedging transaction described in subsection (c)(6)(B) as to which identification requirements of subsection (c)(6)(D) are satisfied, any income, gain or loss from the hedging transaction shall be included in the denominator of the sales factor if the gross receipts from the hedged item are included in the denominator. That income, gain or loss shall be included in the numerator of the sales factor if the gross receipts from the hedged item are included in the numerator of the sales factor, and shall be excluded from the numerator of the sales factor if the gross receipts from the hedged item are excluded from the numerator of the sales factor. If the hedging transaction relates to an identified group of hedged items, the income, gain or loss from the hedging transaction is included in the numerator of the sales factor in the same proportion that the gross receipts from the group of hedged items are included in the numerator of the sales factor.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- D) Identification Required. The identification requirements of this subsection (c)(6)(D) are met if the taxpayer's books and records clearly identify a hedging transaction as managing risk relating to a particular item or items of gross receipts, including anticipated items of gross receipts, that must be included in the sales factor. The identification must be made at the time and in the manner required under 26 USC 475(c)(3), 26 CFR 1.1221-2(f) and (g), or 26 CFR 1.1256(e)-1 and the taxpayer's books and records include the information necessary to apply subsection (c)(6)(C).
- E) This subsection (c)(6) does not apply to any hedging transaction that, for federal income tax purposes, is integrated with the hedged item, such as under 26 CFR 1.988-5 or 1.1275-6. In addition, for purposes of this subsection (c)(6):
- i) a transaction entered into by one member of a federal consolidated group identified as a hedge against a risk of another member of the federal consolidated group under the "single-entity approach" in 26 CFR 1.1221-2(e)(1) is not a hedging transaction if the two members of the federal consolidated group are not members of the same unitary business group, because the transaction is not hedging against a risk faced by the taxpayer entering into the transaction; and
  - ii) a transaction entered into by one member of a unitary business group with another member of the unitary business group is not a hedging transaction, because the risk remains within the group, except in the case of a transaction identified under 26 CFR 1.1221-2(f) or (g) as a hedging transaction between two member of a unitary business group who are also members of a federal consolidated group that has made the "separate entity election" in 26 CFR 1.1221-2(e)(2) with regard to hedging transactions.
- F) EXAMPLES: The provisions of this subsection (c)(6) may be illustrated by the following examples:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- i) Taxpayer expects that, during its next production cycle, it will need 10 tons of commodity Y for its interstate manufacturing business. Commodity Y is a raw material used by Taxpayer in the manufacture of its inventory. In order to hedge against exposure to changes in the price of commodity Y, Taxpayer enters into a forward contract to purchase 10 tons of commodity Y. The forward contract is identified as a hedging transaction under IRC section 1221(b)(2)(A). Under subsection (c)(6)(B), any income, gain or loss recognized with respect to the forward contract is excluded from the numerator and denominator of the sales factor.
- ii) On January 1, 2008, Taxpayer owns 10 tons of commodity X, which it holds for sale in the ordinary course of business and expects to sell during its taxable year ending December 31, 2008. To hedge against price fluctuations in commodity X, on January 10, 2008, while Taxpayer still owns commodity X, it sells the equivalent of 10 tons of commodity X futures contracts on a futures exchange. Taxpayer expects to sell commodity X to customers in various states, including Illinois. The futures contract is identified as a hedging transaction under IRC section 1221(b)(2)(A), and Taxpayer properly identifies the futures contract as required under subsection (c)(6)(D) as hedging gross receipts from sales of commodity X. Under subsection (c)(6)(C), any gain or loss taken into account by Taxpayer during its taxable year with respect to the futures contract is included in the denominator of the sales factor, and is included in the numerator of the sales factor in the same proportion that gross receipts from actual sales of commodity X during the taxable year are included in the numerator of the sales factor. If a loss is recognized on the futures contract, the loss is treated as a reduction (but not below zero) of the gross receipts from the sale of commodity X in computing the sales factor.
- iii) Taxpayer is a corporation on the accrual method of accounting with the U.S. dollar as its functional currency.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

On January 1, 2008, Taxpayer acquires 1,500 British pounds (£) for \$2,250 (£1 = \$1.50). The acquisition of £1,500 is properly identified by Taxpayer as a hedging transaction under IRC section 1221(b)(2)(A). On February 5, 2008, when the spot rate is £1 = \$1.55, Taxpayer purchases inventory from its supplier by paying £1,500. Accordingly, Taxpayer recognizes \$75 exchange gain for federal income tax purposes upon disposition of the British pounds. The \$75 exchange gain is excluded from both the numerator and denominator of the sales factor under subsection (c)(6)(B).

- iv) Taxpayer is a calendar year corporation with the U.S. dollar as its functional currency. Based on past experience, Taxpayer anticipates making 2009 first quarter sales to customers in New Zealand of 100,000 New Zealand dollars (NZD). In order to hedge against currency fluctuations related to the anticipated first quarter sales, on December 31, 2008, Taxpayer enters into a forward contract to sell 100,000 NZD on March 31, 2009 for \$48,000. The forward contract is identified as a hedging transaction under 26 USC 1221(b)(2)(A), and the Taxpayer properly identifies the transaction as hedging its anticipated New Zealand sales in accordance with subsection (c)(6)(D). During the first quarter of its 2009 taxable year, Taxpayer makes sales to its New Zealand customers of 90,000 NZD. Under IITA Section 304(a), gross receipts from its New Zealand sales are included in the denominator of the Taxpayer's sales factor and are excluded from the numerator of the sales factor. Under subsection (c)(6)(C), any gain or loss recognized on the forward contract is included in the denominator of the Taxpayer's sales factor and is excluded from the numerator of the factor. This treatment is required even though the Taxpayer's sales to New Zealand customers were less than anticipated. Any loss recognized on the forward contract is treated as a reduction (but not below zero) of the gross receipts from sales to New Zealand customers that are included in the denominator of the sales factor.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

## 7) Section 988 Transactions

- A) Section 988 Transactions. For sales factor purposes, foreign currency gain or loss that is computed under 26 USC 988, with respect to accrued interest income or expense, gain or loss on a debt instrument, a payable, a receivable or a forward contract payable in a foreign currency described in 26 CFR 1.988-1(a)(2) is treated as an adjustment to the income, expense, gain or loss. Accordingly, the foreign currency gain or loss is included in the numerator and denominator of the sales factor only to the extent that the income to which the foreign currency gain or loss relates is included in the numerator and denominator of the sales factor. Foreign currency gains and losses with respect to expense are excluded from the numerator and denominator of the sales factor.

EXAMPLES: The provisions of this subsection (c)(7)(A) may be illustrated by the following examples:

- i) Taxpayer is a corporation on the accrual method of accounting with the U.S. dollar as its functional currency. On January 1, 2008, Taxpayer converts \$13,000 to 10,000 British pounds (£) at the spot rate of £1 = \$1.30 and loans the £10,000 to Y for 3 years. The terms of the loan provide that Y will make interest payments of £1,000 on December 31 of 2008, 2009 and 2010 and will repay Taxpayer's £10,000 principal on December 31, 2010. Based on average spot rates for 2008, 2009 and 2010 of £1 = \$1.32, £1 = \$1.37 and £1 = \$1.42, respectively, Taxpayer accrues interest income of \$1,320 for 2008, \$1,370 for 2009, and \$1,420 for 2010. Under IITA Section 304(a), the accrued interest income is included in the denominator of Taxpayer's sales factor, but is excluded from the numerator of its sales factor. Based on spot rates on December 31, 2008, December 31, 2009 and December 31, 2010 of £1 = \$1.35, £1 = \$1.40 and £1 = \$1.45, respectively, Taxpayer recognizes for federal income tax purposes exchange gain of \$30 upon receipt of the interest on December 31 of 2008, 2009 and 2010. In addition, Taxpayer recognizes, for

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

federal income tax purposes, exchange gain of \$1,500 upon repayment of the loan principal on December 31, 2010.

Under subsection (c)(7)(A), the \$30 of exchange gain recognized with respect to the accrued interest for 2008, 2009 and 2010 is included in the denominator of Taxpayer's sales factor and is excluded from the numerator of its sales factor. The \$1,500 of exchange gain with respect to the repayment of principal on December 31, 2010 is excluded from both the numerator and denominator of Taxpayer's sales factor because repayment of principal on a loan is not included in the sales factor.

- ii) Taxpayer is a corporation on the accrual method of accounting with the U.S. dollar as its functional currency. On January 15, 2008, Taxpayer sells inventory for 10,000 Canadian dollars (C\$). The spot rate on January 15, 2008 is C\$1 = U.S. \$.55. Under IITA Section 304(a), \$5,500 in gross receipts from this sale is included in the denominator of Taxpayer's sales factor, and is excluded from the numerator of the sales factor. On February 23, 2008, when Taxpayer receives payment of the C\$10,000, the spot rate is C\$1 = U.S. \$.50. For federal income tax purposes, Taxpayer recognizes (\$500) of exchange loss upon receipt of C\$10,000 on February 23, 2008. Under subsection (c)(7)(A), the (\$500) exchange loss with respect to the January 15, 2008 sale is included in the denominator of the Taxpayer's sales factor and is excluded from the numerator of the sales factor. The exchange loss is reflected as a reduction of the denominator of the Taxpayer's sales factor.

- B) Section 986(c)(1) Foreign Exchange Gain or Loss on Distributions of Previously Taxed Income. Foreign currency gain or loss recognized pursuant to 26 USC 986(c)(1) on distributions of amounts previously taxed to the recipient as subpart F income or as earnings of a qualified electing fund shall be excluded from both the numerator and denominator of the sales factor because those distributions are excluded from federal gross income and, therefore, from the sales factor.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- d) Unitary Partners: Inclusion of shares of partnership unitary business income and factors in combined unitary business income and factors of partners.
- 1) IITA Section 304(e) provides that whenever *2 or more persons are engaged in a unitary business as described in IITA Section 1501(a)(27), a part of which is conducted in this State by one or more members of the group, the business income attributable to this State by any ~~such~~ member or members shall be apportioned by means of the combined apportionment method.* Because partnerships may be members of a unitary business group within the meaning of IITA Section 1501(a)(27), this provision requires a partnership to use combined apportionment when it is engaged in a unitary business with one or more of its partners. However, partners who are not engaged in a unitary business with the partnership are required to include their shares of the partnership's business income apportioned to Illinois in their Illinois net incomes under IITA Section 305(a), and those partners' business activities or share of the partnership's market in Illinois would not be represented fairly by their shares of partnership income computed by combining the business income and apportionment factors of the partnership with the business income and apportionment factors of its unitary partners.
- 2) Accordingly, except in a case in which substantially all of the interests in the partnership (other than a publicly-traded partnership under 26 USC section 7704 of the Internal Revenue Code) are owned or controlled by members of the same unitary business group, when the business activities of a partnership and any of its partners' business activities constitute a unitary business:
- A) The partner's distributive share of the business income and apportionment factors of the partnership shall be included in that partner's business income and apportionment factors. In determining the business income of the partnership, transactions between the unitary partner (or members of its unitary business group) and the partnership shall not be eliminated. However, all transactions between the unitary business group and the partnership shall be eliminated for purposes of computing the apportionment factors of the partner and of any other member of the unitary business group.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

EXAMPLE: Partner and Partnership are engaged in a unitary business. Partner owns a 20% interest in Partnership. Partnership has \$10,000,000 in sales everywhere, \$3,000,000 of which are to Partner, and \$4,000,000 in Illinois sales, \$1,000,000 of which are to Partner. In computing its apportionment factor, Partner will include \$1,400,000 from Partnership in its everywhere sales (20% of Partnership's \$10,000,000 in everywhere sales, after eliminating the \$3,000,000 in sales to Partner) and \$600,000 from Partnership in its Illinois sales (20% of Partnership's \$4,000,000 in Illinois sales, after eliminating the \$1,000,000 in sales to Partner). Also, Partner must eliminate any sales it made to Partnership.

- B) If a partnership and one of its partners are engaged in a unitary business and the partnership is itself a partner in a second partnership:
- i) If the partner is not engaged in a unitary business with the second partnership, the partner's share of the first partnership's share of the business income and apportionment factors of the second partnership shall not be included in the partner's business income and apportionment factors. Instead, the partner's share of the first partnership's share of the base income apportioned to Illinois by the second partnership will be included in the partner's Illinois net income.
  - ii) If the partner is engaged in a unitary business with the second partnership, the partner's share of the first partnership's share of the business income and apportionment factors of the second partnership shall be included in the partner's business income and apportionment factors.
- 3) This subsection (d) shall not apply to a partner's shares of business income and apportionment factors from any partnership that cannot be included in a unitary business group with that partner.

A) This subsection (d) does not apply because:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- iA) the partner and the partnership are required to apportion their business income using different apportionment formulas under IITA Section 304, and therefore cannot be members of a unitary business group under IITA Section 1501(a)(27); or
    - iiB) the business activities of either the partner or the partnership outside the United States are equal to or greater than 80% of the total worldwide business activities of that partner or partnership, as determined under Section 1502(a)(27) of the IITA. In applying this 80-20 test to a taxpayer, no apportionment factors of any partnership shall be included in the apportionment factors of that taxpayer pursuant to this subsection (d).
  - B) If the partnership is itself a partner in a second partnership, and one of its partners is engaged in a unitary business with the second partnership and is not prohibited from being a member of a unitary business group that includes the second partnership under subsection (d)(3)(A)(i) or (ii) ~~or (B)~~, that partner shall include in its business income and apportionment factors its share of the partnership's share of the second partnership's business income and apportionment factors.
- 4) If substantially all of the interests in a partnership (other than a publicly-traded partnership under 26 USC section 7704 of the Internal Revenue Code) are owned or controlled by members of the same unitary business group as the partnership, the partnership shall be treated as a member of the unitary business group for all purposes, and, for purposes of applying IITA Section 305(a) to any nonresident partner who is not a member of the same unitary business group, the business income of the partnership apportioned to this State shall be determined using the combined apportionment method prescribed by IITA Section 304(e). For purposes of this subsection (d), substantially all of the interests in a partnership are owned or controlled by members of the same unitary business group if more than 90% of the federal taxable income of the partnership is allocable to one or more of the following persons:
- A) any member of the unitary business group;

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- B) any person who would be a member of the unitary business group if not for the fact that 80% or more of ~~that~~such person's business activities are conducted outside the United States;
- C) any person who would be a member of the unitary business group except for the fact that ~~the~~such person and the partnership apportion their business incomes under different subsections of IITA Section 304; or
- D) any person who would be disallowed a deduction for losses by ~~IRC paragraphs (b), (c), and (f)(1) of section 267(b), (c) and (f)(i) of the Internal Revenue Code~~ by virtue of being related to any person described in subsections (d)(4)(A), (B) or (C) of this Section, as well as any partnership in which a person described in subsections (d)(4)(A), (B) or (C) is a partner.
- 5) EXAMPLEEXAMPLE:
- A) Corporation A owns a 50% interest in P-1, a partnership. Corporation A and P-1 are engaged in a unitary business within the meaning of IITA Section 1501(a)(27). P-1 itself conducts no business activities in Illinois, and the Illinois numerator of its apportionment factor is zero. P-1 holds a 50% interest in P-2, a partnership doing business exclusively in Illinois. P-1 has \$1.4 million of taxable business income, not including any income from P-2. P-2 has base income of \$1 million, all of which is business income, and on a separate-entity basis, all of its business income would be apportioned to Illinois.
- B) If Corporation A and P-2 are not members of the same unitary business group, Corporation A would compute its business income apportioned to Illinois by including \$700,000 (50% of \$1.4 million) of P-1's business income in Corporation A's business income, and 50% of P-1's apportionment factors in its apportionment factors. Corporation A also would include in its Illinois net income its 50% share of P-1's 50% share of the base of P-2 apportionable to Illinois, or \$250,000 (50% of 50% of \$1 million).

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- C) If Corporation A, P-1 and P-2 are members of the same unitary business group, P-1 will include 50% of P-2's business income and 50% of P-2's apportionment factors in its own business income and apportionment factors. Accordingly, P-1's business income will be \$1.9 million (the \$1.4 million it earned directly plus its 50% share of P-2's \$1 million in business income). Corporation A will then compute its business income apportioned to Illinois by including its 50% share of P-1's business income, or \$950,000 (50% of \$1.9 million) with its business income and its 50% share of P-1's apportionment factors (which will include P-1's share of P-2's apportionment factors) in its apportionment factors.
- D) If Corporation A, P-1 and P-2 are unitary, but P-1 cannot be included in a unitary business group with Corporation A and P-2 because those entities apportion their business income under IITA Section 304(a) and P-1 is a financial organization that apportions its business income under IITA Section 304(c), Corporation A will include in its business income and apportionment factors its 50% share of P-1's 50% share of the business income and apportionment factors of P-2. Also, Corporation A's Illinois net income will include 50% of the business income of P-1 apportioned to Illinois by P-1 using its own apportionment factors. Because, in this example, P-1 is not doing business in Illinois, none of its business income will be included in Corporation A's Illinois net income.
- e) Apportionment of Business Income by Foreign Taxpayers.
- 1) Under 26 USCA 882, foreign corporations include only effectively-connected income in their federal taxable income. Foreign taxpayers may exclude other items of income from their federal taxable income if authorized under treaty, as provided in 26 USCA 894. Using a foreign taxpayer's worldwide apportionment factors to determine how much of its domestic business income should be apportioned to Illinois would not fairly represent that taxpayer's business activities or market within Illinois. Accordingly, a foreign taxpayer shall use only the apportionment factors related to its domestic business income when apportioning its business income to Illinois. Similarly, in determining whether 80% or more of a

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

foreign taxpayer's total business activity is conducted outside the United States for purposes of IITA Section 1501(a)(27), that taxpayer must use only the apportionment factors related to the business income included in its federal taxable income (plus addition modifications), rather than use all of its worldwide factors.

- 2) Foreign Sales Corporations. Under 26 USC 921, "exempt foreign trade income" of a foreign sales corporation is treated as foreign source income excluded from gross income. "Exempt foreign trade income" is defined in 26 USC 923 to equal the sum of the amounts of income derived from various categories of transaction, with the income from each category multiplied by specific percentages. As a general rule, there is no systematic relationship between transactions qualifying for this treatment and any particular item of property or payroll of a foreign sales corporation. Accordingly, the provisions of subsection (e)(1) of this Section shall not apply to a foreign sales corporation and, in apportioning its business income and in determining whether 80% or more of its business activity is conducted outside the United States, a foreign sales corporation shall use all of its apportionment factors.

(Source: Amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))**

- a) In general. IITA Section 304(f) provides that, if the allocation and apportionment provisions of IITA Section 304(a) through (e) do not, for taxable years ending before December 31, 2008, fairly represent the extent of the person's business activity in this State, or do not, for taxable years ending on or after December 31, 2008, fairly represent the market for the person's goods, services or other sources of business income, the person may petition for or the Director may require, in respect of all or any part of the person's business activity, if reasonable:
  - 1) separate accounting;
  - 2) the exclusion of any one or more of the factors;
  - 3) the inclusion of one or more additional factors which will fairly represent the person's business activity in this State; or

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 4) the employment of any other method to effectuate an equitable allocation and apportionment of the person's income.
- b) The petition procedures provided in this Section are exclusive means by which a taxpayer may petition for an alternative apportionment formula. Any attempt to invoke an alternative apportionment formula by a method or procedure other than as specified in this Section shall not be considered a valid petition under IITA Section 304(f). Pursuant to Section 304(f), the Director has sole and exclusive authority to grant a petition for an alternative apportionment formula.
- c) Burden of Proof. A departure from the required apportionment method is allowed only ~~when those~~~~where such~~ methods do not accurately and fairly reflect business activity in Illinois (for taxable years ending before December 31, 2008) or market in Illinois (for taxable years ending on or after December 31, 2008). An alternative apportionment method may not be invoked, either by the Director or by a taxpayer, merely because it reaches a different apportionment percentage than the required statutory formula. However, if the application of the statutory formula will lead to a grossly distorted result in a particular case, a fair and accurate alternative method is appropriate. The party (the Director or the taxpayer) seeking to utilize an alternative apportionment method has the burden or going forward with the evidence and proving by clear and ~~convincing~~~~eogent~~ evidence that the statutory formula results in the taxation of extraterritorial values ~~or~~ and operates unreasonably and arbitrarily in attributing to Illinois a percentage of income ~~that~~~~which~~ is out of all proportion to the business transacted in this State (for taxable years ending before December 31, 2008) or the market for the taxpayer's goods, services or other sources of business income in this State (for taxable years ending on or after December 31, 2008). In addition, the party seeking to use an alternative apportionment formula must go forward with the evidence and prove that the proposed alternative apportionment method fairly and accurately apportions income to Illinois based upon business activity in this State (for taxable years ending before December 31, 2008) or the market for the taxpayer's goods, services or other sources of business income in this State (for taxable years ending on or after December 31, 2008).
- d) Filing Procedure. A petition for alternative apportionment must be clearly labeled "Petition for Alternative Allocation or Apportionment" and be supported by sufficient facts and information to allow the Director to determine whether the taxpayer has met the burden of proof required under subsection (b)-~~above~~. A

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

petition will be summarily rejected if its sole basis for support rests on the fact that an alternative method reaches a different apportionment percentage than the required statutory formula. Petitions must be submitted to:

Illinois Department of Revenue  
Legal Services Bureau/Income Tax  
101 W. Jefferson Street  
Springfield IL ~~6270262794-9001~~

- e) Timely Filed Petitions. A taxpayer petition for use of a separate accounting method or any other alternative apportionment method will not be considered by the Director unless ~~that such~~ petition has been timely filed. A taxpayer who petitions the Director for an alternative apportionment formula does so subject to the Department's right to verify, by audit of the taxpayer's return and supporting books and records within the applicable statute of limitations, the facts submitted as the basis of the petition. A petition for alternative allocation or apportionment is timely filed if the petition is filed:
- 1) 120 days prior to the due date of the tax return (including extensions) for which permission to use ~~an such~~ alternative method is sought. A taxpayer who does not petition more than 120 days prior to the due date of the original return must file the return and pay tax according to the statutorily approved allocation or apportionment method. If the petition is approved, the Department shall grant permission to use an alternative apportionment method in the form of a private letter ruling issued under 2 Ill. Adm. Code 1200.110.
  - 2) as an attachment to a return amending an original return which was filed using the statutory allocation and apportionment rules. A taxpayer who has not filed a petition for alternative apportionment under subsection (e)(1)~~above~~, or whose subsection (e)(1) petition has been rejected, may thereafter file ~~a such~~ petition with an amended return. The explanations section of the amended return should state that the amended return includes a petition for alternative apportionment that should be referred to the Legal Services Bureau/Income Tax, and a copy of the amended return should be mailed to the Legal Services Bureau/Income Tax, at the address in subsection (d). If the amended return results in a claim for refund, and the Department will consider the petition, along with any other issues raised in the claim for refund, pursuant to the procedures set forth at

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

Section ~~100.9400100.9110~~ of this Part.

- 3) as part of a protest or petition to the Illinois Independent Tax Tribunal regarding a notice of deficiency issued as a result of the audit of the taxpayer's return and supporting books and records; provided that the audit adjustments being protested result in the need for the petition for alternative apportionment. Alternative apportionment may not be raised in a protest or petition to the Illinois Independent Tax Tribunal regarding a notice of deficiency unless the taxpayer has requested in writing that the auditor allow the use of alternative apportionment and the request was denied, or the audit disallows an alternative method of apportionment used by the taxpayer on its return. The disallowance of the use of alternative apportionment in an audit may be reviewed by the Informal Conference Board. ~~to a notice of deficiency if such petition could have been submitted under subsection (e)(1) or (e)(2) above (i.e., the petition for an alternative apportionment formula is not necessitated by the proposed adjustments made to the taxpayer's return during the course of the audit).~~
- f) Consideration of Petitions
- 1) After consideration of a petition for alternative apportionment under subsections (e)(1) or (e)(2) ~~above~~, the Director will issue a ruling letter advising the taxpayer that the petition has been accepted, partially accepted or rejected.
  - 2) If the petition is partially accepted (i.e., ~~when~~ where the Director finds that the taxpayer has established that apportionment relief is warranted but disagrees with the taxpayer's proposed alternative apportionment method) the Director shall so notify the taxpayer of the reasons for rejecting the proposed alternative apportionment formula. The taxpayer may then submit a modified alternative apportionment formula for the Director's approval, or protest the Director's rejection of the proposed alternative apportionment formula by requesting an administrative hearing on the matter.
  - 3) If a taxpayer's petition is rejected in its entirety, the Director will state the reasons for the rejection of the petition.
- g) Appeal Procedures. A denial of a petition for alternative apportionment ~~which~~

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

~~petition was~~ submitted under ~~subsections~~ (e)(1) or (e)(2)-~~above~~ is not a final administrative decision and may be protested as provided in this subsection (g) herein. If the petition is submitted prior to the filing of the original return under subsection (e)(1)-~~above~~, and is denied, the taxpayer must file and pay tax using the statutory formula. A taxpayer who has filed using the statutory formula after denial of a petition for alternative apportionment may file an amended return claiming a refund based upon the original petition. Additional information in support of the taxpayer's petition for alternative apportionment may be submitted for the Director's reconsideration at that time. If the claim for refund is denied, the taxpayer may file a protest pursuant to IITA Section 910 and request an administrative hearing, or file a petition with the Illinois Independent Tax Tribunal, solely on the issue of alternative apportionment or in addition to other issues raised in the claim for refund.

- h) Bifurcated Administrative Hearings
- 1) The taxpayer will have waived the right to raise alternative apportionment as an issue in the administrative hearing or before the Illinois Independent Tax Tribunal if the taxpayer has not complied with procedures set forth in this Section.
  - 2) ~~When~~Where a protest to a notice of deficiency or a claim denial raises the issue of alternative apportionment in addition to other issues, the administrative hearing shall proceed in two distinct phases.
    - A) All issues other than the petition for alternative apportionment, which have properly been raised in the protest to the notice of deficiency or claim denial, shall be considered first. The ALJ shall conduct the hearing and the taxpayer shall present its case. The ALJ shall not accept any evidence with regard to alternative apportionment until the taxpayer and the Department have rested their case with regard to all other issues raised in the protest to the notice of deficiency or claim denial.
    - B) When the taxpayer and the Department have rested with regard to all other issues raised in the protest of the notice of deficiency or claim denial, the ALJ shall conduct the hearing and the taxpayer shall present its case in support of its petition for alternative apportionment. Evidence allowed into the record with regard to all

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

other issues raised in the protest of the notice of deficiency or claim denial shall be deemed to be allowed into the record with regard to the protest to the Director's denial of alternative apportionment and need not be resubmitted. However, on any issue as to which evidence has already been allowed with regard to the protest of the notice of deficiency or claim denial, the ALJ shall allow submission of additional evidence on the issue of alternative apportionment.

- C) In ~~such~~ bifurcated hearings, the ALJ shall issue a two-part recommendation to the Director. The first part of the recommendation shall address all other issues raised in the protest of the notice of deficiency or claim denial and the second part of the recommendation shall be a determination of whether the taxpayer has met its burden of proof under subsection (b)-~~above~~.

3) Proceedings before the Illinois Independent Tax Tribunal shall be conducted according to the rules of the Illinois Independent Tax Tribunal.

- i) Director's Decision after Administrative Hearing
- 1) The Director will consider the ALJ's recommendation. If the Director agrees that the taxpayer has met his burden of proof under subsection (b) ~~above~~ and that the formula proposed by the taxpayer and recommended by the ALJ fairly and accurately apportions income to Illinois based upon the taxpayer's business activity in this State, the Director will accept the recommendation of the ALJ and it will become final.
  - 2) If the Director, after considering the ALJ's decision, agrees that the taxpayer has met its burden of proof under subsection (b)-~~above~~, but finds that the proposed alternative apportionment formula does not fairly and accurately apportion income to Illinois based upon the taxpayer's business activity in this State, the Director's decision will so state and will provide an appropriate alternative apportionment formula. The Director's decision will be final for purpose of administrative review.
  - 3) If the Director finds that the taxpayer has not established by clear and ~~convincing~~ evidence that the statutory formula results in the taxation of extraterritorial values, and operates unreasonably and

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

arbitrarily in attributing to Illinois a percentage of income ~~that~~<sup>which</sup> is out of all proportion to the business transacted in this State, or the market in this State, and also finds that the taxpayer's proposed alternative apportionment formula is not permissible, the Director shall issue his or her decision so stating. The taxpayer may ~~seek~~<sup>seek</sup> administrative review of this final decision of the Director. If the court finds that the taxpayer has met the burden of proof under subsection (b) that an alternative apportionment formula is warranted, but agrees with the Director that the alternative apportionment formula proposed by the taxpayer does not fairly and accurately reflect the taxpayer's business activities in this State, and the case is remanded to the Department, the Director shall provide an appropriate alternative apportionment formula. The designation of a formula by the Director is a final administrative decision of the Department subject to administrative review by the court.

(Source: Amended at 41 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) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1.423	New Section
1.443	New Section
1.APPENDIX B	New Section
1.APPENDIX H	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.167(d) and 110 ILCS 148/20 and 25
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-674, effective July 29, 2016, creates the Postsecondary Workforce Readiness Act [110 ILCS 148]. Among other initiatives to ensure students are ready for postsecondary education and careers, Section 20 of the Act establishes the Competency-based, High School Graduation Requirements Pilot Program. The Pilot Program allows participating school districts to choose the year and course requirements it wishes to replace with a competency-based learning system. The Pilot Program is limited to high schools.

The first two annual cohorts will be limited to no more than 12 school districts. A school district may only submit one application per cohort. School districts with a population over 500,000 may not include more than six schools.

Section 20 outlines the Pilot Program requirements. Competency-Based learning systems provide students opportunities to demonstrate mastery of material in ways that mirror how the work would occur outside of schooling. Further, schools that engage in this work and students who demonstrate competency should earn credit toward graduation requirements. Each school district's competency-based learning system pilot program plan, must:

- show the proposed learning system supports its community's efforts to better prepare high school students for college, career, and life;
- have a plan for educator administrator and educator professional development;
- determine how core academic areas that will be replaced (mathematics, English language arts and science) will be mastered through learning opportunities including Career and Technical Education work experiences;
- develop a community engagement and communications plan;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- develop a plan for assigning course grades within the system;
- establish a plan for collecting and assessing student progress;
- develop a system for data collection and reporting to the State Board;
- partner with a community college and institution of higher education to consult with the development and administration of the learning system; and
- have a plan to engage feeder elementary schools.

Section 25 of the Act establishes the two-phase application system. The first phase is the initial application and selection while the second phase is the full development and implementation of the competency-based learning system. The State Board is required to develop and issue an application that includes:

- a demonstration of commitment from school district leaders, participating teachers and the community college and higher education partners;
- what year and course requirements will be replaced;
- a general description of how the learning system will be implemented;
- prior professional development and stakeholder engagement; and
- any waivers or modifications to the School Code or administrative rules.

The proposed administrative rules establish the standards for applying for the Pilot Program. All applications must include:

- the cover packet with all the information in Section 20 of the Act;
- a narrative providing a general description of the school district's plan for implementing the Pilot Program, addressing the statutory requirements; and
- a section detailing how the program will be monitored and evaluated.

Applications will be evaluated using the following criteria for review:

- strength of local commitment (20 points);
- prior professional development and stakeholder engagement (20 points);
- quality of proposed plan (50 points (project goals, 10 points; project narrative, 25 points; evaluation, 10 points)); and
- diversity points (10 points (school district type, up to 2 points, school district size, up to 2 points, geographical location, up to 2 points; plan approach, up to 4 points)).

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

The State Superintendent will notify approved school districts no later than 45 days after the close of the application period. Participating school districts must submit reports to the State Board assessing the implementation of the program along with any recommendations for modifications.

Finally, pursuant to Section 25(d) of the Act, the State Superintendent may remove a participating school district from the Pilot Program. The State Superintendent will consider the school district's failure to abide by the conditions submitted in its application when deciding to remove a school district. Sections 1.423 and 1.APPENDIX B implement PA 99-674 and have simultaneously been adopted by emergency rule.

PA 99-780, effective August 12, 2016, created the State Global Scholar Certification. This certification recognizes public high school students who have attained global competence. The certification will be affixed to a student's diploma and transcript upon graduation.

Students receiving this certification must:

- complete eight globally-focused courses;
- participate in at least one globally-focused service learning activity or experience;
- participate in a global collaboration or dialogue, and
- complete and pass the Global Scholar Capstone Performance-Based Assessment.

Globally-focused courses must address world issues, perspectives, concerns or culture throughout the duration of the course. Examples of globally-focused courses include world languages; world geography; literature of another country, region, or culture; and international agri-science or agriculture. Other courses may qualify if they meet the listed criteria. Eligible service learning opportunities must be approved by the Global Scholar Committee and must be tied to the student's coursework and align with the Illinois Learning Standards. The global collaboration/dialogue must allow the student to demonstrate his/her ability to effectively communicate with peers whose culture is significantly different. These dialogues may take place person-to-person, through virtual means or as part of the service learning experience.

Finally, the Global Scholar Capstone Performance-Based Assessment requires the student:

- to report on a question addressing a global issue or concern;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- indicate a research-based investigation;
- develop research-based conclusions and a proposal to address the global issue;
- communicate with at least two people impacted by the issue or with an expert on that issue;
- create an artifact (e.g., video, painting, presentation) demonstrating his/her research;
- take action to affect change relating to the issue or concern; and reflect on his/her entire experience.

The assessment will be evaluated on 11 criteria that include the development of the global question/issue, the student's ability to gather information from global stakeholder groups, whether the research the student gathered was sufficient to answer his/her global question, and how the student engaged stakeholders to present his/her findings.

In addition, the proposed rulemaking establishes notification deadlines for participating schools to report their intent to participate to the State Board. The proposed rulemaking also establishes standards for the school district's Global Scholar Committee and for scoring the student's assessments. The proposed rulemaking requires school districts to submit an annual report to the State Board no later than 30 days after the end of the school year. School districts must make information regarding the Global Scholar Certificate available on their websites. Surveys must be distributed to students and educators participating in the Global Scholar Certificate program to evaluate the program as a whole.

- 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 incorporation by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.425	Amendment	40 Ill. Reg. 12896; Sept. 9, 2016

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 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 rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:  
  
Lindsay M. Bentivegna  
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) This rulemaking was not included on either of the 2 most recent Agendas because: It was not anticipated at the time of the regulatory agendas.

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)
- 1.79 School Report Card
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance 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
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- [1.423 Competency-Based High School Graduation Requirements Pilot Program](#)
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- [1.443 Illinois Global Scholar Certificate](#)
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

## 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

- 1.700 Requirements for Staff Providing Professional Development
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 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
- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B [Competency-Based High School Graduation Requirements Pilot Program](#)  
[Criteria for Review](#)~~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)
- 1.APPENDIX H [Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate](#)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 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, 2-3.159, 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,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

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; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: THE INSTRUCTIONAL PROGRAM

**Section 1.423 Competency-Based High School Graduation Requirements Pilot Program**

Section 20 of the Postsecondary Workforce Readiness Act [110 ILCS 48] (the Act) authorizes a pilot program for school districts to provide career-oriented education through competency-based instruction. This Section sets forth the process to apply for approval to participate in the Competency-Based High School Graduation Requirements Pilot Program (the Program) and the reporting requirements and conditions for removal from the Program.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

a) Definitions

"Adaptive Competencies" means foundational skills needed for success in college, careers and life, such as, but not limited to, work ethic, professionalism, communication, collaboration and interpersonal skills, and problem-solving.

"Community College" means a public community college organized under the Public Community College Act [110 ILCS 805]. (Section 10 of the Act)

b) Eligible Applicants

School districts participating in the Program may select the year and course graduation requirement it wishes to replace with a competency-based learning system. A school district with a student population under 500,000 may participate in the pilot program for some or all of its schools serving grades 9-12. Those with over 500,000 students may only select six schools to participate in the project. (See Section 25(g) of the Act.)

c) A school district wishing to participate in the Program shall submit an application to the State Board of Education that addresses each of the components listed in Section 20 of the Act and subsection (d) of this Section. If a school district withdraws its application, the State Board will consider additional school districts.d) In addition to addressing each of the components in Section 20 of the Act, each application shall include:1) Cover Packet

A) School district contact information, including the name, email and telephone number of the Program Director;

B) Year the Program will be implemented;

C) List of schools participating in the Program;

D) Graduation requirements from Section 27-22 of the School Code [105 ILCS 5] the Program will replace;

E) The name of each teacher participating in the Program and the subject/grade he or she teaches for each participating school;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- F) A description of how teachers have been engaged throughout the application process;
  - G) A description of how the local community college and an institution of higher education have been involved in the application process;
  - H) A description of the school district's prior professional development and stakeholder engagement efforts during the application process, including any prior implementation of professional development for major district instructional initiatives;
  - I) Identification of community partners and how they will support the Program;
  - J) Name, position and signature of all standing Planning and Implementation Committee members;
  - K) Any waivers of the School Code or administrative rules in accordance with Section 2-3.25(g) of the School Code; and
  - L) Signatures of the district superintendent; school board president; exclusive bargaining unit president, if there is one, and, if there is no bargaining unit president, a representative selected by the district educators; community college representative; and institution of higher education representative.
- 2) Proposal Narrative  
Provide a general description of the district's plan for implementing the Program. Include a description of the Program's vision and goals as well as innovative features for student success that will be addressed, indicate the intended impact of the flexibility requested in the plan, provide activities and a timeline for meeting the goals, and describe the expected outcome for students. The narrative should address all of the following elements:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- A) How students will demonstrate mastery of all required competencies to earn credit;
  - B) How students will demonstrate mastery of Adaptive Competencies defined by the school district in addition to academic competencies;
  - C) How students will advance once they have demonstrated mastery. If needed, how students shall receive more time and personalized instruction to demonstrate mastery;
  - D) How students will have the ability to attain advanced postsecondary education and career-related competencies beyond those needed for graduation;
  - E) How students will be assessed using multiple measures to determine mastery, usually requiring application of knowledge; and
  - F) How students will be able to earn credit toward graduation requirements in ways other than traditional coursework, including learning opportunities outside the traditional classroom setting, such as Supervised Career Development Experiences.
- 3) Evaluation and Sustainability  
Describe how the Program will be monitored and evaluated and how the results will be reported. Indicate how the impact on increasing student success and/or other stated goals and objectives will be shared within your district and beyond (parents, community, etc.).
- e) Criteria for Review and Approval of Proposals  
The school districts selected to participate in the Program will be evaluated on the following criteria (also see Appendix B):
- 1) Strength of Local Commitment (20 Points)
    - A) List participating schools including signature of school principal.
    - B) List of teachers participating in the Program.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- C) List of the Planning and Implementation Committee, including their signatures.
  - D) Inclusion of the plan for involvement by the local community college and an institution of higher education.
- 2) Prior Professional Development and Stakeholder Engagement (20 Points)
- A) Description of how teachers have been engaged throughout the application process.
  - B) Description of how the local community college and a higher education institution have been actively engaged throughout the application process.
  - C) Description of district's prior professional development and stakeholder engagement efforts to support successful development of the application and implementation of the plan.
  - D) Description of community partners that will support the system's implementation.
- 3) Quality of Proposed Plan (50 Points)
- A) Project Goals (10 points)
    - i) The proposal identifies clear, realistic, measurable goals.
    - ii) The goals clearly specify how student achievement will be impacted.
  - B) Project Narrative (25 points)
    - i) The proposal relates to innovative practices based upon research, previously collected district data, best practices, or additional information.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- ii) The proposed activities are likely to produce measurable results and improve student achievement.
  - iii) The proposal provides a description of how it will meet all elements required to be included in the Program.
  - iv) The proposal provides a description of the district's plan for engaging the high schools with their feeder elementary schools in the establishment and administration of the Program.
- C) Evaluation (15 points)
- i) The proposal includes a description of the process for evaluating the project, including a preliminary timeline for the collection of data.
  - ii) The data from the proposed evaluation plan will be evaluated to determine if progress toward attaining the project goals is being made.
  - iii) The proposal provides a plan that provides multiple opportunities to share the results of the project with all stakeholders.
- 4) Diversity Points (10 Points)
- A) School District Type (Up to 2 points)
  - B) School District Size (Up to 2 points)
  - C) Geographical Location (Up to 2 points)
  - D) Plan Approach (multiple subjects vs. one subject, type subject, etc.) (Up to 4 points)
- f) The State Superintendent of Education will notify school districts approved for participation in the Pilot Program no later than 45 days following the close of the application period.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- g) The standing Planning and Implementation Committee shall submit reports assessing the district's plan or implementation of the Program. Reports shall also include any recommendations for modifications or improvements for the Program. Reports shall be included in the initial application and the Program plan, and thereafter shall be submitted annually to the State Board. Reports may be submitted by mail to the State Board of Education Springfield Office (100 N. First Street, Springfield IL 62777) or via email at [competencypilot@isbe.net](mailto:competencypilot@isbe.net). Annual reports must be submitted no later than July 1.
- h) Removal from the Program  
Pursuant to Section 25(d) of the Act, the State Superintendent may remove a school district from the Program for failing to submit a full plan that meets the specifications in subsection (c)(3) of this Section. The Superintendent will consider the school district's failure to abide by the conditions submitted in its application when deciding to remove a school district from the Program.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.443 Illinois Global Scholar Certificate**

In accordance with Section 2-3.167 of the School Code [105 ILCS 5], a school district may establish a program to recognize public high school graduates who have attained global competence, sufficient for meaningful use in college and career, by designating on a student's transcript and high school diploma his or her receipt of the Illinois Global Scholar Certificate, provided that all the conditions of this Section are met.

- a) Attainment of Global Competency Sufficient for use in College and Career  
A school district may award the Illinois Global Scholar Certificate to any high school graduate who demonstrates global competency by successfully meeting all of the following criteria:
- 1) Complete Eight Globally-Focused Courses
- A) Students earning the Illinois Global Scholar Certificate must complete a total of eight globally-focused courses from at least two different academic disciplines (i.e., science, social studies, fine arts, English/language arts/communication arts, world languages (i.e., foreign or classical languages), mathematics, career and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

technical education, physical education, family and consumer science, etc.).

- B) A globally-focused course may be a year-long course or a semester long course.
- C) Courses will be designated as "globally-focused" by the school district in conjunction with the Global Scholar Committee (as described in subsection (f)(1)) using specific processes and materials provided by the State Board. Courses must:
- i) investigate the world;
  - ii) recognize the perspectives of self and others;
  - iii) communicate ideas to diverse audiences; and
  - iv) provide opportunities to take action to improve conditions in a manner consistent with the learning standards adopted by the State of Illinois.
- D) Globally-focused courses must address world issues, perspectives, concerns or culture throughout the duration of the course. Courses that employ a global focus or address global topics in some units but not others are not sufficient to be deemed globally-focused courses, nor are courses that survey global arts, foods or music without at least 1/3 of class time being devoted to the investigation/research into the phenomena, and/or assessment of the global and cultural context from which the phenomena arise.
- E) The following commonly-taught courses are likely to be designated as globally-focused:
- i) World languages;
  - ii) International economics, international business or global marketing;
  - iii) World history/non-U.S. history;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- iv) World geography;
  - v) Comparative cultures, comparative religions, comparative government;
  - vi) Science, technology, engineering and math (STEM) courses with global application/perspective;
  - vii) International relations or foreign relations;
  - viii) Literature of another country, region or culture;
  - ix) International agri-science or agriculture; and
  - x) Other globally-focused courses that meet the requirements detailed in Appendix H.
- 2) School districts wishing to require a specific globally-focused course or sequence of courses are encouraged to do so. For example, one school district may opt to require a course (or sequences of courses) in global studies or world languages, while another district may develop defined global pathways in STEM, world language or fine arts. In addition, school districts having limited course offerings may approve specific summer or online coursework, provided that coursework is credit-bearing and meets the Illinois Learning Standards, as well as the requirements described in subsection (a)(1). School districts may offer additional course options that comply with subsection (a)(1) (see Appendix H).
- 3) Participate in at least one Sustained Globally-focused Service Learning Activity or Experience
- A) Service learning is defined as activities that:
    - i) actively engage and educate the student within the local community in meaningful, globally-focused service activities that promote understanding of diversity and mutual respect among all participants;

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- ii) allow the student to be self-directed in initiating, planning, implementing and evaluating throughout the experience;
  - iii) are designed with sufficient duration and intensity to address community needs within a global context;
  - iv) engage participants in an ongoing process to assess the quality of implementation and progress toward meeting specified goals, and use of the results for improvement and sustainability; and
  - v) incorporate multiple reflection activities that challenge students to think deeply about the relationship of self, society and the world.
- B) Service learning opportunities, selected by students and educators in collaboration with the Global Scholar Committee members (GSC) (see subsection (e)(2)) to fulfill this requirement, shall be tied to globally-focused coursework, co-curricular activities oriented toward global service, and/or the student's capstone research project.
- C) Students earning the Illinois Global Scholar Certificate must engage in at least one globally-focused service learning activity for a minimum of one semester. Criteria to assist districts in determining qualifying globally-focused service learning opportunities is located in Appendix H.
- D) Service learning activities must align with State and district learning standards, as well as curricular goals and objectives of the school district.
- 4) Participate in Global Collaboration or Dialogue
- A) Students receiving the Illinois Global Scholar Certificate must dialogue or collaborate with global peers whose culture is markedly different than their own.
  - B) Global collaboration and dialogue experiences shall:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- i) Offer opportunities to demonstrate the communication skills necessary to work effectively and respectfully with and within diverse teams;
  - ii) Offer students opportunities to exercise flexibility and willingness to be helpful in making necessary compromises to accomplish a common goal; and
  - iii) Offer opportunities for students to assume shared responsibility for collaborative work and value the individual contributions made by each team member.
- C) This requirement can be met in one of the following ways:
- i) Through a field experience in another country specifically designed to facilitate global dialogue or collaboration among peers (e.g., a class trip to a sister school in another country, participation in government, or funded study abroad program);
  - ii) Through approved virtual experiences specifically designed to facilitate global dialogue or collaboration among peers;  
or
  - iii) Through sustained service or learning experiences that immerse students in a domestic or local cultural context markedly different from the global scholar's cultural context (e.g., a refugee community).
- D) A list of approved global collaboration or dialogue opportunities should be created and updated by GSCs in conjunction with the Illinois Global Scholar organization.
- 5) Earn a score of "pass" on the Global Scholar Capstone Performance-based Assessment described in subsection (a)(4) using the scoring criteria described in subsection (c). The purpose of the Global Scholar Capstone Performance-based Assessment and Criteria are described in Appendix H.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- A) To ensure that a wide variety of student work can be evaluated, students shall:
- i) Create a compelling and actionable question, developed by the student, to address a global issue or concern;
  - ii) Indicate a research-based investigation of the global issue or concern;
  - iii) Develop research-based conclusions and the proposal of a solution to address the global issue;
  - iv) Communicate with at least two people impacted by the issue or with a stakeholder who has recognized and/or has contextual expertise related to the question asked by the student (e.g., a journalist working in a specific region, a foreign service officer, a member of an NGO, a professor, scientist or other recognized expert);
  - v) Create an artifact (e.g., video, narrative, painting, datasets, presentation, pamphlet, awareness raising campaign, children's book, musical compositions) to demonstrate learning that reflects the student's research/investigation;
  - vi) Take action to affect change related to the selected issue or concern; and
  - vii) Reflect on the entire capstone experience.
- B) Global Scholar Capstone Performance-based Assessments must result in the following products:
- i) A student-created artifact, as described in subsection (a)(5)(A)(v);
  - ii) Documentation of the steps described in subsection (a)(5)(A) that may include, but are not limited to, a bibliography, interview transcripts, datasets, electronic resources and media, etc.; and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- iii) A student narrative that documents each of the steps indicated in subsection (a)(5)(A).
- b) The State Board shall post on its website by July 1 of each year a copy of the most recent Global Scholar Capstone Performance-based Assessment scoring criteria, indicators and supporting materials, including examples. This subsection (b) lists the criteria and indicators school districts shall use to score the Global Scholar Capstone Performance-based Assessment.
- 1) Criteria 1: Develop a globally-focused, compelling question and plan inquiries. Indicators supporting this criteria shall require work completed by the student to:
    - A) Develop a compelling question addressing an issue of global concern (a problem that exists in multiple locations around the world or at the international level).
    - B) Base the compelling question on understanding of concepts and enduring issues associated with one or more academic disciplines.
    - C) Ensure the compelling question leads to a deeper understanding of globally-focused concern, including the fundamental cause of the issue.
    - D) Design a compelling question that is actionable (i.e., allows the student to identify small- and large-scale solutions to global issues and then take small- or large-scale action to change or improve conditions related to the global issue or concern).
  - 2) Criteria 2: Use culturally sensitive communication skills throughout the project. Indicators supporting this criteria shall require the work completed by the student to:
    - A) Use appropriate and varied language to communicate in a logical and concise manner.
    - B) Use discipline-specific terminology.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Elicit feedback from stakeholders (e.g., develop a survey, engage in dialogue, communicate effectively, and/or use appropriate questioning techniques).
  - D) Use diverse media, when appropriate, to present information.
  - E) Use language conventions appropriate to project.
- 3) Criteria 3: Collect research and communicate academically, consistent with the standards of the disciplines. Indicators supporting this criteria shall require the work completed by the student to:
- A) Explain how research was applied when presenting the artifact to specific stakeholders.
  - B) Ensure communication contains original work without plagiarism, including appropriate citations as necessary.
- 4) Criteria 4: Gather information from global stakeholder groups. Indicators supporting this criteria shall require the work completed by the student to:
- A) Incorporate perspectives and opinions from people and/or organizations working with or directly affected by the selected global issue or concern.
  - B) Interact with stakeholders in ways that demonstrate the ability to understand different cultural perspectives.
- 5) Criteria 5: Gather and review research related to a global issue/concern of the student's choice. Indicators supporting this criteria shall require the work completed by the student to:
- A) Design and carry out a research plan using a variety of resources representing multiple perspectives (i.e., a combination of credible scholarly sources and interviews/narratives).
  - B) Ensure research explores causes and effects of the issue of global concern for a variety of stakeholders.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Demonstrate research that includes a review of the impact of possible action on a variety of stakeholders.
  - D) Employ research sufficient to deeply understand the issue/concern, including the answers to the compelling questions:
    - i) What causes this issue?
    - ii) What happens as a result of this issue/How does this issue impact people?
    - iii) How might different actions resolve this issue?
    - iv) How might these actions impact various stakeholders?
  - E) Document source material and evaluate for accuracy and credibility.
- 6) Criteria 6: Research gathered sufficiently addresses and resolves the compelling question asked by the student. Indicators of these criteria shall require the work completed by the student to:
- A) Use a depth and breadth of source material adequate to develop an understanding of the complexity of the compelling question.
  - B) Demonstrate how source material contributes to the student's understating of the compelling question.
- 7) Criteria 7: Design action to be taken in relation to an issue of global concern that closely aligns with and logically results from the conducted research. Indicators supporting these criteria shall require the work completed by the student to:
- A) Provide documentation that relates process and product to future goals.
  - B) Employ culturally-specific research to explain how an audience is likely to interpret an artifact differently than the student-creator intended.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Incorporate stakeholder feedback from two or more stakeholder groups into a plan of action.
- 8) Criteria 8: Design an artifact (e.g., artifact, presentation, pamphlet, video, artwork, webpage, blog, advocacy campaign/fundraiser, activity, etc.) reflecting the proposed action to be taken in relation to the issue of global concern. Indicators supporting this criteria shall require the work completed by the student to:
- A) Plan an artifact that is either used during the implementation of the solution or serves as a record of the action.
- B) Develop an artifact that informs and engages the stakeholder audience.
- 9) Criteria 9: Take action that demonstrates understanding of the issue/concern and addresses the compelling question. Indicators supporting this criteria shall require that the work completed by the student:
- A) Presents the artifact in an interactive format/venue that is designed to effect local and/or global change.
- B) Advocates for suggested improvements and alternatives on behalf of stakeholders and/or engages audience to take action.
- C) Offers stakeholders or those who can implement improvement a blueprint for change.
- 10) Criteria 10: Engage with stakeholders to present findings. Indicators supporting these criteria shall require that the work completed by the student:
- A) Ensures that the narrative and documentation include an impact statement from stakeholders.
- B) Selects an audience intentionally and thoughtfully in order to make an impact on the global issue or concern.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Criteria 11: Reflect on diverse perspectives encountered (including the student's own) throughout this process and synthesize those perspectives. Indicators supporting this criterion shall require that the work completed by the student:
- A) Synthesizes how this project impacted personal understanding and learning.
- B) Demonstrates self-reflection by answering the following questions:
- i) How did the research inform your view of the global issue/concern?
- ii) What do you believe is at the heart of the issue/concern?
- iii) How does your experience suggest how this issue/concern could be better addressed or understood?
- iv) How do you think that this process impacted the issue and your personal view?
- v) How did this experience personally impact you and why?
- vi) Show connections between what happened, why it happened, and awareness of the change that happens now (or has happened)?
- c) The Global Scholar Capstone Performance-based Assessment shall be completed by the student with supervision from at least one licensed teacher. While under the supervision of his or her licensed teacher, the student may collaborate and consult with at least one individual from a global stakeholder group. School districts may develop systems for students to complete the Assessment in a manner suited to the school district. School districts may develop a specific capstone course, include the Assessment as part of an existing course, or offer opportunities for students to complete the capstone as part of an independent study course. School districts may also opt to develop mechanisms for students to complete the capstone project as part of extracurricular activities or clubs.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- d) In accordance with Section 2-3.167(f)(2) of the School Code, the school district shall place a designation of a qualifying student's receipt of the Illinois Global Scholar Certificate 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. The State Board shall make an electronic facsimile of the Illinois Global Scholar Certificate available to school districts for this purpose.
- e) A school district that chooses to participate in the Illinois Global Scholar program shall meet the requirements of this subsection (e).
- 1) A participating school district shall notify the State Board of its participation by October 1 of each year, except for the 2017-2018 inaugural Illinois Global Scholar Certificate school year when a district shall notify the State Board of its participation by May 1, 2017. A district that elects to participate after October 1 shall notify the State Board of its participation no later than 45 calendar days prior to the issuance of any Global Scholar Certificate.
- A) A school district electing to participate after October 1 shall include in its notification to the State Board 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 Illinois Global Scholar Certificate for that school year.
- 2) A participating district shall designate at least two individuals to serve on the school district's Global Scholar Committee and include these individuals' names and contact information in the notice provided pursuant to subsection (e)(1). The individuals assigned to serve as district Global Scholar Committee members shall:
- A) Hold a professional educator license endorsed in an administrative area issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure); and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- B) Participate in training developed by the school district and approved by the State Board prior to awarding the Illinois Global Scholar Certificate. This training shall include:
- i) Explanations and application of EdSteps Global Competency Standards.
  - ii) Process steps to implement a Global Scholar Certificate program in the school district.
  - iii) How to develop high quality and consistent scoring practices.
  - iv) Methods to develop global competence among educators.
  - v) Opportunities for globally-focused service learning and global collaboration/dialogue opportunities.
  - vi) Building a sustainable global education program in schools.
- 3) Scoring Methods
- A) A participating school district may opt to score the Global Scholar Capstone Performance-based Assessment by one of two methods.
- i) District Scoring  
A school district shall appoint at least one Illinois licensed educator who has completed the Global Scholar Certificate training described in subsection (e)(2)(B).
  - ii) Peer School Scoring  
The school district collaborates with other school districts in scoring the Assessment. Districts opting to participate in this method must send at least one licensed educator who has completed training provided by the Illinois Global Scholar organization.
- B) Scoring methods described in subsection (e)(3)(A) must use the criteria and indicators described in subsection (b).

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 4) Using a format prescribed by the State Board, a participating school shall submit an annual report to the State Board, no later than 30 days after the end of the school year, that shall include:
- A) The names and course descriptions of all courses designated as "globally-focused" as described in subsection (a)(1);
  - B) The total number of students who submitted materials to be considered for Illinois Global Scholar recognition and the number of students who received the score of pass;
  - C) A description of the method used by schools to administer and monitor the Global Scholar Capstone Performance-based Assessment as described in subsection (c);
  - D) A copy of promotional materials used to inform students of the Illinois Global Scholar Certificate program and its requirements; and
  - E) Results of any surveys given to students or educators to assess any aspect of the Illinois Global Scholar Certificate program.
- 5) A participating school district shall make available information about the Illinois Global Scholar Certificate 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 Illinois Global Scholar Certificate program and the opportunity for students to participate.
  - B) A description of each of the requirements students need to complete in order to receive the Illinois Global Scholar Certificate as indicated in subsections (a)(1) through (4).
  - C) A complete list of opportunities available in the district that will meet the requirements described in subsections (a)(1) through (4). These include:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- i) A listing of all courses designated by the school district as globally-focused, as described in subsection (a)(1).
  - ii) A listing of all opportunities offered by the school district that will meet the globally-focused service requirement, as described in subsection (a)(2).
  - iii) A listing of all opportunities offered by the school district that will meet the global collaboration or dialogue requirement, as described in subsection (a)(3).
  - iv) A complete description of the Capstone Project Performance-based Assessment steps and requirements, as described in subsection (a)(4).
- D) A link to the State Board's website describing the requirements for the Illinois Global Scholar Certificate that includes a list of:
- i) Approved service learning opportunities with a global focus accessible to all Illinois students.
  - ii) Approved global collaboration opportunities with a global focus accessible to all Illinois students.
  - iii) Approved capstone project performance assessments of global competence.
- E) A description of the process a student would use to demonstrate global competence, including details about any alternative evidence that may be required under subsection (a)(3), if applicable;
- F) An estimate of the costs, if known, that students might incur to complete the requirements listed in subsection (a); and
- G) The name and contact information for any individuals designated to serve as Global Scholar Committee members of the Illinois Global Scholar Certificate.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- f) A school district shall administer evaluation surveys to students and educators participating in the Illinois Global Scholar program. Surveys will be used to evaluate the program as a whole and will not be linked to specific students, staff or school districts.
- g) Should additional criteria and indicators be required for the Global Scholar Capstone Performance-based Assessment (see subsection (b)), this criteria shall be included in Appendix H.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

**Section 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review~~Certification Quick Reference Chart (Repealed)~~**

**Competency-Based High School Graduation Requirements Pilot Program Scoring Rubric**

<b><u>Strength of Local Commitment (20 Points)</u></b>		<u>Yes (5)</u>	<u>No (0)</u>
<u>Completion of chart of participating schools that includes signatures of school principals.</u>			
<u>Completion of chart of teachers participating in the implementation of the project.</u>			
<u>Completion of chart of the Planning and Implementation Committee that includes signatures of all participants.</u>			
<u>Completion of the plan for the local community college and an institution of higher education. Signatures from both entities are included.</u>			
<b><u>Demonstration of Prior Professional Development and Stakeholder Engagement (20 Points)</u></b>	<u>5 - 4</u>	<u>3 - 2</u>	<u>1 - 0</u>
<u>Description of how teachers have been engaged throughout the application development process.</u>	<u>Thorough description of how teachers were engaged throughout the process. Meeting details have been provided and give clear indication of teachers' role in the process and how they will be included during implementation of the plan.</u>	<u>Basic description of how teachers were engaged throughout the process. Some details have been provided about meetings that have occurred with teachers. Some details are included as to how teachers will be included during implementation of the plan.</u>	<u>No description or no relevant description was provided about meetings that have occurred with teachers. No description or no relevant description as to how teachers will be involved in implementation of plan.</u>

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

<p><u>Description of how the local community college and an institution of higher education other than a community college have been actively engaged throughout the application development process.</u></p>	<p><u>Thorough description of how both the local community college and an institution of higher education that is not a community college have been actively engaged throughout the process. Meeting details have been provided as well as how the entities will be included during implementation of the plan.</u></p>	<p><u>Some description of how both the local community college and institution of higher education other than a community college have been actively involved in the process. No meeting information has been provided nor any details as to how the partnership will work in program implementation.</u></p>	<p><u>No description or no relevant description was provided in the plan. One or both of the entities needed are missing from the plan. No indication has been given that the district is actively partnering with either entity.</u></p>
<p><u>Description of district's prior professional development and stakeholder engagement efforts to support successful development of application and implementation of the plan.</u></p>	<p><u>Thorough description of professional development and stakeholder engagement is included. There is a clear indication as to how the prior professional development will help with implementation of the plan. There is a clear indication of how stakeholders will be involved during</u></p>	<p><u>Basic description of professional development and stakeholder engagement is included. There is some indication as to how the prior professional development will help with implementation of the plan. There is some indication of how</u></p>	<p><u>No description or no relevant description of professional development and stakeholder engagement is included. There is no clear indication as to how the prior professional development will help with implementation of the plan. There is no clear indication</u></p>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

	<u>implementation of the plan.</u>	<u>stakeholders will be involved in implementation of the plan.</u>	<u>of how stakeholders will be involved in implementation of the plan.</u>
<u>Description of community partners that will support the system's implementation.</u>	<u>Thorough description of community partnerships is included. There is a clear indication as to how the partnerships will help with implementation of the plan.</u>	<u>Some description of community partnerships is included. There is some indication as to how the partnerships will help with implementation of the plan.</u>	<u>No description or no relevant description of community partnerships is included. There is no clear indication as to how the partnerships will help with implementation of the plan.</u>
<b><u>Quality of Proposed Plan (50 Points)</u></b>	<u>5 - 4</u>	<u>3 - 2</u>	<u>1 - 0</u>
<u>Project Goals (10 points)</u>			
<u>The proposal identifies clear, realistic, measureable goals.</u>	<u>Goals are very clear, realistic and easily obtainable.</u>	<u>Goals are somewhat clear and realistic. There is some question as to whether a goal is obtainable.</u>	<u>Goals are either missing or they are not clear, realistic, or obtainable.</u>
<u>The goals clearly specify how student achievement will be impacted.</u>	<u>The goals clearly will significantly impact student achievement.</u>	<u>The goals will have some impact on student achievement.</u>	<u>The goals will have no significant impact on student achievement.</u>
<u>Project Narrative (25 points)</u>			
<u>The proposal relates to innovative practices based upon research, previously collected district data,</u>	<u>The proposal clearly indicates that the project is</u>	<u>There is some indication that the project is</u>	<u>There is no indication that the project is</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<p><u>best practices, or additional information.</u></p>	<p><u>based upon research, best practices, and district data collection.</u></p>	<p><u>based upon research, best practices, and district data collection.</u></p>	<p><u>based upon research, best practices, and district data collection.</u></p>
<p><u>The proposed implementation timeline is realistic and includes all major activities.</u></p>	<p><u>The implementation timeline is clear and realistic. All major activities necessary for program success are easily found.</u></p>	<p><u>The implementation timeline is somewhat realistic. Some major activities necessary for program success are missing or are not easily found.</u></p>	<p><u>The implementation timeline is either missing or isn't realistic. Significant portions of major activities necessary for program success are missing or no activities are found within the plan.</u></p>
<p><u>The proposed activities are likely to produce measurable results and improve student achievement.</u></p>	<p><u>The activities listed in the plan will clearly produce measurable results that significantly improve student achievement.</u></p>	<p><u>The activities listed in the plan should produce measurable results that will somewhat improve student achievement.</u></p>	<p><u>There are either no activities listed in the plan or those listed will not produce measurable results or any impact on student achievement.</u></p>
<p><u>The proposal provides a description of how it will meet all elements required to be included in the competency-based learning system.</u></p>	<p><u>The plan clearly indicates how it will meet all requirements included in the competency-based learning system.</u></p>	<p><u>The plan indicates how it will somewhat meet all requirements included in the competency-</u></p>	<p><u>The plan does not indicate how it will meet all requirements included in the competency-based learning system.</u></p>

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

		<u>based learning system.</u>	
<u>The proposal provides a description of the district's plan for engaging the high schools with their feeder elementary schools on the establishment and administration of the competency-based learning system.</u>	<u>The plan clearly indicates how the high schools will work with their feeder elementary schools.</u>	<u>The plan indicates somewhat how the high schools will work with their feeder elementary schools.</u>	<u>The plan does not indicate how the high schools will work with their feeder elementary schools.</u>
<u>Evaluation (15 points)</u>			
<u>The proposal includes a description of the process for evaluating the project, including a preliminary timeline for the collection of data. (Evaluation and Sustainability)</u>	<u>An evaluation plan is included. It provides a clear process for evaluating the project. A clear timeline for data collection is included.</u>	<u>An evaluation plan is included. The process for evaluating the project is indicated, but has some missing pieces. A timeline for data collection is included, but has some missing pieces.</u>	<u>The evaluation plan is either missing or isn't clear. The timeline for data collection is either missing or isn't clear.</u>
<u>The data from the proposed evaluation plan will be evaluated to determine if progress toward attaining the project goals is being made.</u>	<u>The evaluation plan clearly indicates how data will be evaluated.</u>	<u>The evaluation plan has some indication as to how data will be evaluated.</u>	<u>The data portion of the evaluation plan is either missing or isn't clear.</u>
<u>The proposal provides a plan that creates multiple opportunities to share the results of the project with all stakeholders.</u>	<u>The evaluation plan clearly indicates how results of the project will be shared with all stakeholders. The plan includes more than three</u>	<u>The evaluation plan provides some indication of how project results will be shared with all stakeholders. The plan provides one or</u>	<u>The evaluation plan provides little or no indication that results will be shared with all stakeholders.</u>

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

	<u>avenues to share results.</u>	<u>two avenues to share results.</u>	
--	----------------------------------	--------------------------------------	--

<u>Diversity Points (10 Points)</u>
<u>School District Type (Up to 2 points)</u>
<u>School District Size (Up to 2 points)</u>
<u>Geographical Location (Up to 2 points)</u>
<u>Plan Approach (e.g., one subject, multiple subjects, and types of subjects) (Up to 4 points)</u>

(Source: Former Section repealed at 31 Ill. Reg. 5116, effective March 16, 2007; new Section added at 41. Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 1.APPENDIX H GUIDANCE AND PROCEDURES FOR SCHOOL DISTRICTS IMPLEMENTING THE ILLINOIS GLOBAL SCHOLAR CERTIFICATE****DETERMINING GLOBALLY-FOCUSED COURSES**

Though many school districts may offer courses listed in the subject areas described in Section 1.443(a)(1)(E), courses and subjects other than those listed in that subsection may qualify as globally-focused. Other courses, such as those in family and consumer science, the arts, health, mathematics and agricultural science, may also qualify, provided that an appropriate depth of knowledge of, and inquiry about, global issues and cultural diversity are incorporated. School districts shall consider the following criteria in determining which courses should be considered globally-focused:

Globally-focused courses require students to:

- 1) investigate the world;
- 2) recognize the perspectives of self and others;
- 3) communicate ideas to diverse audiences; and
- 4) take action to improve conditions locally and globally.

These requirements, developed in consultation with the Council for Chief State School Officers, reflect the four established domains of global competence and closely follow both the Partnership for 21<sup>st</sup> Century Skills objectives and national learning standards adopted by the State of Illinois. School districts and GSCs working to determine which courses qualify as globally-focused should consider the following questions:

**Question 1: Does the course require students to investigate the world?**

Courses selected for inclusion as part of a school district's globally-focused course offerings should promote content and skills that provide students the means to understand the world beyond their immediate environment.

**Question 2: Does the course provide opportunities for students to recognize their own perspectives in relationship to the perspectives of others?**

Courses selected for inclusion as part of a school district's globally-focused course offerings should provide students with opportunities to demonstrate a clear and accurate understanding of the perspectives of other people, groups or scholars. The courses should also incorporate

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

complex analyses of how varying perspectives influence human interactions and how this affects people's understandings of a situation, event, issue or phenomenon.

**Question 3: Does the course prepare students to communicate ideas to diverse audiences?**

Though not all courses selected for the certificate will prepare students to collaborate and communicate with diverse groups, the courses should include assignments, activities and/or projects that prepare students to engage in this type of collaboration and communication in preparation for the capstone project.

**Question 4: Does the course provide opportunities to act upon global issues and concerns?**

Though not all courses selected for the certificate need to include organized opportunities for students to engage directly in collaborative action resulting in local, regional or global improvements, the courses should encourage students to consider how the action might be executed. Moreover, school districts are encouraged to embed global service learning opportunities within coursework and co-curricular activities as these opportunities are requirements for the certificate.

**Qualifying Courses**

Content/subjects taught within high school offerings in the following subjects are likely to meet these requirements as course content cannot be effectively taught without a global perspective.

- International economics, international business or global marketing
- International or foreign affairs
- World history/non-U.S. history
- World geography
- Comparative cultures, comparative religions, comparative government
- Science, technology and engineering courses with global application/perspective
- World languages
- Literature of another country, region or culture
- World art and world music appreciation

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Though many high schools offer courses in these subject areas, the subject areas listed above are not the only courses that may qualify as globally-focused. Other courses, such as those in family consumer science, the arts, mathematics, health and agricultural science, may also qualify, provided that an appropriate depth of knowledge of, and inquiry about, global issues and diversity is incorporated. The examples identified in the following chart, though not exhaustive, are provided to give guidance to school districts and GSCs seeking to determine if a course investigates the world.

<b><u>Examples of Courses with Insufficient and Sufficient Depth</u></b>	
<b><u>Insufficient Depth</u></b>	<b><u>Sufficient Depth</u></b>
<u>Students create an artistic piece or performance inspired by another culture.</u>	<u>Students interpret, create and/or evaluate a global issue through an artistic medium.</u>
<u>Students prepare food from another part of the world or another culture.</u>	<u>Students prepare food from another part of the world or another culture and consider the production and preparation of food in relation to local cultures, health, sustainability, etc.</u>
<u>Students use datasets from another country or culture to illustrate a concept.</u>	<u>Students evaluate and use appropriate mathematical tools to investigate a global issue or derive additional information using mathematical methodologies.</u>
<u>Students use examples of agricultural management, finance, marketing and/or the foundations of crop and livestock production in a unit on the global marketplace.</u>	<u>Students learn about agricultural management, finance, marketing and the foundations of crop and livestock production by comparing a variety of agricultural practices found around the world and examine the complex global interrelationships that exist in the global agricultural industry.</u>
<u>Students learn about epidemics/disease, health care practices and/or prevention measures through cases studies in other parts of the world.</u>	<u>Students learn about global epidemics/disease, health care practices and prevention measures through a comparative epidemiological analysis incorporating diverse global contexts.</u>

**Other Considerations Related to Coursework**

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

School districts wishing to require a specific globally-focused course or sequence of courses are encouraged to do so. For example, one school district may opt to require a course (or sequences of courses) in global studies or world languages, while another district may develop defined global pathways in STEM, world language or fine arts. These options, or others, may be added at the discretion of the school district, provided students fully complete all four of the overarching requirements needed to earn the Illinois Global Scholar Certificate, including the requirement that each student complete eight globally-focused courses. In addition, school districts having limited course offerings may approve specific summer or online coursework, so long as that coursework has been deemed credit bearing by an ISBE approved institution.

**GUIDANCE FOR DETERMINING SERVICE LEARNING**

Service learning opportunities selected by students and GSCs to fulfill this requirement should be tied with globally-focused coursework, co-curricular activities oriented toward global service, and/or the student's capstone research project. In addition, selected service learning opportunities should adhere to the following guidelines for service learning found in the K-12 Service Learning Standards for Quality Practice developed by the National Youth Leadership Council:

- Actively engage and educate the local community in meaningful globally-focused service activities that promote understanding of diversity and mutual respect among all participants.
- Allow the student to be self-directed in initiating, planning, implementing and evaluating throughout the experience.
- Be designed with sufficient duration and intensity to address community needs within a global context.
- Engage participants in an ongoing process to assess the quality of implementation and progress toward meeting specified goals, and use the results for improvement and sustainability.
- Incorporate multiple reflection activities that challenge students to think deeply about the relationship of self, society and the world.

**PURPOSE OF PRIORITY STANDARDS OF THE GLOBAL SCHOLAR CAPSTONE PERFORMANCE-BASED ASSESSMENT**

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

The purpose of the the Illinois Global Scholar Capstone Performance-based Assessment is to ensure the high level of knowledge and skills possessed by the students applying for this recognition. Students will engage in a process of inquiry with required components and products, demonstrating mastery of designated national learning standards and standards for global competence. The process in which students are expected to engage and the products students are expected to create must provide the opportunity for students to demonstrate mastery. Transparency of the alignment of assessment to standards provides a more valid picture of students' knowledge and skills.

The Assessment shall align with the following four priority standards:

- i) Students develop compelling questions and plan inquiries.
- ii) Students communicate ideas effectively with diverse audiences.
- iii) Students translate their ideas and findings into an appropriate plan of action to improve conditions based on the global issue or concern.
- iv) Students engage in appropriate and informed actions to address or potentially improve conditions based on an analysis of a global issue/concern.

(Source: Added at 41 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
1.423	New Section
1.APPENDIX B	New Section
- 4) Statutory Authority: 110 ILCS 148/20 and 25
- 5) Effective Date of Rules: November 18, 2016
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: November 18, 2016
- 8) A statement that a copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-674, effective July 29, 2016, creates the Postsecondary Workforce Readiness Act [110 ILCS 148]. Among other initiatives to ensure students are ready for postsecondary education and careers, Section 20 of the Act establishes the Competency-based, High School Graduation Requirements Pilot Program. The Pilot Program allows participating school districts to choose the year and course requirements it wishes to replace with a competency-based learning system. The Pilot Program is limited to high schools. Due to the complexity of the application process and because school districts will need to develop new programs, design professional development, and create appropriate competency-based assessments well in advance of implementation, the State Board must ensure that applicants have sufficient time to prepare applications and submit them in a timely fashion that allows for thorough review by ISBE. Therefore, promulgating emergency rules and proposed rules simultaneously will ensure all applicants have ample time to submit complete applications. The Request for Applications was made available on November 18, 2016.
- 10) A Complete Description of the Subjects and Issues Involved: The first two annual cohorts will be limited to no more than 12 school districts. A school district may only

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

submit one application per cohort. School districts with a population over 500,000 may not include more than six schools.

Section 20 outlines the Pilot Program requirements. Competency-Based learning systems provide students opportunities to demonstrate mastery of material in ways that mirror how the work would occur outside of schooling. Further, schools that engage in this work and students who demonstrate competency should earn credit toward graduation requirements. Each school district's competency-based learning system pilot program plan, must:

- show the proposed learning system supports its community's efforts to better prepare high school students for college, career, and life;
- have a plan for educator administrator and educator professional development;
- determine how core academic areas that will be replaced (mathematics, English language arts and science) will be mastered through learning opportunities including Career and Technical Education work experiences;
- develop a community engagement and communications plan;
- develop a plan for assigning course grades within the system;
- establish a plan for collecting and assessing student progress;
- develop a system for data collection and reporting to the State Board;
- partner with a community college and institution of higher education to consult with the development and administration of the learning system; and
- have a plan to engage feeder elementary schools.

Section 25 of the Act establishes the two-phase application system. The first phase is the initial application and selection while the second phase is the full development and implementation of the competency-based learning system. The State Board is required to develop and issue an application that includes:

- a demonstration of commitment from school district leaders, participating teachers and the community college and higher education partners;
- what year and course requirements will be replaced;
- a general description of how the learning system will be implemented;
- prior professional development and stakeholder engagement; and
- any waivers or modifications to the School Code or administrative rules.

The proposed administrative rules establish the standards for applying for the Pilot Program. All applications must include:

- the cover packet with all the information in Section 20 of the Act;

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- a narrative providing a general description of the school district's plan for implementing the Pilot Program, addressing the statutory requirements and showing how all groups of students within the participating schools will have access to the Pilot Program; and
- a section detailing how the program will be monitored and evaluated.

Applications will be evaluated using the following criteria for review:

- strength of local commitment (20 points);
- prior professional development and stakeholder engagement (20 points);
- quality of proposed plan (50 points (project goals, 10 points; project narrative, 25 points; evaluation, 15 points)); and
- diversity points (10 points (school district type, up to 2 points, school district size, up to 2 points, geographical location, up to 2 points; plan approach, up to 4 points)).

The State Superintendent will notify approved school districts no later than 45 days after the close of the application period. Participating school districts must submit reports to the State Board assessing the implementation of the program along with any recommendations for modifications.

Finally, pursuant to Section 25(d) of the Act, the State Superintendent may remove a participating school district from the Pilot Program. The State Superintendent will consider the school district's failure to abide by the conditions submitted in its application when deciding to remove a school district.

Information regarding this emergency rule was disseminated through the Superintendent's Weekly Message reaching 6,605 individuals, including every Regional Office of Education, Intermediate Service Center, school district superintendent, school principal, and any other interested party requesting to be included. Additionally, a press release was sent out to the media throughout the State.

11) Are there any proposed rulemakings to this Part pending?

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.425	Amendment	40 Ill. Reg. 12896; Sept. 9, 2016

12) Statement of Statewide Policy Objectives: These amendments advance the State Board's mission by allowing school administrators, teachers, students, parents, and other stakeholders to formulate and advocate for policies that enhance education, empower

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

districts, and ensure equitable outcomes for all students. Additionally, these amendments align with the State Board goal of ensuring that ninety percent or more students graduate from high school ready for college and career.

- 13) Information and questions regarding these rules shall be directed to:

Lindsay M. Bentivegna  
Agency Rules Coordinator  
100 N. First St  
Springfield IL 62777

217/782-5270  
rules@isbe.net

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

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY 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)
- 1.79 School Report Card
- 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 EMERGENCY 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
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- [1.423 Competency-Based High School Graduation Requirements Pilot Program](#)

EMERGENCY

- 1.425 Additional Criteria for Physical Education
- 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

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

## 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

- 1.700 Requirements for Staff Providing Professional Development
- 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,

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B [Competency-Based High School Graduation Requirements Pilot Program](#)
- [EMERGENCY Criteria for Review](#)~~Certification Quick Reference Chart (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, 2-3.159, 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, 2-3.159, 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] and Sections 20 and 25 of the Postsecondary Workforce Readiness Act [110 ILCS 148/20 and 25].

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;

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

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; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; amended by emergency rulemaking at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days.

## SUBPART D: THE INSTRUCTIONAL PROGRAM

**Section 1.423 Competency-Based High School Graduation Requirements Pilot Program EMERGENCY**

Section 20 of the Postsecondary Workforce Readiness Act [110 ILCS 48] (the Act) authorizes a pilot program for school districts to provide career-oriented education through competency-based instruction. This Section sets forth the process to apply for approval to participate in the Competency-Based High School Graduation Requirements Pilot Program (the Program) and the reporting requirements and conditions for removal from the Program.

a) Definitions

- 1) "Adaptive Competencies" means foundational skills needed for success in college, careers and life, such as, but not limited to, work ethic, professionalism, communication, collaboration and interpersonal skills, and problem-solving.

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- 2) "Community college" means a public community college organized under the Public Community College Act. (Section 10 of the Act)
- b) Eligible Applicants  
School districts participating in the Program may select the year and course graduation requirement it wishes to replace with a competency-based learning system. A school district with a student population under 500,000 may participate in the pilot program for some or all of its schools serving grades 9-12. Those with over 500,000 students may only select six schools to participate in the project. (See Section 25(g) of the Act.)
- c) A school district wishing to participate in the Program shall submit an application to the State Board of Education that addresses each of the components listed in Section 20 of the Act and subsection (d) of this Section. If a school district withdraws its application, the State Board will consider additional school districts.
- d) In addition to addressing each of the components in Section 20 of the Act, each application shall include:
- 1) Cover Packet
- A) School district contact information including the name, email and telephone number of the Program Director;
- B) Year the Program will be implemented;
- C) List of schools participating in the Program;
- D) Graduation requirements from Section 27-22 of the School Code [105 ILCS 5] the Program will replace;
- E) The name of each teacher participating in the Program and the subject/grade he or she teaches for each participating school;
- F) A description of how teachers have been engaged throughout the application process;
- G) A description of how the local community college and an institution of higher education have been involved in the application process;

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- H) A description of the school district's prior professional development and stakeholder engagement efforts during the application process, including any prior implementation of professional development for major district instructional initiatives;
  - I) Identify community partners and how they will support the Program;
  - J) Name, position and signature of all standing Planning and Implementation Committee members;
  - K) Any waivers of the School Code or administrative rules in accordance with Section 2-3.25(g) of the School Code; and
  - L) Signatures of the district superintendent; school board president; exclusive bargaining unit president, if there is one and if there is no bargaining unit president a representative selected by the district educators; community college representative; and institution of higher education representative.
- 2) Proposal Narrative  
Provide a general description of the district's plan for implementing the Program. Include a description of the Program's vision and goals as well as innovative features for student success that will be addressed, indicate the intended impact of the flexibility requested in the plan, provide activities and a timeline for meeting the goals and describe the expected outcome for students. The narrative should address all of the following elements:
- A) How students will demonstrate mastery of all required competencies to earn credit;
  - B) How students will demonstrate mastery of Adaptive Competencies defined by the school district in addition to academic competencies;

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- C) How students will advance once they have demonstrated mastery. If needed, how students shall receive more time and personalized instruction to demonstrate mastery;
  - D) How students will have the ability to attain advanced postsecondary education and career-related competencies beyond those needed for graduation;
  - E) Describe how students will be assessed using multiple measures to determine mastery, usually requiring application of knowledge; and
  - F) How students will be able to earn credit toward graduation requirements in ways other than traditional coursework, including learning opportunities outside the traditional classroom setting, such as Supervised Career Development Experiences.
- 3) Evaluation and Sustainability  
Describe how the Program will be monitored and evaluated and how the results will be reported. Indicate how the impact on increasing student success and/or other stated goals and objectives will be shared within your district and beyond (parents, community, etc.).
- e) Criteria for Review and Approval of Proposals  
The school districts selected to participate in the Program will be evaluated on the following criteria (also see Appendix B):
- 1) Strength of Local Commitment (20 Points)
    - A) List participating schools including signature of school principal.
    - B) List of teachers participating in the Program.
    - C) List of the Planning and Implementation Committee including their signatures.
    - D) Inclusion of the plan for local community college and an institution of higher education involvement.
  - 2) Prior Professional Development and Stakeholder Engagement (20 Points)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- A) Description of how teachers have been engaged throughout the application process.
  - B) Description of how the local community college and a higher education institution have been actively engaged throughout the application process.
  - C) Description of district's prior professional development and stakeholder engagement efforts to support successful development of the application and implementation of the plan.
  - D) Description of community partners that will support the system's implementation.
- 3) Quality of Proposed Plan (50 Points)
- A) Project Goals (10 points)
    - i) The proposal identifies clear, realistic, measurable goals.
    - ii) The goals clearly specify how student achievement will be impacted.
  - B) Project Narrative (25 points)
    - i) The proposal relates to innovative practices based upon research, previously collected district data, best practices, or additional information.
    - ii) The proposed activities are likely to produce measurable results and improve student achievement.
    - iii) The proposal provides a description of how it will meet all required elements required to be included in the Program.
    - iv) The proposal provides a description of the district's plan for engaging the high schools with their feeder elementary schools in the establishment and administration of the Program.

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- C) Evaluation (15 points)
  - i) The proposal includes a description of the process for evaluating the project including a preliminary timeline for the collection of data.
  - ii) The data from the proposed evaluation plan will be evaluated to determine if progress toward attaining the project goals is being made.
  - iii) The proposal provides a plan that provides multiple opportunities to share the results of the project with all stakeholders.
- 4) Diversity Points (10 Points)
  - A) School District Type (Up to 2 points)
  - B) School District Size (Up to 2 points)
  - C) Geographical Location (Up to 2 points)
  - D) Plan Approach (multiple subjects vs one subject, type subject, etc.) (Up to 4 points)
- f) The State Superintendent of Education will notify school districts approved for participation in the Pilot Program no later than 45 days following the close of the application period.
- g) The standing Planning and Implementation Committee shall submit reports assessing the district's plan or implementation of the Program. Reports shall also include any recommendations for modifications or improvements for the Program. Reports shall be included in the initial application, the Program plan and thereafter submitted annually to the State Board. Reports may be submitted by mail to the State Board of Education Springfield Office (100 N. First Street, Springfield IL 62777) or via email at [competencypilot@isbe.net](mailto:competencypilot@isbe.net). Annual reports must be submitted no later than July 1.
- h) Removal from the Program

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

Pursuant to Section 25(d) of the Act, the State Superintendent may remove a school district from the Program for failing to submit a full plan that meets the specifications in subsection (c)(3) of this Section. The Superintendent will consider the school district's failure to abide by the conditions submitted in its application when deciding to remove a school district from the Program.

(Source: Added by emergency rulemaking at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days)

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

**Section 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review~~Certification Quick Reference Chart (Repealed)~~**  
**EMERGENCY**

**Competency-Based High School Graduation Requirements Pilot Program Scoring Rubric**

<b><u>Strength of Local Commitment (20 Points)</u></b>		<b><u>Yes (5)</u></b>	<b><u>No (0)</u></b>
<u>Completion of chart of teachers participating in the implementation of the project.</u>			
<u>Completion of chart of the Planning and Implementation Committee that includes signatures of all participants.</u>			
<u>Completion of the plan for the local community college and an institution of higher education. Signatures from both entities are included.</u>			
<b><u>Demonstration of Prior Professional Development and Stakeholder Engagement (20 Points)</u></b>	<b><u>5 - 4</u></b>	<b><u>3 - 2</u></b>	<b><u>1 - 0</u></b>
<u>Description of how teachers have been engaged throughout the application development process.</u>	<u>Thorough description of how teachers were engaged throughout the process. Meeting details have been provided and give clear indication of teachers' role in the process and how they will be included during the implementation of the plan.</u>	<u>Basic description of how teachers were engaged throughout the process. Some details have been provided about meetings that have occurred with teachers. Some details are included as to how teachers will be included during the implementation of the plan.</u>	<u>No description or no relevant description was provided about meetings that have occurred with teachers. No description or no relevant description as to how teachers will be involved in the implementation of plan.</u>
<u>Description of how the local community college and an institution of higher education other</u>	<u>Thorough description of how both the local</u>	<u>Some description of how both the</u>	<u>No description or no relevant description was</u>

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

<p><u>than a community college have been actively engaged throughout the application development process.</u></p>	<p><u>community college and an institution of higher education that is not a community college have been actively engaged throughout the process. Meeting details have been provided as well as how the entities will be included during the implementation of the plan.</u></p>	<p><u>local community college and institution of higher education other than a community college have been actively involved in the process. No meeting information has been provided nor any details as to how partnership will work in program implementation</u></p>	<p><u>provided in the plan. One or both of the entities needed are missing from the plan. No indication has been given that the district is actively partnering with either entity.</u></p>
<p><u>Description of district's prior professional development and stakeholder engagement efforts to support successful development of application and implementation of the plan.</u></p>	<p><u>Thorough description of professional development and stakeholder engagement is included. There is a clear indication as to how the prior professional development will help with the implementation of the plan. There is a clear indication of how stakeholders will be involved during implementation of the plan.</u></p>	<p><u>Basic description of professional development and stakeholder engagement is included. There is some indication as to how the prior professional development will help with the implementation of the plan. There is some indication of how stakeholders will be involved in</u></p>	<p><u>No description or no relevant description of professional development and stakeholder engagement is included. There is no clear indication as to how the prior professional development will help with implementation of the plan. There is no clear indication of how stakeholders will be involved in</u></p>

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

		<u>implementation of the plan.</u>	<u>implementation of the plan.</u>
<u>Description of community partners that will support the system's implementation.</u>	<u>Thorough description of community partnerships is included. There is a clear indication as to how the partnerships will help with the implementation of the plan.</u>	<u>Some description of community partnerships is included. There is some indication as to how the partnerships will help with the implementation of the plan.</u>	<u>No description or no relevant description of community partnerships is included. There is no clear indication as to how the partnerships will help with the implementation of the plan.</u>
<b><u>Quality of Proposed Plan (50 Points)</u></b>	<u>5 - 4</u>	<u>3 - 2</u>	<u>1 - 0</u>
<u>Project Goals (10 points)</u>			
<u>The proposal identifies clear, realistic, measureable goals.</u>	<u>Goals are very clear, realistic and easily obtainable.</u>	<u>Goals are somewhat clear and realistic. There is some question as to whether a goal is obtainable.</u>	<u>Goals are either missing or they are not clear, realistic, or obtainable.</u>
<u>The goals clearly specify how student achievement will be impacted.</u>	<u>The goals clearly will significantly impact student achievement.</u>	<u>The goals will have some impact on student achievement.</u>	<u>The goals will have no significant impact on student achievement.</u>
<u>Project Narrative (25 points)</u>			
<u>The proposal relates to innovative practices based upon research, previously collected district data, best practices, or additional information.</u>	<u>The proposal clearly indicates that the project is based upon research, best practices, and</u>	<u>There is some indication that the project is based upon research, best practices, and</u>	<u>There is no indication that the project is based upon research, best practices, and</u>

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

	<u>district data collection.</u>	<u>district data collection.</u>	<u>district data collection.</u>
<u>The proposed implementation timeline is realistic and includes all major activities.</u>	<u>The implementation timeline is clear and realistic. All major activities necessary for program success are easily found.</u>	<u>The implementation timeline is somewhat realistic. Some major activities necessary for program success are missing or are not easily found.</u>	<u>The implementation timeline is either missing or isn't realistic. Significant portions of major activities necessary for program success are missing or no activities are found within the plan.</u>
<u>The proposed activities are likely to produce measurable results and improve student achievement.</u>	<u>The activities listed in the plan will clearly produce measurable results that significantly improve student achievement.</u>	<u>The activities listed in the plan should produce measurable results that will somewhat improve student achievement.</u>	<u>There are either no activities listed in the plan or those listed will not produce measurable results or any impact to student achievement.</u>
<u>The proposal provides a description of how it will meet all elements required to be included in the competency-based learning system.</u>	<u>The plan clearly indicates how it will meet all requirements included in the competency-based learning system.</u>	<u>The plan indicates how it will somewhat meet all requirements included in the competency-based learning system.</u>	<u>The plan does not indicate how it will meet all requirements included in the competency-based learning system.</u>
<u>The proposal provides a description of the district's plan for engaging the high schools with their feeder</u>	<u>The plan clearly indicates how the high schools will</u>	<u>The plan indicates somewhat how</u>	<u>The plan does not indicate how the high</u>

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

<u>elementary schools on the establishment and administration of the competency-based learning system.</u>	<u>work with their feeder elementary schools.</u>	<u>the high schools will work with their feeder elementary schools.</u>	<u>schools will work with their feeder elementary schools.</u>
<u>Evaluation (15 points)</u>			
<u>The proposal includes a description of the process for evaluating the project, including a preliminary timeline for the collection of data. (Evaluation and Sustainability)</u>	<u>An evaluation plan is included. It provides a clear process for evaluating the project. A clear timeline for data collection is included.</u>	<u>An evaluation plan is included. The process for evaluating the project is indicated, but has some missing pieces. A timeline for data collection is included, but has some missing pieces.</u>	<u>The evaluation plan is either missing or isn't clear. The timeline for data collection is either missing or isn't clear.</u>
<u>The data from the proposed evaluation plan will be evaluated to determine if progress toward attaining the project goals is being made.</u>	<u>The evaluation plan clearly indicates how data will be evaluated.</u>	<u>The evaluation plan has some indication as to how data will be evaluated.</u>	<u>The data portion of the evaluation plan is either missing or isn't clear.</u>
<u>The proposal provides a plan that provides multiple opportunities to share the results of the project with all stakeholders.</u>	<u>The evaluation plan clearly indicates how results of the project will be shared with all stakeholders. The plan includes more than three avenues to share results.</u>	<u>The evaluation plan provides some indication of how project results will be shared with all stakeholders. The plan provides one or two avenues to share results.</u>	<u>The evaluation plan provides little or no indication that results will be shared with all stakeholders.</u>
<u>Diversity Points (10 Points)</u>			
<u>School District Type (Up to 2 points)</u>			

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

<a href="#">School District Size (Up to 2 points)</a>
<a href="#">Geographical Location (Up to 2 points)</a>
<a href="#">Plan Approach (e.g... one subject, multiple subjects, and types of subjects) (Up to 4 points)</a>

(Source: Former Section repealed at 31 Ill. Reg. 5116, effective March 16, 2007; new Section added by emergency rulemaking at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days)

## DEPARTMENT OF INSURANCE

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Misrepresentation and False Warranties
- 2) Code Citation: 50 Ill. Adm. Code 941
- 3) Register Citation to Notice of Proposed Rules: 40 Ill. Reg. 11232; August 26, 2016
- 4) Date, Time and Location of Public Hearing:

December 19, 2016  
10:00 AM – 12:00 PM  
James R. Thompson Center  
Assembly Hall Auditorium  
100 West Randolph Street  
Chicago IL

- 5) Other Pertinent Information:

This hearing is being held to foster public awareness and discussion about the proposed rules. Persons interested in presenting testimony at the hearing are advised that the Department will adhere to the following procedures:

- A) Persons, including both individuals and organizations, must sign in at the registration desk at the hearing room entrance. Individuals must have the name badge provided on their person at all times while in the public hearing location.
- B) Persons may provide oral or written testimony.
- C) Persons wishing to provide oral testimony must register at the beginning of the hearing by completing the registration form available at the hearing room entrance.
- D) Persons intending to provide oral testimony, including spokespersons for organizations, shall submit a written copy of their testimony to the Department's contact person via postal mail or e-mail, which must be received by Monday, December 12. If a person submits a written copy of their testimony later than that date, the Department will consider whether and how the oral testimony might be incorporated into the hearing; if such oral testimony is not incorporated into the hearing, the written copy of the testimony submitted still will be included in the public record of the hearing. No person will be permitted to provide oral

## DEPARTMENT OF INSURANCE

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

testimony who has not submitted a written copy of their testimony by the time they register on the date of the hearing.

- E) Persons giving oral testimony are asked to limit their comments to no more than three (3) minutes. Persons who exceed the time limit will be advised to conclude their testimony so that each person who wishes to offer oral testimony will have time to speak. Persons will not be recognized to speak a second time until all registered persons have been offered the opportunity to give testimony. Persons will not be allowed to proxy their oral testimony to another person.
  - F) Organizations are asked to select one spokesperson to present oral testimony on behalf of the organization. The spokesperson is limited to five (5) minutes to present comments on behalf of the organization or group.
  - G) To provide a balanced presentation of views and to assist the orderly conduct of the hearing, the Department may impose other rules of procedure as necessary, including, but not limited to, the order of persons providing oral testimony.
- 6) Name and Address of Agency Contact Person:
- Barbara Delano  
Assistant General Counsel  
Department of Insurance  
122 South Michigan Avenue, 19th Floor  
Chicago IL 60603
- 312/814-0919  
email: Barbara.Delano@illinois.gov

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING  
ROOM C600  
CHICAGO, ILLINOIS  
DECEMBER 13, 2016  
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Agriculture

8-30-16-13289 BT

1. Animal Control Act (8 Ill. Adm. Code 30)
  - First Notice Published: 40 Ill. Reg. 13289 – 9/23/16
  - Expiration of Second Notice: 1/1/17

8-35-16-13293 BT

2. Humane Care for Animals Act (8 Ill. Adm. Code 35)
  - First Notice Published: 40 Ill. Reg. 13293 – 9/23/16
  - Expiration of Second Notice: 1/1/17

Education

## 23-1-16-12896 MC

3. Public Schools Evaluation, Recognition, and Supervision (23 Ill. Adm. Code 1)
  - First Notice Published: 40 Ill. Reg. 12896– 9/9/16
  - Expiration of Second Notice: 1/5/17

## 23-650-16-12908 MC

4. Charter Schools (23 Ill. Adm. Code 650)
  - First Notice Published: 40 Ill. Reg. 12908– 9/9/16
  - Expiration of Second Notice: 1/5/17

Emergency Management Agency

## 32-505-16-12497 JE

5. Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)
  - First Notice Published: 40 Ill. Reg. 12497 – 9/2/16
  - Expiration of Second Notice: 1/4/17

Financial and Professional Regulation

## 38-380-16-13106 MR

6. Eligible State Bank (38 Ill. Adm. Code 380)
  - First Notice Published: 40 Ill. Reg. 13106 – 9/16/16
  - Expiration of Second Notice: 12/29/16

Gaming Board

## 86-3000-16-12538 AC

7. Riverboat Gambling (86 Ill. Adm. Code 3000)
  - First Notice Published: 40 Ill. Reg. 12538 – 9/2/16
  - Expiration of Second Notice: 12/15/16

Healthcare and Family Services

## 89-140-16-09909 EMS

8. Medical Payment (89 Ill. Adm. Code 140)
  - First Notice Published: 40 Ill. Reg. 9909 – 7/22/16
  - Expiration of Second Notice: 12/23/16

## 89-148-16-13504 EMS

9. Hospital Services (89 Ill. Adm. Code 148)
  - First Notice Published: 40 Ill. Reg. 13504 - 9/30/16
  - Expiration of Second Notice: 1/1/17

## 89-149-16-13522 EMS

10. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)

-First Notice Published: 40 Ill. Reg. 13522 - 9/30/16

-Expiration of Second Notice: 1/1/17

## 89-160-16-05256 EMS

11. Child Support Services (89 Ill. Adm. Code 160)

-First Notice Published: 40 Ill. Reg. 5256 - 4/1/16

-Expiration of Second Notice: 1/5/17

Insurance

## 50-1601-16-10352 MR

12. Securities Valuation Reserve (Repealer) (50 Ill. Adm. Code 1601)

-First Notice Published: 40 Ill. Reg. 10352– 8/5/16

-Expiration of Second Notice: 12/15/16

## 50-1602-16-10355 MR

13. War Clauses (Repealer) (50 Ill. Adm. Code 1602)

-First Notice Published: 40 Ill. Reg. 10355– 8/5/16

-Expiration of Second Notice: 12/15/16

## 50-1604-16-10359 MR

14. Valuation of Reserves (Repealer) (50 Ill. Adm. Code 1604)

-First Notice Published: 40 Ill. Reg. 10359– 8/5/16

-Expiration of Second Notice: 12/15/16

## 50-1605-16-10362 MR

15. Legal Reserve Life Blank (Repealer) (50 Ill. Adm. Code 1605)

-First Notice Published: 40 Ill. Reg. 10362– 8/5/16

-Expiration of Second Notice: 12/15/16

## 50-2909-16-05806 MR

16. Workers' Compensation Large Deductible Business (50 Ill. Adm. Code 2909)

-First Notice Published: 40 Ill. Reg. 5806– 4/8/16

-Expiration of Second Notice: 12/15/16

Natural Resources

## 17-710-16-13527 BT

17. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)  
-First Notice Published: 40 Ill. Reg. 13527 - 9/30/16  
-Expiration of Second Notice: 1/4/17

17-885-16-13112 BT

18. Herptile Code (17 Ill. Adm. Code 885)  
-First Notice Published: 40 Ill. Reg. 13112 - 9/16/16  
-Expiration of Second Notice: 12/29/16

Secretary of State

14-130-16-00441 MR

19. Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)  
-First Notice Published: 40 Ill. Reg. 441 - 1/15/16  
-Expiration of Second Notice: 12/21/16

14-130-16-04835 MR

20. Regulations Under Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)  
-First Notice Published: 40 Ill. Reg. 4835 - 3/18/16  
-Expiration of Second Notice: 1/4/17

State Fire Marshal

41-2120-16-06974

21. Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 2120)  
-First Notice Published: 40 Ill. Reg. 6974 - 5/6/16  
-Expiration of Second Notice: 12/18/16

State Police Merit Board

80-1600-16-09092 BT

22. Illinois State Police Merit Board Personnel Rules (80 Ill. Adm. Code 160)  
-First Notice Published: 40 Ill. Reg. 9092 - 7/8/16  
-Expiration of Second Notice: 12/21/16

State Treasurer

74-760-16-13538 MR

23. Uniform Disposition of Unclaimed Property Act (74 Ill. Adm. Code 760)  
-First Notice Published: 40 Ill. Reg. 13538 - 9/30/16  
-Expiration of Second Notice: 12/29/16

**AGENCY RESPONSE**

Community College Board

23-1501-16-06923 BT

24. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
  - First Notice Published: 40 Ill. Reg. 06923 - 5/6/16
  - Agency Response: Agree

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 15, 2016 through November 21, 2016. The rulemakings are scheduled for review at the Committee's December 13, 2016 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
12/29/16	<u>Department of Financial and Professional Regulation</u> , Eligible State Bank (38 Ill. Adm. Code 380)	9/16/16 40 Ill. Reg. 13106	12/13/16
12/29/16	<u>Department of Natural Resources</u> , Herptile Code (17 Ill. Adm. Code 885)	9/16/16 40 Ill. Reg. 13112	12/13/16
12/29/16	<u>Office of the State Treasurer</u> , Uniform Disposition of Unclaimed Property Act (74 Ill. Adm. Code 760)	9/30/16 40 Ill. Reg. 13538	12/13/16
1/1/17	<u>Department of Agriculture</u> , Animal Control Act (8 Ill. Adm. Code 30)	9/23/16 40 Ill. Reg. 13289	12/13/16
1/1/17	<u>Department of Agriculture</u> , Humane Care for Animals Act (8 Ill. Adm. Code 35)	9/23/16 40 Ill. Reg. 13293	12/13/16
1/1/17	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	9/30/16 40 Ill. Reg. 13504	12/13/16

---

1/1/17	<u>Department of Healthcare and Family Services, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)</u>	9/30/16 40 Ill. Reg.13522	12/13/16
1/4/17	<u>Illinois Emergency Management Agency, Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)</u>	9/2/16 40 Ill. Reg.12497	12/13/16
1/4/17	<u>Department of Natural Resources, The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)</u>	9/30/16 40 Ill. Reg.13527	12/13/16

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

ILLINOIS STUDENT ASSISTANCE COMMISSION

Heading of the Part: Illinois Prepaid Tuition Program

Code Citation: 23 Ill. Adm. Code 2775

Section Number: 2775.20

Date Originally Published in the *Illinois Register*: 9/9/16  
40 Ill. Reg. 12942

At its meeting on November 15, 2016, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that that ISAC seek a statutory resolution to the conflict between Section 10 and Section 25(2) of the Illinois Prepaid Tuition Act [110 ILCS 979]. While one of these Sections allows ISAC to set a reasonable length of State residence for qualified beneficiaries, the other defines a qualified beneficiary as having been a resident of Illinois for at least 12 months. ISAC has removed from this rulemaking a provision that could be considered contrary to the more specific of these two statutes. However, a statutory clarification could help avoid similar issues in the future.

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.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## Petition for Exemption from Section 27 of the Mercury-added Product Prohibition Act

Dynisco Instruments, 38 Forge Parkway, Franklin, MA 02038 has submitted a petition to the Illinois Environmental Protection Agency ("Illinois EPA") an exemption from Section 27 of the Mercury-added Product Prohibition Act ("Act") [410 ILCS 46/27]. Section 27(a) of the Act states that "no person shall sell, offer to sell, distribute, or offer to distribute the following mercury-added products in this State: barometers; esophageal dilators, bougie tubes, or gastrointestinal tubes; flow meters; hydrometers; hygrometers; manometers; pyrometers; sphygmomanometers; thermometers; psychrometers; pressure transducers; rings; seals; sensors; or zinc air button cell batteries" [410 ILCS 46/27(a)]. The manufacturer of a mercury-added product may petition the Illinois EPA for an exemption from Section 27 for one or more specific uses of a mercury-added product. Requirements for the petition and procedures for the Illinois EPA's review of the petition can be found in Section 27(c) of the Act [410 ILCS 46/27(c)] and in Illinois EPA rules at 35 Ill. Adm. Code 182.

Pursuant to 35 Ill. Adm. Code 182.302(c), the Illinois EPA is providing public notice of the following information:

1. The petitioner is identified above. An exemption is sought for mercury fill used in melt pressure transducers used in the plastic extrusion industry.
2. Mercury fill in melt pressure transducers is used as a pressure transmission fluid to conduct pressure from an extremely high temperature (up to 752o F) to a lower temperature where pressure can be measured using conventional pressure sensing techniques.
3. A copy of the petition is available for review at the Illinois EPA's headquarters. Persons wanting to review the application may do so during normal business hours at:

Illinois EPA Headquarters  
1021 North Grand Avenue East  
Springfield IL 62794-9276

217/524-9642  
TDD 217/782-9143

Please call ahead to assure that someone will be available to assist you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

4. Written public comments on the petition may be submitted to the Illinois EPA for a period of 45 days after the date of publication of this notice. Comments must be submitted to the following address:

Becky Jayne, MC #24  
Illinois EPA  
1021 North Grand Avenue East  
P. O. Box 19276  
Springfield IL 62794-9276

217-524-9642  
TDD 217-782-9143  
email: [Becky.Jayne@illinois.gov](mailto:Becky.Jayne@illinois.gov)

## CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD

## JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for the Capital Development Board, (44 Ill. Adm. Code 8)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for the Capital Development Board anticipates amendments to address legislative changes made by the 99th and 100th General Assembly.
- B) Statutory Authority: [30 ILCS 500]
- C) Scheduled Meeting/Hearing Dates: None have been scheduled.
- D) Date Agency anticipates First Notice: May 2017
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency Contact Person for Information:
- Van Austin  
Rules Coordinator  
Chief Procurement Office for Capital Development Board  
401 S. Spring Street  
Room 318 Stratton Office Building  
Springfield IL 62706
- 217/836-2008
- G) Related rulemakings and other pertinent information: None

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for General Services Standard Procurement, (44 Ill. Adm. Code 1)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for General Services anticipates amendment to the standard procurement rules to implement the changes made by P.A. 98-1076, P.A. 98-1038, and to address other legislative changes made by the 98th and 99th General Assembly. Additionally, the Chief Procurement Officer for General Services anticipates amendment to the standard procurement rules to implement the Joint Governmental Purchasing Act, including but not limited to application to purchases made with consortiums of governmental entities.
- B) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]; The Small Business Contracts Act [30 ILCS 503]; The Governmental Joint Purchasing Act [30 ILCS 525]
- C) Scheduled Meeting/Hearing Dates: None have been scheduled.
- D) Date Agency anticipates First Notice: The Chief Procurement Officer for General Services anticipates filing the proposed rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency Contact Person for Information:
- Michelle Casey  
Special Advisor and State Purchasing Officer  
Chief Procurement Office for General Services  
712 Stratton Office Building  
Springfield IL 62706
- 217/494-5577
- G) Related rulemakings and other pertinent information: None

## CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

## JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement, (44 Ill. Adm. Code 4)

1) Rulemaking:

- A) Description: The Chief Procurement Officer for Higher Education anticipates amendments to the standard procurement rules to implement changes to address legislative changes made by the General Assembly.
- B) Statutory Authority: [30 ILCS 500]
- C) Scheduled Meeting/Hearing Dates: None have been scheduled.
- D) Date Agency anticipates First Notice: July 2017
- E) Effect on small businesses, small municipalities or not-for profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency Contact Person for Information:

Shirley Webb  
Deputy Chief Procurement Officer  
Chief Procurement Office for Public Institutions of Higher  
Education  
513 Stratton Office Building  
401 S. Spring St.  
Springfield IL 62706

217/836-2376

- G) Related rulemakings and other pertinent information: None

## EXECUTIVE ETHICS COMMISSION

## JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Organization, Information, Rulemaking and Hearings, (2 Ill. Adm. Code 1620)
- 1) Rulemaking:
- A) Description: The amendments will incorporate the provisions of PA 96-1528 that added regional transit boards to the State Officials and Employees Ethics Act and various technical clean-up.
- B) Statutory Authority: State Officials and Employees Ethics Act [5 ILCS 430]
- C) Scheduled Meeting/Hearing Dates: None have been scheduled.
- D) Date Agency anticipates First Notice: The Commission anticipates filing the proposed rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency Contact Person for Information:
- Chad Fornoff  
Executive Director  
Executive Ethics Commission  
401 S. Spring St.  
513 William Stratton Building  
Springfield IL 62706
- 217/558-1393
- G) Related rulemakings and other pertinent information: None

## PROCLAMATIONS

**2016-262 (Revised)**  
**Independent Retailers Week**

WHEREAS, Independent Retailers Week provides a time to celebrate the entrepreneurial spirit represented by our core of local independent retailers; and,

WHEREAS, the individual decisions every community member makes affect the future of our state; and,

WHEREAS, our state's local independent retailers help preserve the uniqueness of the community and give us a sense of place; and,

WHEREAS, independently-owned retailers give back to the community in goods, services, time, and talent; and,

WHEREAS, the health of our state's economy depends on our support of businesses owned by our friends and neighbors; and,

WHEREAS, Illinois' independent retail owners and employees enrich community members' shopping experiences with their knowledge and passion; and,

WHEREAS, as we celebrate Independent Retailer Week 2016, we acknowledge the contribution these retailers make to our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26-30, 2016, as **INDEPENDENT RETAILERS WEEK** in Illinois and encourage all citizens to support the independent retailers that support their communities.

Issued by the Governor September 23, 2016

Filed by the Secretary of State November 21, 2016

**2016-268 (Revised)**  
**Diabetes Awareness Month**

WHEREAS, diabetes affects 29.1 million people, 9.3 percent of the population in the United States, and is a serious disease for which there is no known cure and which is the seventh leading cause of death by disease in the United States; and,

WHEREAS, approximately one quarter of the Americans who have diabetes, 8.1 million people, do not know they have the disease and may experience damage to the heart, eyes, kidneys, and limbs without presenting any symptoms; and,

## PROCLAMATIONS

WHEREAS, another 86 million people have pre-diabetes, a condition which puts them at greater risk for developing Type 2 diabetes, and if current trends continue, one in three American adults will have diabetes by the year 2050; and,

WHEREAS, Type 1 diabetes (T1D) is an autoimmune disease in which a person's pancreas stops producing insulin; and,

WHEREAS, T1D occurs when the body's immune system attacks and destroys the insulin producing cells in the pancreas, and there is no prevention or present cure; and,

WHEREAS, T1D strikes both children and adults at any age and comes on suddenly, causing dependence on injected or pumped insulin for life, and carries the constant threat of devastating complications; and,

WHEREAS, diabetes has many faces, affecting everyone, young and old, and with minorities having an increased risk of developing the disease; and,

WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering the devastating complications of the disease;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November 2016 as **DIABETES AWARENESS MONTH** in the State of Illinois, and encourage all citizens to help fight this disease and its deadly complications by increasing awareness of the risk factors for diabetes, and by providing support to those suffering from diabetes.

Issued by the Governor September 26, 2016

Filed by the Secretary of State November 21, 2016

**2016-291****University of Illinois Paralympian Day**

WHEREAS, the University of Illinois at Urbana-Champaign is home to an official 2,100 square foot U.S. Paralympic Training Facility with specialized equipment; 15 athletes and three coaches who currently train at the University of Illinois at Urbana-Champaign competed at the 2016 Rio Paralympic Games; and,

WHEREAS, 31 University of Illinois students and alumni who competed in Rio won 11 gold medals, seven silver medals, and five bronze medals in wheelchair track, wheelchair basketball, tennis, sitting volleyball, and rowing. If the University of Illinois at Urbana-Champaign were a

## PROCLAMATIONS

country, it would have finished ninth in the overall gold medal count for all competing countries; and,

WHEREAS, four University of Illinois at Urbana-Champaign athletes – Tatyana McFadden, Amanda McGrory, Chelsea McClammer, and Ray Martin – won 35 percent of all United States medals in track and field; and,

WHEREAS, University of Illinois student Gyu Dae Kim represented South Korea and won both of that country's wheelchair track and field medals; and,

WHEREAS, the first wheelchair athlete in the world to win an Olympic gold medal came from the Illinois program, and Illinois student athletes with disabilities have competed in every Paralympic Games since Rome in 1960; and,

WHEREAS, the University of Illinois was the first postsecondary institution to admit students with physical disabilities and was also the first university to grant varsity awards to student athletes with disabilities; and,

WHEREAS, seminal research in the College of Applied Health Sciences led to the development of the first architectural accessibility standards (American Standards Association A117.1) that would later become the American National Standards Institute standards; and,

WHEREAS, the College of Applied Health Sciences oversees the Center for Wounded Veterans in Higher Education, which was completed in 2015 to accommodate the needs of former service members pursuing degrees at the University of Illinois at Urbana-Champaign; and,

WHEREAS, the College of Applied Health Sciences continues to provide leadership in interdisciplinary research, education, and outreach efforts that promote health and wellness, healthy aging across the lifespan, and optimal participation of individuals with disabilities; and,

WHEREAS, the University of Illinois athletes and coaches who participated in the 2016 Rio Paralympic Games offer inspiration to all citizens through their accomplishments and dedication, and should be commended for their success, as well as for the courage and perseverance they demonstrated in achieving their goals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 29, 2016, as **UNIVERSITY OF ILLINOIS PARALYMPIAN DAY** in Illinois, and congratulate all the athletes who admirably represented the State of Illinois and the United States of America at the 2016 Rio Paralympic Games.

Issued by the Governor October 18, 2016

## PROCLAMATIONS

Filed by the Secretary of State November 16, 2016

**2016-292**  
**Day of the Deployed**

WHEREAS, our nation was founded on the principle that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and,

WHEREAS, the freedoms we enjoy as Americans are protect by the men and women who serve in the Armed Forces; and,

WHEREAS, our deployed service members have answered the call to defend these freedoms and ideas around the world; and,

WHEREAS, the families of our deployed service members are also recognized for their role in serving our country while their loved ones are away; and,

WHEREAS, North Dakota began honoring the members of the Armed Forces and their families in 2006 by recognizing October 26th as Day of the Deployed, and in 2010 United States Senate began honoring it as well;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 26, 2016, as **DAY OF THE DEPLOYED** in Illinois, and encourage all Illinoisans to pay tribute to service members and their families for their commitment to this nation.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

**2016-293**  
**Illinois Groundwater Awareness Week**

WHEREAS, more than half of Illinois residents receive their water from groundwater wells, which makes Illinois' groundwater a valuable natural resource that needs to be protected; and,

WHEREAS, next to breathable air, groundwater may be the next most important resource necessary for human life; and,

WHEREAS, agricultural irrigation is the single largest use of groundwater, nourishing much of the produce and livestock products that fill our grocery stores; and,

## PROCLAMATIONS

WHEREAS, groundwater can be found beneath the surface virtually anywhere, making it possible to live in rural or even remote places where public water systems do not exist; and,

WHEREAS, groundwater makes it possible for ecosystems teeming with life to exist, as it supplies plants and animals with life-giving water and often meets critical water needs in the midst of drought because of its abundance beneath the surface of the earth; and,

WHEREAS, the National Ground Water Association (NGWA) and the Illinois Association of Groundwater Professionals (IAGP) encourages annual water well checkups in the spring before the peak water use season begins;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 4-10, 2016 as **ILLINOIS GROUNDWATER AWARENESS WEEK** and urge all Illinoisans to observe the week by learning more about groundwater and its importance, and to act in ways that value and protect this resource.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

**2016-294****Illinois Rural and Small Schools Day**

WHEREAS, Illinois students in rural and small schools should have access to high quality educational opportunities; and,

WHEREAS, there are at least 500 small and rural school districts in the State of Illinois; and,

WHEREAS, more than 275,000 Illinois children attend small and rural schools in Illinois; and,

WHEREAS, rural public schools are an important fixture and often the focal point for the community; and,

WHEREAS, public school systems are usually one of the largest, if not the largest, employers in a rural community or region; and,

WHEREAS, the Association of Illinois Rural and Small Schools (AIRSS) serves as a statewide organization that helps promote and enhance education in rural and small schools in every community and location of Illinois; and,

WHEREAS, AIRSS has served a significant role in giving identity, voice, and recognition to rural and small schools and their local communities;

## PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 18, 2016, as **ILLINOIS RURAL AND SMALL SCHOOLS DAY** in Illinois to generate awareness of the vital roles rural and small schools play in the development of the State of Illinois.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

**2016-295****National Adoption Month**

WHEREAS, all children need and deserve the love, nurturing, and sense of security that can only come from being part of a loving, permanent family; and,

WHEREAS, adoption provides a unique joy and a special opportunity for people, whether or not they are already parents, married, in a civil union, single, or divorced, to open their hearts and their homes for the rest of their lives to children; and,

WHEREAS, the Illinois Department of Children and Family Services and its non-profit partners strive to reunify children with their birth families, but when that simply is not possible, they are equally committed to ensuring every child has the safe, loving family they need and deserve to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system by reducing the number of children in temporary substitute care, establishing a Bill of Rights for both birth parents and adoptive parents, and strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents, and children; and,

WHEREAS, there are children of all ages, backgrounds and needs awaiting adoption across the state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as **NATIONAL ADOPTION MONTH** in Illinois, and encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

## PROCLAMATIONS

**2016-296**  
**Rural Health Day**

WHEREAS, there are 82 rural counties in Illinois and the communities within are places where residents know each other, listen to and respect each other, and work together for the greater good; and,

WHEREAS, these communities are filled with leaders – ordinary people willing to step forward, share, and implement a vision, and drive change that benefits everyone; and,

WHEREAS, health care, like so many other things in rural America, focuses on relationships and health care providers get to know the people they care for and have the opportunity to practice more patient-centered medicine; and,

WHEREAS, the main emphasis of rural health care has always been on providing affordable, holistic, primary care – a model for the rest of the country to follow as America transitions to a population/wellness/prevention-based system of health care; and,

WHEREAS, rural hospitals and health systems are often the economic foundation and largest employers in these communities; and,

WHEREAS, addressing transportation, workforce, infrastructure, and broadband/telecommunication needs and overcoming geographic barriers is necessary to ensure that all rural safety net providers can adequately meet the basic health care needs of the residents they serve; and,

WHEREAS, the Illinois Department of Public Health, Center for Rural Health, the National Organization of State Offices of Rural Health, and other rural stakeholders provide services and resources and foster relationships that help rural communities address their unique healthcare needs; and,

WHEREAS, on November 17, 2016, National Rural Health Day will be celebrated throughout the United States;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim November 17, 2016 as **RURAL HEALTH DAY** in Illinois, and encourage citizens to recognize the unique health care contributions of rural communities and rural stakeholders.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

## PROCLAMATIONS

**2016-297****School Psychology Awareness Week**

WHEREAS, all children and youth learn best when they are healthy, supported, and receive an education that enables them to strive, grow, and thrive academically, socially, and emotionally; and,

WHEREAS, schools can more effectively ensure all students are able to learn when they meet the needs of the whole child and provide integrated, multi-tiered support; and,

WHEREAS, children's mental health is directly linked to their learning and development, and the learning environment provides an optimal context to promote good mental health; and,

WHEREAS, sound psychological principles are integral to instruction and learning, social and emotional development, prevention and early intervention, and safety, as well as supporting culturally diverse student populations; and,

WHEREAS, school psychology has more than 60 years of well established, widely recognized, and highly effective practices and standards that are included in the National Association for School Psychologist's Model for Comprehensive and Integrated School Psychology Services; and,

WHEREAS, school psychologists are specially trained to deliver a continuum of mental health services and academic supports that lower barriers to teaching and learning; and,

WHEREAS, school psychologists help children thrive by nurturing their individual strengths across both personal and academic endeavors; and,

WHEREAS, school psychologists are trained to assess student and school-based barriers to learning, utilize data-based decision-making, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability; and,

WHEREAS, it is important that the citizens of the State of Illinois recognize the vital role that school psychologists play in the personal and academic development of our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14-18, 2016, as **SCHOOL PSYCHOLOGY AWARENESS WEEK** in Illinois.

Issued by the Governor October 21, 2016

Filed by the Secretary of State November 16, 2016

## PROCLAMATIONS

**2016-298****Year of Scott Air Force Base**

WHEREAS, in 2017, Scott Air Force Base celebrates its Centennial Birthday, providing a century of unparalleled service to the nation and to the State of Illinois since 1917, during both peacetime and in times of conflict; and,

WHEREAS, Scott Air Force Base began as a pilot training platform and where early aviators transformed aircraft into flying hospitals, which were the forerunners of today's aeromedical evacuation system. After World War I, it served as a lighter-than-air station, flying dirigibles and utilizing balloons for atmospheric experimentation; and,

WHEREAS, by World War II, Scott Air Force base transformed into a radio communications training and operations center known as the "eyes and ears of the Army Air Forces," with a long and illustrious history that laid the foundation for today's Air Force mission to "fly, fight, and win in air, space, and cyberspace"; and,

WHEREAS, the birth of an independent United States Air Force on September 18, 1947, re-designated Scott Field as Scott Air Force Base as the mission grew to enable rapid global mobility in support of combat and humanitarian relief operations around the world; and,

WHEREAS, Scott Air Force Base remains a treasured military asset, directly employing 13,000 active duty, reserve, National Guard, and government service civilian members, along with Department of Defense contractors who contribute to a regional economic impact of \$3.5 billion annually;

THEREFORE, I, Bruce Rauner, Governor of Illinois, do hereby proclaim 2017 as the **YEAR OF SCOTT AIR FORCE BASE** in Illinois, and congratulate the Greater Scott Communities that have supported the military and civilian employees and their families during the past century of service. We thank them for protecting our freedom and selflessly dedicating their lives to serving our nation and the great State of Illinois.

Issued by the Governor October 24, 2016

Filed by the Secretary of State November 16, 2016

**2016-299****Marine Corps Day**

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 241 years; and,

## PROCLAMATIONS

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict, from the Revolutionary War in the 18th century to the War on Terrorism today; and,

WHEREAS, Marines are trained to always be faithful to "God, Country, and Corps," to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and,

WHEREAS, thanks to their training, the Marine Corps is one of the most elite and capable fighting forces in the world; and,

WHEREAS, the devotion of Marines to duty has helped keep us and our country safe and free; and,

WHEREAS, for these reasons, Marines have rightfully earned a reputation of courage and military efficiency; and,

WHEREAS, this year, they celebrate 241 years of commitment and dedication to service on the Corps birthday, November 10;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 10, 2016, as **MARINE CORPS DAY** in Illinois in recognition of the Marine Corps, and to thank the loyal Marines of our state who have served and are serving to protect our liberty and freedom.

Issued by the Governor October 25, 2016

Filed by the Secretary of State November 16, 2016

**2016-300****Native American Heritage Month**

WHEREAS, the first American Indian Day was declared on the second Saturday in May 1916 by the Governor of New York; and,

WHEREAS, in 1990, President George H. W. Bush approved a joint resolution designating November 1990 as National American Indian Heritage Month, and similar proclamations have been issued by American presidents every year since 1994; and,

WHEREAS, National American Indian and Alaska Native Heritage Month is celebrated in November to recognize Native American culture and to educate the public about the cultural heritage, traditions, history, and art of the American Indian and Alaskan native peoples; and,

## PROCLAMATIONS

WHEREAS, a consortium of Native American tribes once inhabited what is today Illinois, and those early civilizations have enriched our heritage and added to all aspects of our society; and,

WHEREAS, Illinois is home to Cahokia Mounds State Historic Site near Collinsville, which contains the preserved remains of one of the most sophisticated prehistoric native civilizations north of Mexico; and,

WHEREAS, Native American culture is woven into the fabric of our daily lives, from the foods we eat to the medicines and remedies we take and the highways we drive, which are based on ancient trails; and,

WHEREAS, Illinoisans are grateful for the lasting cultural influences and contributions of Native Americans;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of November 2016 as **NATIVE AMERICAN HERITAGE MONTH** in Illinois and encourage all Illinoisans to celebrate and learn more about the cultural legacy of Illinois's Native Americans.

Issued by the Governor October 31, 2016

Filed by the Secretary of State November 16, 2016

**2016-301**  
**Veterans Day**

WHEREAS, our nation was founded on the principle that all citizens are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and,

WHEREAS, the freedom we enjoy as Americans does not come without a price; and,

WHEREAS, the freedom we enjoy was earned by our nation's military veterans who sacrificed to preserve and protect our freedom from enemies at home and abroad; and,

WHEREAS, November 11th was originally proclaimed as "Armistice Day" to honor United States World War I veterans on the anniversary of the signing of the Armistice which brought an end to the war; and,

WHEREAS, in 1954, President Dwight D. Eisenhower signed legislation proclaiming November 11th as a day to honor all veterans of The United States Armed Forces;

## PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 11, 2016, as **VETERANS DAY** in Illinois and encourage all Illinoisans to recognize the courage and sacrifice of our veterans.

Issued by the Governor October 31, 2016

Filed by the Secretary of State November 16, 2016

**2016-302****Flag Lowering Order - Officer James Brockmeyer**

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their safety on the line to perform their duties; and,

WHEREAS, on Friday, October 28, 2016, 22-year-old Officer James Brockmeyer of the Chester Police Department was killed in the line of duty in a traffic crash while in pursuit of a suspect; and,

WHEREAS, Officer James Brockmeyer devoted his life to public service. He had been an officer for the Chester Police Department for 10 months and was also a volunteer firefighter for the Chester Fire Department; and,

WHEREAS, throughout his career in law enforcement, Officer James Brockmeyer represented the State of Illinois admirably and will always be remembered for the countless lives he impacted; and,

WHEREAS, a funeral service will be held on Thursday, November 3, 2016, in the Colbert Memorial Gymnasium at Chester High School for Officer James Brockmeyer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Thursday, November 3, 2016, in honor and remembrance of Officer James Brockmeyer whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor November 1, 2016

Filed by the Secretary of State November 16, 2016

**2016-303**

## PROCLAMATIONS

**Coach Joe Newton Day**

WHEREAS, at the end of the 2016 season, Coach Joe Newton will retire from his position coaching cross country and track teams at York Community High School in Elmhurst, Illinois; and,

WHEREAS, at 87 years old, Coach Newton has enjoyed a lengthy career: 63 years of coaching, including 61 years at York Community High School, where his teams and athletes won 29 state championship titles, the most for any Illinois high school in any sport; and,

WHEREAS, a 2008 feature-length documentary was made about Coach Newton's life and success, called The Long Green Line, named after his team's nickname; and,

WHEREAS, Coach Newton was an assistant manager in charge of marathon runners for Team U.S.A. in the 1988 Olympics, the first high school coach to be named to such a prestigious position; and,

WHEREAS, Coach Newton was named the National Cross Country Coach of the Year four times and has written four books, focused on training and motivation; and,

WHEREAS, for more than six decades, Coach Newton has worked tirelessly to shape young athletes, focusing on both the mental and physical elements that are required for success;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 6, 2016, as **COACH JOE NEWTON DAY** in Illinois, and congratulate Coach Newton for his unwavering commitment to the students and athletes he supported throughout his legendary coaching career.

Issued by the Governor November 2, 2016

Filed by the Secretary of State November 16, 2016

**2016-304****World Champion Chicago Cubs Day**

WHEREAS, on Wednesday, November 2, 2016, the Chicago Cubs won the World Series, beating the Cleveland Indians in Game Seven, by a score of eight to seven in extra innings; and,

WHEREAS, the 2016 World Series win is the first world championship for the Cubs in 108 years; the team last won the World Series in 1908; and,

## PROCLAMATIONS

WHEREAS, during the regular season, the 2016 Chicago Cubs won 103 games, the most wins for the franchise since 1910; and,

WHEREAS, on their run to the World Series, the Cubs defeated the San Francisco Giants in the National League Division Series in four games and the Los Angeles Dodgers in the National League Championship Series in six games; and,

WHEREAS, a true team effort all season led to the Cubs' stunning and momentous World Series victory, and this achievement is proof of their commitment to baseball excellence; and,

WHEREAS, the historic accomplishment also honors Cubs' greats like Ron Santo, "Sweet-Swinging" Billy Williams, and "Mr. Cub" Ernie Banks, who never had the opportunity to hoist the Commissioner's Trophy, as well as other Cubs legends like Harry Caray; and,

WHEREAS, the World Series win is especially meaningful for the generations of Cubs fans who have stood by the team, through thick and thin, during the last 108 years; and,

WHEREAS, the State of Illinois could not be prouder of all the Cubs players, along with Chairman Tom Ricketts, President of Baseball Operations Theo Epstein, Manager Joe Maddon, and all the coaches and staff, for winning the 2016 World Series;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Friday, November 4, 2016, as **WORLD CHAMPION CHICAGO CUBS DAY** in Illinois in celebration of the Cubs' historic World Series win, and join the City of Chicago and the rest of the State of Illinois in congratulating the Cubs on their remarkable championship season.

Issued by the Governor November 3, 2016

Filed by the Secretary of State November 16, 2016

**2016-305****#ILGive for Giving Tuesday**

WHEREAS, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and,

WHEREAS, Giving Tuesday is a celebration of philanthropy and volunteerism when residents across Illinois and the country donate to organizations and causes that are meaningful to them; and,

## PROCLAMATIONS

WHEREAS, Giving Tuesday is a day when citizens work together to share commitments, rally for impactful organizations, work to build a stronger community, and give back to their fellow community members; and,

WHEREAS, on #ILGive for Giving Tuesday, and throughout the year, it is important to recognize the tremendous impact of philanthropy, volunteerism, and community service throughout the State of Illinois; and,

WHEREAS, #ILGive for Giving Tuesday is an opportunity to encourage all Illinoisans to serve others throughout this holiday season and during other times of the year;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 29, 2016, as **#ILGIVE FOR GIVING TUESDAY** in Illinois, and encourage all citizens to visit [www.ilgive.com](http://www.ilgive.com) to join the giving movement and celebrate together in giving back to the community in the way that is personally meaningful for each Illinoisan.

Issued by the Governor November 10, 2016

Filed by the Secretary of State November 16, 2016

**2016-306**  
**Blue Man Group Day**

WHEREAS, for 19 years Blue Man Group has been an iconic Illinois entertainment event, attracting audiences from around the world; and,

WHEREAS, Blue Man Group Chicago continues to provide Illinois residents and visitors with a unique and thrilling multi-sensory experience; and,

WHEREAS, Blue Man Group blends innovative theatrical spectacles and dynamic original music with hilarious comedy, art, technology, and science to create a performance experience unlike any other; and,

WHEREAS, Blue Man Group will celebrate 25 years of daring to live in full color on November 17, 2016; and,

WHEREAS, Blue Man Group will celebrate this milestone of their original show and the Blue Man character with the launch of several new creative projects in 2016; and,

WHEREAS, these creative projects include the release of their first-ever book, "Blue Man World", featuring original artwork, and the launch of the group's third studio album, "THREE";

## PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 17, 2016, as **BLUE MAN GROUP DAY** in Illinois, and encourage all Illinoisans to recognize the contributions Blue Man Group has made to the State of Illinois' artistic, local, and tourism communities.

Issued by the Governor November 10, 2016

Filed by the Secretary of State November 16, 2016

**2016-307****Small Business Saturday**

WHEREAS, first observed in Roslindale Village, Massachusetts, on November 27, 2010, Small Business Saturday has grown into a national celebration of small businesses on the Saturday after Thanksgiving each year; and,

WHEREAS, Small Business Saturday encourages holiday shoppers to patronize brick-and-mortar businesses that are small and locally-owned, celebrating the contributions they make to our local economies and communities; and,

WHEREAS, according to the United States Small Business Administration, small businesses employ more than 55 percent of the working population in the United States; and,

WHEREAS, Illinois is home to more than one million small businesses that employ 2.4 million people, about half of Illinois' overall workforce; and,

WHEREAS, small businesses create two out of every three new jobs in our economy and make up 98 percent of Illinois employers; and,

WHEREAS, small businesses are critical to the economic health of our communities, providing jobs, creating products, and developing services that drive our Nation and the State of Illinois toward economic growth and prosperity;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 26, 2016, as **SMALL BUSINESS SATURDAY** in Illinois and encourage all Illinoisans to shop locally, both on Small Business Saturday and throughout the year.

Issued by the Governor November 10, 2016

Filed by the Secretary of State November 16, 2016

**2016-308****Thanksgiving Day**

## PROCLAMATIONS

WHEREAS, Thanksgiving is a holiday that is traced back to a 1621 celebration in Plymouth, Massachusetts, joining early settlers from England and the native Wampanoag people; and,

WHEREAS, the feast and gathering in Plymouth celebrated a plentiful harvest and the English tradition of Days of Fasting and Days of Thanksgiving; and,

WHEREAS, modern Thanksgiving Day invites us to reflect on our blessings and take part in fellowship with family and friends, just as the early settlers and Wampanoag people joined together in celebration of that bountiful harvest; and,

WHEREAS, Thanksgiving is a uniquely American holiday, built on the comradery created through overcoming hardship and then rejoicing at the fruits of that labor; through this, we are reminded of the limitless opportunities we are granted here in Illinois and across our country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 24, 2016, as **THANKSGIVING DAY** in Illinois and encourage the people of Illinois to join together, whether in our homes, places of worship, community centers, or any place of fellowship for friends and neighbors and give thanks for all we have received in the past year, express appreciation to those whose lives enrich our own, and share our bounty with others.

Issued by the Governor November 10, 2016

Filed by the Secretary of State November 16, 2016

**2016-309****Bill of Rights Day**

WHEREAS, on December 15, 1791, the First Congress ratified the first ten amendments to the United States Constitution; and,

WHEREAS, these ten amendments, also termed the Bill of Rights, incorporated vital American freedoms into our Constitution; and,

WHEREAS, the inalienable freedoms protected by the Bill of Rights – like our First Amendment rights to free speech, religion, peaceable assembly, and a free press – are fundamental liberties that continue to define our great nation and ensure our liberty; and,

WHEREAS, the rights and freedoms incorporated in the Bill of Rights are animated by an American spirit of equality, liberty, and justice for all; and,

## PROCLAMATIONS

WHEREAS, the people of the great State of Illinois and all Americans enjoy these shared liberties, made possible only because of our brave servicemen and women who serve both home and abroad to defend our freedom and the American way of life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 15, 2016, as **BILL OF RIGHTS DAY** in Illinois in recognition of our founders and the legacy of this great nation.

Issued by the Governor November 16, 2016

Filed by the Secretary of State November 16, 2016

**2016-310****Pearl Harbor Remembrance Day**

WHEREAS, on December 7, 1941, Japanese bomber planes attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and,

WHEREAS, during that attack, more than 2,000 Americans were killed, including approximately 50 servicemen from Illinois, and more than 1,170 were wounded during the bombardment, which outraged Americans as few other events in our nation's history had previously; and,

WHEREAS, in response, President Franklin Roosevelt and Congress promptly declared war against Japan and its allies, therefore entering World War II; and,

WHEREAS, Illinois National Guard soldiers were among the first to engage with enemy forces after the attack on Pearl Harbor as the Maywood, Illinois-based Company B, 192nd Tank Battalion defended the Philippines from Japanese invaders; and,

WHEREAS, many of these soldiers and other service members from Illinois sacrificed their lives or would suffer tremendously at the hands of enemy captors throughout the war; and,

WHEREAS, the United States' sailors, soldiers, and airmen performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations within the Pacific, African, and European theaters; and,

WHEREAS, on May 7, 1945, Germany surrendered, which was soon followed by Japan's surrender on August 14th of that same year; and,

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history; by the war's end, more than eight million Americans were serving in the Army alone; and,

## PROCLAMATIONS

WHEREAS, thanks to the Grand Coalition, our servicemen and women, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the rights of all peoples everywhere; and,

WHEREAS, this year marks the 75th anniversary of the attack on Pearl Harbor and the 71st anniversary of the end of the Second World War; and,

WHEREAS, although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim December 7, 2016, as **PEARL HARBOR REMEMBRANCE DAY** in Illinois and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff on such day from sunrise until sunset in memory of all the heroes who died in the attack on Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 16, 2016

Filed by the Secretary of State November 16, 2016

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 40, Issue 49 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

89 - 104	.....	15830
35 - 307	.....	15854
86 - 100	.....	15878
23 - 1	.....	15915

**EMERGENCY RULES**

23 - 1	11/18/2016 .....	15957
--------	------------------	-------

**JCAR REVIEW OF EXISTING RULES**  
**STATEMENT OF RECOMMENDATIONS**

23 - 2775	.....	15987
-----------	-------	-------

**EXECUTIVE ORDERS AND**  
**PROCLAMATIONS**

16 - 262	9/23/2016 .....	15994
16 - 268	9/26/2016 .....	15994
16 - 291	10/18/2016 .....	15995
16 - 292	10/21/2016 .....	15997
16 - 293	10/21/2016 .....	15997
16 - 294	10/21/2016 .....	15998
16 - 295	10/21/2016 .....	15999
16 - 296	10/21/2016 .....	16000
16 - 297	10/21/2016 .....	16001
16 - 298	10/24/2016 .....	16002
16 - 299	10/25/2016 .....	16002
16 - 300	10/31/2016 .....	16003
16 - 301	10/31/2016 .....	16004
16 - 302	11/1/2016 .....	16005
16 - 303	11/2/2016 .....	16005
16 - 304	11/3/2016 .....	16006
16 - 305	11/10/2016 .....	16007
16 - 306	11/10/2016 .....	16008
16 - 307	11/10/2016 .....	16009
16 - 308	11/10/2016 .....	16009
16 - 309	11/16/2016 .....	16010
16 - 310	11/16/2016 .....	16011

**REGULATORY AGENDA**

44 - 8	.....	15990
44 - 1	.....	15991
44 - 4	.....	15992
2 - 1620	.....	15993

## ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
<b>TOTAL AMOUNT OF ORDER</b>	\$ _____

Check    Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

**Send Payment To:** Secretary of State                      E-mail: eAdministrativeCode@ilsos.net  
 Department of Index                                              Phone: (217) 782-7017  
 Administrative Code Division  
 111 E. Monroe  
 Springfield, IL 62756

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State  
[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)