

2006

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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editors Note: All Regulatory Agenda's must be submitted no later than January 9th, 2006. Any submissions after this date will not be published. The next acceptance period for Regulatory Agenda's will be May 1st, 2006 through June 30th, 2006 for the July publication of the Regulatory Agendas.

A reminder all Rules being submitted must now be changed from 29 Ill. Reg. to 30 Ill. Reg. in Main Source Note and Section Source Notes.

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 Action</u> :
1.95	Amendment
1.440	Amendment
1.445	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking addresses two unrelated issues.

- the advisability of revising the timeframe for the appeals process discussed in Section 1.95; and
- school districts' need for criteria by which high school courses may be considered "writing-intensive".

Appeals Process (Section 1.95) Section 1.95 of the rules was just added to Part 1 as part of the updating of the accountability system to reflect the requirements of No Child Left Behind. That Section establishes the appeals process called for in Section 2-3.25m of the School Code, by which districts may seek review of their status level, recognition level, or corrective action. While promulgation of those amendments was in progress, it became clear that the uniform 30-day window of opportunity for these appeals might result in a concentration of appeals that would be difficult to manage. By giving affected districts until September 1 of the calendar year if that date falls more than 30 days after the notification, we can achieve a distribution of receipt dates that would be somewhat more workable for the agency and for the Appeals Advisory Committee.

"Writing-Intensive" Courses (Section 1.440) The changes in high school graduation requirements made by P.A. 94-676 include a statement that students entering the 9th grade in the 2006-07 school year or later will have to complete two years of "writing-intensive" courses in order to graduate. One of these courses must be an English course, while the other may be English but may also be a course in some other subject. Because of this new provision, districts need to know what sort of writing work must be included in a course in order for it to be considered as "writing-intensive".

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The adjective "intensive" implies that a significant amount of writing will be incorporated as part of students' work in a given course. However, establishing a minimum amount or percentage of class time that must be devoted to writing would be arbitrary and probably superficial. The approach we have taken in developing criteria for this determination relies instead on the State Goals for Learning related to the English language arts and on the Illinois Learning Standards in that curricular area.

It is therefore proposed that, in order for a course to count as "writing-intensive", both writing-related state goals must be addressed and students' written work must be evaluated against all the standards relevant to those goals. Further, the feedback students receive from the evaluation of their work must be designed to help them improve in all the aspects of writing that correspond to expectations at the high school level.

The proposed amendments also require that at least one of the writing-intensive courses completed by each student must be designed specifically to address the writing process and research skills.

The remainder of the changes in Section 1.440 are being made for purposes of clarification. This is a useful opportunity to revise the existing portions of this rule to separate the courses districts must offer in high school from the courses students must take and the courses and other requirements they must successfully complete in order to graduate. Section 1.445 merely needs to be revised so its cross-references to Section 1.440 will be correct; it is not being amended in any substantive way.

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

Sally Vogl

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

(217) 782-5270

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

rules@isbe.net

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

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
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties (Repealed)
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 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

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SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
- 1.320 Evaluation of Certified Staff in Contractual Continued Service
- 1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 School Food Services (Repealed)
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Noncertificated Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

STATE BOARD OF EDUCATION

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SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers (Repealed)
- 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 Six (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 Pupil 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 Grades K-12
- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher
-
- 1.APPENDIX A Professional Staff Certification
- 1.APPENDIX B Certification Quick Reference Chart
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-

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20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.95 Appeals Procedure

Pursuant to Section 2-3.25m of the School Code [105 ILCS 5/2-3.25m], a school district may request an appeal of a school's or the district's status level, recognition level determined pursuant to Section 2-3.25f of the School Code, or corrective actions undertaken by ISBE pursuant to Section 2-3.25f of the School Code or the No Child Left Behind Act of 2001. An appeal may not be brought pursuant to Section 2-3.25m challenging the validity of any State or federal law or requesting relief that ISBE is without authority to provide.

- a) A district shall request such an appeal by sending a written request to the State Board of Education for consideration by the Appeals Advisory Committee. The district must submit its appeal within 30 days after receipt of notification from the State Board of the school's or district's status level, recognition level, or corrective action, or by September 1 of the calendar year in which the notification occurs,

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[whichever occurs later](#). The appeal may not be based upon alleged inaccuracies in data in any State assessment other than the most recent State assessment, or any other cause known to the district during the prior year's period for appeals. Upon receipt of a request, State Board staff shall provide an opportunity for the district to meet with State Board staff (either in person or over the telephone) in an effort to resolve the issues raised in the request through informal means.

- b) If a district elects not to meet with State Board staff, or if the district wishes to proceed with the appeal upon conclusion of the informal resolution process, the State Board shall commence the appeals process set forth in this Section. The timeframes set forth for appeals shall be tolled during the pendency of the informal resolution process. Nothing contained in this Section shall preclude the State Board and the district from reaching agreement as to the resolution of an appeal at any time during the appeals process.
- c) After a determination of a review schedule by the Committee, the State Board will give written notice of the date, time, and place of the hearing to the school district not less than 21 days before the hearing date. The notice shall be sent by certified mail, return receipt requested.
- d) The school district may be represented by an attorney throughout the proceedings. The office of the General Counsel to the State Board will represent the State Board. Both the school district and the State Board will be afforded the opportunity to file written briefs before the hearing. The school district shall submit its brief to the following address: Illinois State Board of Education, Office of the General Counsel, 100 North First Street, Springfield, Illinois 62777-0001. The State Board shall submit its brief to the district and shall provide both the district's and the State Board's briefs to each member of the Committee.
 - 1) The school district's brief shall be due 7 days after the district's receipt of the notice of opportunity for hearing.
 - 2) The State Board's brief shall be due 14 days after the State Board's receipt of the district's brief or, if no brief is filed by the district, 14 days after the notice of opportunity for hearing is sent.
- e) After briefs have been submitted pursuant to subsection (d) of this Section, no party shall submit additional information to the Committee unless so requested by the Committee's chairperson. The State Board will provide a signed assurance to the Committee that any calculations at issue were double-checked.

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- f) At the time its brief is filed, either the school district or the State Board may request an opportunity for oral argument before the Committee.
- 1) Each party will be given 30 minutes for argument, and the school district may reserve 10 of its 30 minutes for rebuttal. The Committee may ask questions during such argument.
 - 2) If neither party requests oral argument, the Committee may request that the parties make an oral presentation on the date scheduled for the hearing.
- g) If two or more districts request an appeal regarding the same question of policy, law, or fact, the State Board may consolidate those appeals if the agency determines that consolidation would secure economies of time and effort and promote uniformity of decision-making by the Committee. Consolidated appeals shall be handled as provided in this subsection (g).
- 1) Each district may submit its own brief, or any two or more of the districts whose appeals are consolidated may elect to write a joint brief.
 - 2) All districts whose appeals are consolidated will be given 40 minutes for argument, and the districts may reserve ten of their 40 minutes for rebuttal. The districts shall either select one or more representatives to argue on behalf of the districts or divide the time equally amongst all districts.
 - 3) The agency shall submit one brief in response to the question of policy, law, or fact subject to the consolidated appeal and shall have 30 minutes for argument.
- h) The chairman of the Committee will conduct the review proceeding and hearing. During the hearing, the Committee shall consider only those issues raised in the briefs or by oral argument of the parties. All hearings will be recorded. A majority of committee members shall constitute a quorum. Committee recommendations must be approved by a majority vote of a quorum. Each committee member shall recuse himself or herself when hearing an appeal from a district with which the member has a conflict of interest, e.g., employment by the district, having a close family member in attendance at a school in the district or employed by the district, service as a school board member, or other affiliation with the district. The Committee may adopt other procedures for its governance not inconsistent with this Part.

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- i) Within 30 days after the hearing, the Committee shall submit a written recommendation for action to the State Superintendent of Education and shall state the reasons for its recommendation. All recommendations shall be based on an objective evaluation of the district's claims and a review of the State Board's data and calculations. The Committee may recommend that the State Superintendent affirm or reverse the decision of the State Board, in whole or in part.
- j) The State Superintendent shall thereafter make a recommendation for action to the State Board of Education. The State Board of Education shall make the final determination.

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or applicable rules regulations, is the option of the local school district.

- 1) Language Arts, ~~three units~~
- 2) Science
- 3) Mathematics
- 4) History of the United States, ~~one unit~~
- 5) Foreign Language
- 6) Music
- 7) Art

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- 8) Career and Technical Education – Orientation and Preparation
 - 9) Health Education, ~~students must take one semester or equivalent, i.e., at least 18 weeks, during the secondary school experience.~~
 - 10) Physical Education, ~~daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).~~
 - 11) Consumer Education, ~~nine weeks, 50 minutes a day or equivalent, grades 9-12, except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.~~
 - 12) Conservation of Natural Resources (~~Section 27-13.1 of the School Code).~~
 - 13) Driver and Safety Education, ~~30 clock hours of classroom instruction and 6 clock hours of behind the wheel—grades 10, 11, and 12~~ (see Section 27-23 of the School Code [105 ILCS 5/27-23] and 23 Ill. Adm. Code 252):
 - 14) Vocational Education – Job Entry Skill Development
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in each of grades 9-12, unless she or she has demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part.
 - 4) Each student shall be required to take *American patriotism and the principles of representative government, as enunciated in the American*

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Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4])

- c) Specific ~~Minimum~~ Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent.
- 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if ~~graduating from~~ a four-year school ~~and~~ 12 units in grades 10-12 if ~~graduating from~~ a three-year high school. In either case, 2) ~~In either of the above,~~ one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) ~~In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one half unit may be in oral communication. 3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4])~~ No student shall receive certification of graduation without passing a satisfactory examination on the subjects discussed in subsection (b)(4) of this Section upon such subjects.
- 2)e) Pursuant to Section 27-22 of the School Code ~~[105 ILCS 5/27-22]~~, all students ~~who enter the 9th grade,~~ except students with disabilities whose course of study is determined by an individualized education program, must successfully complete ~~certain the following~~ courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma ~~in addition to the applicable requirements of subsection (b) of this Section and any requirements imposed by the local school district.~~
- 1) ~~three years of language arts;~~

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- 2) ~~two years of mathematics, one of which may be related to computer technology;~~
 - 3) ~~one year of science;~~
 - 4) ~~two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and~~
 - 5) ~~one year chosen from:~~
 - A) ~~music;~~
 - B) ~~art;~~
 - C) ~~foreign language, which shall include American Sign Language, or~~
 - D) ~~vocational education.~~
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation ~~if requirements set forth in subsection (c) of this Section, provided that~~ its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
- 1) The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:
 - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
 - B) writing assignments will be an integral part of the course's content across the time span covered by the course;
 - C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

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- i) [students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 \(see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part\); and](#)
 - ii) [students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.](#)
- 2) [The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.](#)
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

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

Section 1.445 Required Course Substitute

- a) Pursuant to Section 27-22.05 of the School Code [105 ILCS 5/27-22.05], school boards in districts with any of the grades 9 through 12 may adopt a policy providing for a course substitution of a vocational and technical course for a high school or graduation requirement [specified in Section 1.440\(a\)\(10\) and \(g\) of this Part](#). Such policies must provide a complete description of both the vocational and technical course and its relationship to the required course that will be replaced by the substituted course. Courses that may be substituted must meet the requirements set forth in Section 27-22.05 of the School Code and Section [1.440\(d\)1.440\(h\)](#) of this Part.

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- b) No student under the age of 18 shall be enrolled in a course substitution unless that student's *parent or guardian first requests the substitution and approves it in writing on forms that the school district makes available* for such requests. Such requests shall be maintained in the student's temporary record in accordance with Section 4 of the Illinois School Student Records Act [105 ILCS 10/4].

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

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

<u>Section Number:</u>	<u>Proposed Action:</u>
25.100	Amendment
25.115	Amendment
25.125	Amendment
25.127	Amendment
25.142	New Section
25.145	Amendment
25.147	Amendment
25.155	Amendment
25.160	Amendment
25.165	Amendment
25.225	Amendment
25.444	Amendment
25.490	Amendment
25.710	Amendment
25.720	Amendment
25.Appendix E	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking covers several different topics, although the bulk of the proposed amendments relate to the system for accrediting educational units in institutions that prepare educators and approving their respective preparation programs. The goal of these changes is to identify places in these processes where duplication of effort or reporting could be eliminated, particularly in light of our general reliance on the standards and processes of the National Council for the Accreditation of Teacher Education (NCATE).

Some material about reporting needs to be rearranged so that extra reports are no longer called for, such as in Section 25.115(d) regarding the annual report and assessment data. Similarly, the revision to Section 25.125(a)(1) will require comprehensive submission of conceptual frameworks only for each institution's first accreditation review under the standards-based approach, with updates only for subsequent review cycles. Further changes will eliminate the need for specifically addressing the applicable "umbrella" standards if candidates are achieving at a certain level on the relevant tests.

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Greater specificity is being introduced throughout Section 25.125 to distinguish the procedural details according to whether NCATE or ISBE is conducting the visit. A number of timelines are changed to provide deadlines that are related to each institution's review schedule, which will help avoid having numerous submissions arrive at the same time.

Section 25.127 is being revised with respect to the content of program reports, and that review called to our attention a need to state explicitly what the minimum assessment-related requirements are for individual programs. Section 25.142 has been added to provide those statements. A need was also identified to provide for situations in which an institution accredited by NCATE experiences the revocation of national accreditation for one of its programs. Section 25.127(j)(3) therefore provides for probation at the State level so that an approved program can continue serving its existing candidates while seeking to improve its status. This parallels NCATE's treatment of this issue.

Another significant change is that the group of accrediting entities upon which ISBE and the Certification Board will rely for program reviews is being expanded to include specialized accrediting organizations (SAOs). Examples of these organizations include CACREP (the Council on Accreditation of Counseling and Related Educational Programs) and ASHA (the American Speech-Language-Hearing Association). These entities provide national accreditation to programs in both NCATE and non-NCATE institutions. Review by these organizations will help eliminate the need for panels to be convened at the State level and will reduce the agency's work while still relying upon entities conversant with standards. In some instances, in fact, the Illinois standards were derived from those of the relevant SAO.

Other Sections in Subpart C of the rules are being revised for purposes of technical updating and/or conformance with NCATE's procedures.

Availability of Endorsements

Section 25.100 and Appendix E are being revised to permit out-of-state applicants to receive endorsements in specific fields within the sciences and social sciences. Preparation programs in other states often do not match the broader approach taken to these fields within the applicable Illinois standards, and this has resulted in inability to certify certain out-of-state teachers. Several revisions are also being made in Section 25.100 at this time to eliminate obsolete provisions.

Master Certificates

The amendments to Sections 25.225 and 25.444 respond to P.A. 94-105, which made master certificates available to school counselors and also made those individuals eligible

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for payments under the Illinois Teaching Excellence Program. Some of the detailed reporting requirements in Section 25.444 are being streamlined so as to be less burdensome on the individuals who are eligible for payment. Subsection (f) of this Section is being reversed so that, in cases where the appropriation is inadequate to cover all eligible expenses, individuals who perform the specified services will be paid in preference to those who would only receive the annual stipend.

Other

Several additional portions of the rules are being revised for differing purposes.

- * Section 25.490 is being updated and made more concise as part of the comprehensive review of these rules.
 - * Section 25.710 is being updated to reflect the recent addition of a content test specifically for early childhood special education.
 - * Section 25.720 is being revised with respect to the acceptance of a passing score on a language proficiency test. Because the transitional bilingual (Type 29) certificate can be used for as long as eight years, many individuals will not earn other "full" certificates within five years after receiving the Type 29. When a person in this situation eventually does receive a full certificate, he or she will need to be able to add the bilingual education credential to it. We agree that such persons should not be required to retake the language proficiency test at that time. Similar flexibility should be afforded to individuals who pass the language proficiency test as a condition to entering into a preparation program.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.105	New Section	29 Ill. Reg. 14452, September 30, 2005
25.300	Amendment	29 Ill. Reg. 14601, October 7, 2005
25.365	Amendment	29 Ill. Reg. 14601, October 7, 2005

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

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

(217) 782-5270

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

rules@isbe.net

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

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part (Repealed)

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates (Repealed)
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for "Full" Certification
25.30 Requirements for the Secondary Certificate (Repealed)
25.32 Requirements for the Secondary Certificate (2004) (Repealed)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Certificates (2004)
25.40 Requirements for the Special Certificate (Repealed)
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate – Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for the Early Childhood Certificate (Repealed)
25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified

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- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates (Repealed)
- 25.100 Endorsing Teaching Certificates (2004)

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

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Accreditation Review of the Educational Unit
- 25.127 Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for Educational Unit Assessment Systems
- 25.142 [Assessment Requirements for Individual Programs](#)
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

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25.200	Relationship Among Credentials in Subpart D
25.210	Requirements for the Certification of School Social Workers (Repealed)
25.215	Certification of School Social Workers (2004)
25.220	Requirements for the Certification of Guidance Personnel (Repealed)
25.225	Certification of School Counselors (2004)
25.227	Interim Certification of School Counselor Interns (2004)
25.230	Requirements for the Certification of School Psychologists (Repealed)
25.235	Certification of School Psychologists (2004)
25.240	Standard for School Nurse Endorsement (Repealed)
25.245	Certification of School Nurses (2004)
25.252	Certification of Non-Teaching Speech-Language Pathologists
25.255	Interim Certification of Speech-Language Pathologist Interns

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

Section	
25.300	Relationship Among Credentials in Subpart E
25.310	Definitions (Repealed)
25.311	Administrative Certificate (Repealed)
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement (Repealed)
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement (Repealed)
25.335	General Administrative Endorsement (2004)
25.344	Chief School Business Official Endorsement (Repealed)
25.345	Chief School Business Official (2004)
25.355	Superintendent Endorsement (Repealed)
25.360	Superintendent (2004)
25.365	Director of Special Education

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College (Repealed)

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25.420	Psychology Accepted as Professional Education (Repealed)
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval (Repealed)
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE (Repealed)
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses (Repealed)
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled
25.465	Credit (Repealed)
25.470	Meaning of Experience on Administrative Certificates (Repealed)
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes (Repealed)
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs (Repealed)
25.497	Supervisory Endorsements

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Paraprofessionals; Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs
25.550	Approval of Educational Interpreters

SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

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SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Continuing Professional Development Options
25.810	State Priorities
25.815	Submission and Review of the Plan (Repealed)
25.820	Review of Approved Plan (Repealed)
25.825	Progress Toward Completion (Repealed)
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs

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- 25.850 General Responsibilities of Regional Superintendents
- 25.855 Approval of Illinois Providers
- 25.860 Out-of-State Providers
- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
- 25.875 Continuing Professional Development Units (CPDUs)
- 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching
- 25.885 Funding; Expenses (Repealed)

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section

- 25.900 Applicability of Requirements in this Subpart
- 25.905 Choices Available to Holders of Initial Certificates
- 25.910 Requirements for Induction and Mentoring
- 25.915 Requirements for Coursework on the Assessment of One's Own Performance
- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
- 25.925 Requirements Related to Advanced Degrees and Related Coursework
- 25.930 Requirements for Continuing Professional Development Units (CPDUs)
- 25.935 Additional Activities for Which CPDUs May Be Earned
- 25.940 Examination
- 25.942 Requirements for Additional Options
- 25.945 Procedural Requirements

- 25.APPENDIX A Statistical Test Equating – Certification Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000
- 25.APPENDIX C Exchange of Certificates
- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429,

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effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART B: CERTIFICATES

Section 25.100 Endorsing Teaching Certificates (2004)

Beginning July 1, 2004, the structure of endorsements available on Illinois certificates ~~was~~will be changed. Appendix E to this Part provides a list of the available endorsements ~~that will become available at that time~~, other than the endorsements in special education that are the

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subject of federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al. Appendix E shows for each new endorsement the related endorsements that were previously issued and will be discontinued or replaced. Any semester hours of credit presented toward fulfillment of the requirements of this Section may be earned in on-line or electronically-mediated courses, provided that college credit is awarded for the coursework by a regionally accredited institution of higher education.

- a) Subject-area "designations" shall be required in conjunction with some endorsements, as shown in Appendix E to this Part. Except in the case of foreign language, a certificate-holder shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the designation or designations received in conjunction with that endorsement. However, a certificate-holder may not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the specific designation, unless he or she holds an applicable master certificate. For example, a secondary science teacher with a biology designation may not teach honors physics or chemistry unless he or she holds a master certificate endorsed for sciences.
- b) Endorsements at Time of Issuance
Pursuant to Section 21-1b of the School Code [105 ILCS 5/21-1b], *all certificates initially issued under this Article...shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach.*
 - 1) For each application for certification received on or before September 30, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for any additional subject in which the candidate completed the required coursework.
 - 2) For each application received on or after October 1, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related content-area test or test of subject matter knowledge passed by the candidate and, except as provided in subsections (g), (h), (i), (j), (k), and (m) of this Section:
 - A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise

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identified by a regionally accredited institution on the individual's official transcript; and

- B) any additional area in which the individual presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); and
 - C) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section.
- 3) An individual who passes a test of subject matter knowledge prior to July 1, 2004, and applies for the related certificate no later than five years after the date on which the test was taken shall receive an endorsement valid only for the specific subjects covered under the prior system, unless the institution that offered the program completed by the candidate certifies to the State Board of Education that the candidate completed a program that met the applicable standards set forth at 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields). An endorsement under the new structure will be issued to an individual who either passes the applicable new content-area test or completes a program based upon the applicable standards for the content area.
- 4) To account for the differing stages of preparation attained by candidates who were already enrolled in approved programs as of July 1, 2004, each institution may, through June 30, 2006, recommend to the State Board of Education the issuance of one or more endorsements under the structure in effect prior to July 1, 2004, to a candidate who has completed the coursework required for those endorsements and, in the judgment of the institution's certification officer, did not have a sufficient opportunity to complete the requirements for the comparable new endorsements instead.
- c) Pursuant to Section 21-4 of the School Code [105 ILCS 5/21-4], an individual who is eligible to receive a special certificate may elect to receive both an elementary and a secondary certificate, each endorsed as the special or special preschool-age 21 certificate would have been endorsed. An individual who elects to hold a special certificate may add endorsements to it by submitting an

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application pursuant to Section 21-12 of the School Code and demonstrating that he or she has met the applicable requirements of subsection (f)(3) of this Section.

- d) Endorsements issued under the system used prior to July 1, 2004, shall continue to be valid only for the specific subjects covered. An individual who wishes to teach other subjects in the same field shall be required to apply for the relevant new endorsement in keeping with Section 21-12 of the School Code and meet the applicable requirements of this Section.
- e) Each endorsement or designation indicated by an asterisk in Appendix E to this Part has no corresponding content-area test. The provisions of this subsection (e) shall apply to the issuance of these endorsements and designations.
 - 1) For an applicant who is receiving an Illinois teaching certificate, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular designation.
 - 2) An applicant prepared out of state, or an applicant who is already certified in Illinois and is seeking to add a new endorsement or designation in one of these subjects, other than an endorsement in safety and driver education, shall:
 - A) present verification from an institution with an approved teacher preparation program that he or she is prepared in the area covered by the endorsement or designation sought; or
 - B) present evidence of completion of nine semester hours of coursework in the area covered by the endorsement or designation sought; or
 - C) present evidence of at least one year's teaching experience on a valid certificate in the area covered by the endorsement or designation sought.
 - 3) An applicant prepared out of state or an applicant who is already certified in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth at 23 Ill. Adm. Code 1.730(q).

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- f) Addition of Endorsements to Previously Issued Certificates
Individuals seeking to endorse previously issued certificates shall apply for such endorsements, using a format specified by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].
- 1) An applicant who qualifies for an endorsement shall receive a new copy of the original certificate with the endorsement and date of the endorsement affixed.
 - 2) Applications received through June 30, 2005, shall, at the request of the applicant, be reviewed against the requirements in place immediately prior to July 1, 2004, except that applications received through June 30, 2006, for endorsements in reading and library information shall be reviewed on this basis. Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Each deficiency statement shall be honored by the State Board of Education for a period of one year from the date of issue. Applicants will receive the endorsements only if they remove the identified deficiencies within one year after the date of the deficiency statement. Subsequent applications for the same endorsements shall be accompanied by another fee and shall be subject to any new requirements.
 - 3) Except as provided in subsections (g), (h), (i), (j), (k), and (m) of this Section, for applications received on or after July 1, 2005, an endorsement will be issued to each applicant who:
 - A) has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; or
 - B) presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); or
 - C) has met the applicable requirements of subsection (e) of this Section.

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- g) Special provisions shall apply to the addition of endorsements in self-contained general education. An individual who holds a secondary, special K-12, or special preschool-age 21 certificate, or an individual who holds an elementary certificate endorsed in some other field by virtue of having "split" a special or special preschool-age 21 certificate, may qualify for the endorsement in self-contained general education on that certificate only by completing an approved program for the elementary certificate in accordance with Section 25.37 of this Part and passing the elementary/middle grades test. Fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement. However, an individual with an early childhood or a secondary certificate may choose whether to receive the elementary certificate or to add the endorsement to his or her existing certificate, thereby restricting his or her capacity for assignment to the grade levels encompassed by that certificate. An individual who elects to receive a separate certificate pursuant to this subsection (g) shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent certificate as explained in Section 25.720 of this Part.
- h) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences. The requirements of subsections (h)(1) through (h)(4) of this Section relate to endorsements and designations based on the standards found at 23 Ill. Adm. Code 27.140 through 27.260, while the requirements of subsection (h)(5) make subject-specific credentials available to out-of-state applicants whose preparation has been structured to address individual disciplines within the sciences or social sciences.
- 1) An individual seeking to add an endorsement and a designation in either of these fields who does not already hold that endorsement with one of its other available designations shall be required to pass the content-area test for the designation sought and either:
- A) be recommended for the endorsement and the designation by an institution with an approved program in the subject area based on having completed coursework sufficient to address the applicable content-area standards; or
- B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:

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- i) at least 12 semester hours of credit must have been earned in the subject area of the designation sought; and
 - ii) some portion of the coursework completed must have addressed at least two additional designations within the field; and
 - iii) in the case of the sciences, the coursework completed must have included both biological and physical science.
- 2) The requirement stated in subsection (h)(1) of this Section shall apply whenever an individual seeks to add his or her first endorsement in one of these fields.
- 3) An individual may receive a subsequent designation in the same field if he or she has:
 - A) passed the applicable content-area test; or
 - B) completed a major in the content area of the designation.
- 4) An individual who holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004, may receive an endorsement and a designation in that field under the new structure by passing the content-area test for the designation sought. He or she may then qualify for additional designations in the field pursuant to subsection (h)(3) of this Section.
- 5) An out-of-state applicant who is eligible to receive an Illinois teaching certificate may receive an endorsement limited to a specific discipline among the social sciences (e.g., history) or the sciences (e.g., biology), provided that he or she presents evidence of having completed a major in that discipline.
- i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.

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1) Reading Teacher

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

- A) having passed the applicable content-area test (or test of subject matter knowledge) and having been recommended for the endorsement by virtue of completing an approved reading teacher's preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at an institution that is recognized to offer teacher preparation programs in Illinois; or
- B) having passed the applicable content-area test (or test of subject matter knowledge) and having completed 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:
 - i) foundations of reading,
 - ii) content-area reading,
 - iii) assessment and diagnosis of reading problems,
 - iv) developmental and remedial reading instruction and support,
 - v) developmental and remedial materials and resources, and
 - vi) literature appropriate to students across all grade ranges; or
- C) having completed, on or before June 30, 2006, the 18 semester hours of college coursework in reading described at 23 Ill. Adm.

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Code 1.740(a), in which case passage of the content-area test or test of subject matter knowledge shall not be required.

- 2) Reading Specialist
The reading specialist's endorsement shall require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this endorsement on that certificate or on a separate special K-12 certificate when he or she presents evidence of having completed the required teaching experience and:
 - A) having completed a K-12 reading specialist's program approved pursuant to Subpart C of this Part that includes a practicum and leads to the issuance of a master's or higher degree; and
 - B) having been recommended for the endorsement by the institution offering the program; and
 - C) having passed the content-area test for reading specialist.
- 3) An individual who elects to receive a separate special K-12 certificate pursuant to subsection (i)(2) of this Section shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent certificate as explained in Section 25.720 of this Part.
- j) Special provisions shall apply to the addition of endorsements and designations in foreign languages.
 - 1) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has completed a major area of concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript.
 - 2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual presents evidence of having accumulated 20 semester hours of college credit in the language, either as a subset of an approved program at an Illinois institution or from one or

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more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge). The 20 semester hours may be calculated by including semester hours of study that were waived by the institution offering the coursework based on the individual's prior learning, provided that the individual presents verification issued by the institution to this effect (i.e., a statement on the official transcript or a letter signed by the certification officer identifying the number of hours involved).

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

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

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

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

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

- a) An institution shall be recognized if it:
 - 1) is approved as a degree-granting institution by the Illinois Board of Higher Education, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];
 - 2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and
 - 3) conducts or proposes to conduct at least one approved program that will prepare professional educators.
- b) An educational unit shall be accredited if the institution meets the standards enumerated in "Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education" (2002), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).

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- c) A preparation program shall be approved if it meets the applicable content standards established by the State Board of Education and the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or 23 Ill. Adm. Code 29.100 (Illinois Professional School Leader Standards), as applicable, except as provided in Section 25.135 of this Part.
- d) The accreditation of an educational unit and the approval of its programs shall be subject to review every five years until completion of its first review in light of the standards incorporated by subsection (b) of this Section. Accreditation Review shall be conducted as provided in Sections 25.125 and 25.127 of this Part and decisions regarding continued accreditation and approval shall be made as provided in those Sections, except as provided in Section 25.130, 25.135, or 25.136 of this Part. Once an institution has completed an Accreditation Review under the standards referenced in subsection (b) of this Section and fulfilled any requirements imposed under Section 25.125(j) of this Part, its Accreditation Reviews shall be scheduled at seven-year intervals. The State Superintendent may alter the timing of an institution's review at the institution's request if the Superintendent determines that the request is based on unforeseen circumstances that were beyond the institution's control.
- e) Each accredited educational unit shall annually submit to the State Superintendent of Education, in a format defined by the State Superintendent and according to a timeline announced at least six months in advance:
- 1) a report that describes any significant changes in the unit or its ~~programs~~program(s), updates any information previously provided as needed, and provides institutional data that describe the results of unit and program assessments and the actions taken or planned to address areas identified for improvement~~other information requested by the State Superintendent of Education; and~~
 - 2) as relevant to the institution, a report on all programs provided by the institution that have been approved as an alternate~~alternative~~ route to certification under Section 25.67 of this Part; ~~and~~
 - 3) ~~institutional data that describe the results of unit and program assessments and the actions taken or planned to address identified areas of concern.~~
- f) If relevant to the institution, the report required under subsection (e) of this Section shall include a description of how the unit has addressed any applicable

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~~standards~~ standard(s) identified during the most recent review of the unit and its programs as "not met" or "met with areas for improvement". However, for institutions that have been assigned "Continuing Accreditation with Conditions" or "Probation", this description shall not be required in those years in which the institution is required to submit a special report or is subject to a focused or full visit as discussed in Section ~~25.125(j)~~ 25.127 of this Part.

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

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

Section 25.125 Accreditation Review of the Educational Unit

The requirements of this Section shall apply to Accreditation Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall ~~occur between March 1 and May 31 and between September 1 and November 30 and shall~~ be scheduled during the academic year for the mutual convenience of the affected institution and the review team.

- a) No later than ~~one~~ one ~~February 1 (for a spring review) or September 1 (for a fall review) of the year before the year when~~ its Accreditation Review will be held, the institution shall submit to the State Superintendent of Education five copies of each of the ~~two~~ reports specified in this subsection (a) that is applicable. However, ~~in the case of~~ an institution that is also seeking initial accreditation from NCATE, will need to comply with NCATE's submission timelines as well ~~these reports shall be submitted six months earlier than otherwise required by this subsection (a).~~
- 1) For its first review in light of the standards incorporated by Section 25.115(b) of this Part, the ~~The~~ institution shall submit a report providing an overview of the unit's conceptual ~~frameworks~~ framework(s), which shall include a description of each framework and its development, ~~and any changes that have been made since the institution's previous Accreditation Review~~. The discussion of the ~~frameworks~~ framework(s) shall address

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each of the "structural elements" found in the standards referred to in Section 25.115(b) of this Part. For each subsequent review, the institution shall describe any changes in the conceptual frameworks that have been made since the institution's previous Accreditation Review.

- 2) If at least 80 percent of an institution's teacher preparation program completers have passed the applicable form of the assessment of professional teaching (APT) in each of the preceding three years, the institution shall be deemed to be adequately addressing the Standards for All Illinois Teachers set forth at 23 Ill. Adm. Code 24. For any form of the APT for which this criterion has not been met, the institution shall submit a composite report covering all programs for whose candidates that form is required describing how the unit's teacher preparation programs address the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and how the unit's preparation programs for school administrators address the Illinois Professional School Leader Standards set forth at 23 Ill. Adm. Code 29.100 (see Standards for Administrative Certification). This report shall describe how those preparation programs address those standards.
 - 3) If at least 80 percent of an institution's administrative certification program completers have passed the applicable content-area examinations for administrative certification in each of the preceding three years, the institution shall be deemed to be adequately addressing the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100). For any administrative certification program for which this criterion has not been met, the institution shall submit a report describing how the program addresses these standards.
- b) A panel established by the State Superintendent shall review the overview of the unit's conceptual ~~frameworks~~framework(s) no more than ~~60~~30 days after the overview is submitted. No later than 30 days after the panel completes its review, and if the institution is to be reviewed under subsection (d)(1) of this Section, the State Board of Education shall notify the institution either that the description of its conceptual ~~frameworks~~framework(s) is adequate or that certain structural elements were not adequately addressed and will undergo additional scrutiny by the review team during the visit described in subsection (e) of this Section.
- c) No later than 60 days before its review visit, the institution shall submit either to the State Superintendent the number of copies specified in light of the review

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team's size; ~~or~~ and to NCATE ~~(if applicable)~~ the number of copies required by NCATE, with two copies to the State Superintendent, of an institutional ~~a~~ report presented in a format prescribed by the State Board of Education and incorporating:

- 1) an overview of the institution;
 - 2) an overview of the unit's conceptual ~~frameworks~~ framework(s); and
 - 3) evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part; ~~and~~
 - 4) ~~evidence that it is meeting the standards established by the State Board of Education (see 23 Ill. Adm. Code 24, Standards for All Illinois Teachers, and 23 Ill. Adm. Code 29, Standards for Administrative Certification, as applicable).~~
- d) A review team shall be empanelled to conduct an on-site review to verify the information provided by the institution as required by subsection (c) of this Section. The review team shall be constituted as provided in subsection (d)(1) or (d)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.
- 1) **Institutions Seeking State Accreditation Only**
From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review and shall appoint the team's chair. A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall accompany the review team, serving as a consulting, ex officio member ~~consultant~~ to ensure that applicable standards, procedures, rules, and statutes are addressed.
 - 2) **Institutions Also Seeking to Achieve or Retain NCATE Accreditation**
A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall accompany the review team appointed by NCATE's Board of Examiners, serving as a consulting, ex officio member ~~consultant~~ to ensure that applicable Illinois standards, procedures, rules, and statutes are addressed.

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

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by the team's chair, ~~and~~ the results of the review of the program ~~reports~~~~report(s)~~, ~~as well as~~ any other relevant documentation that was available to the review team, and the decision of NCATE's Unit Accreditation Board (UAB), if applicable.

- i) After consideration of the information submitted pursuant to subsection (h) of this Section, the State Teacher Certification Board shall convey to the State Board of Education a recommendation regarding the accreditation of the educational unit as appropriate to the circumstances, in keeping with the provisions of subsection (j) of this Section. The State Teacher Certification Board shall also convey recommendations regarding approval of the unit's individual programs (see Section 25.127 of this Part).
- j) The possible outcomes of Accreditation Review shall align with those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.
 - 1) If the educational unit has met all the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education continue the accreditation of the educational unit (which may include the identification of areas for improvement), thereby authorizing the institution to conduct its approved ~~programs~~~~program(s)~~ and to recommend candidates for certification by entitlement.
 - 2) If the educational unit has failed to meet one or more of the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with conditions, thereby authorizing the institution to conduct its approved ~~programs~~~~program(s)~~ and to recommend candidates for certification by entitlement. An institution to which accreditation with conditions has been assigned shall, within 30 days after receipt of the State Board's decision, provide written notification to the candidates enrolled in the unit's programs to this effect.
 - A) If the State Teacher Certification Board believes that the unit can make adjustments so as to satisfy the conditions expressed within six months, the Board shall recommend that the State Board of Education request submission of documentation that addresses the unmet ~~standards~~~~standard(s)~~ as well as any other areas for

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improvement within that time. However, the affected unit may choose to undergo a focused visit pursuant to subsections (j)(2)(C) and (D) of this Section instead.

- B) If documentation is submitted pursuant to subsection (j)(2)(A) of this Section, the State Board of Education shall either continue the institution's accreditation, if the conditions expressed have been satisfied, or require a focused visit addressing the unmet ~~standards~~standard(s) and any additional ~~areas~~area(s) for improvement, which shall occur within one year after the semester in which the documentation was submitted.
- C) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet ~~standards~~standard(s) and any additional ~~areas~~area(s) for improvement within two years after the semester when the conditions were issued.
- D) Each focused visit shall be conducted by a team established by the State Superintendent of Education or the NCATE Board of Examiners, as applicable, and trained in the review process. The provisions of subsection (d)(2) of this Section shall also apply. The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied.
- i) Within 30 days after receipt of this report, the institution shall submit either a rejoinder to the team's findings that meets the requirements of subsection (g) of this Section or a letter acknowledging receipt of the report.
- ii) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report, the institution's letter of agreement or rejoinder, a response to that rejoinder provided by the team's chair, any other relevant documentation that was available to the review team, and the decision of NCATE's Unit Accreditation Board, if applicable.

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

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- k) The provisions of subsection (j) of this Section notwithstanding, an institution not accredited by NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Accreditation Review, an Accreditation Review shall be conducted as described in this Section, and the schedule for subsequent Accreditation Reviews shall be altered accordingly.) Conversely, an institution may choose to become disaffiliated with NCATE so that its next Accreditation Review will be conducted under subsection (d)(1) of this Section, provided that the institution notifies the State Superintendent of Education of this intention no later than 18 months prior to the scheduled date of the review visit. The State Superintendent may make an exception to the 18-month timeframe upon determining that circumstances beyond the control of an institution prevented its meeting the deadline for this notification.
- l) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Revocation of recognition and accreditation shall be subject to the provisions of Section 25.165(b) of this Part.
- m) ~~If NCATE requires a focused visit and the State Board of Education does not, a State Board staff member shall serve as a non-voting observer during the on-site review and report to the State Teacher Certification Board and the State Board of Education as appropriate.~~

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

Section 25.127 Review of Individual Programs

- a) No later than ~~one~~February 1 (for a spring review) or September 15 (for a fall review) of the year before ~~the year when~~ its Accreditation Review will be held, the institution shall submit ~~a five copies of either a full or an interim~~ report for each of its programs, including any alternative program established pursuant to Section 21-5b, 21-5c, or 21-5d of the School Code. These reports shall be submitted in quantity and format required by either ~~to~~ the State Superintendent or ~~to~~ NCATE, as provided in subsection ~~(c)(e)~~ of this Section, and shall include all the following information.
- 1) A description of the program's alignment with the unit's conceptual framework.

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- 2) A description of the criteria for admission to, retention in, and exit from the program, including the required grade point average and minimum grade requirements for the college or university and how the key assessments used in the program are derived from or informed by the unit's assessment system (see Section 25.140 of this Part).
- 3) Data on candidates enrolled in the program and candidates completing the program, beginning with the most recent academic year for which numbers have been tabulated and including three years' information if available. If a program is offered at more than one level (i.e., baccalaureate, post-baccalaureate, or graduate, or as an alternative program), data shall be reported separately for each of these arrangements.
- 4) Identification of the faculty members with primary responsibility for preparing professional educators in the program and their qualifications for their positions.
- 5) A description of the course of study, including required courses, State standards addressed, and related field experiences or clinical practice as applicable to specified courses.
- 6) A description of the required field experiences and clinical practice, including criteria, measures taken to ensure placements in diverse settings and with diverse students, and the program's requirements for faculty supervision of these experiences.
- 7) A description of the key assessments that are required of candidates in the program under Section 25.142 of this Part, including:
 - A) the specific standards addressed by each assessment that is used to comply with the requirements of Section 25.142(a)(1)-(4) or Section 25.142(b)(1)-(4), as applicable;
 - B) a summary of findings based on data from all the assessments described under subsection (a)(7)(A) of this Section, from the applicable content-area test identified in Section 25.710 of this Part, and from the Assessment of Professional Teaching, if applicable; and

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- 2) ~~a description of the course of study, including field experiences, student teaching, and internships for candidates;~~
- 3) ~~a description of how the program meets either:~~
 - A) ~~the applicable content area standards established by the State Board of Education, or~~
 - B) ~~the national standards applied by the relevant specialty professional association, if the report is to be reviewed by such an association pursuant to subsection (d) of this Section;~~
- 4) ~~a description of the assessment system used to evaluate candidates in relation to applicable standards at the time of entry into the program, prior to beginning field experience, at the conclusion of student teaching, and upon program completion, as well as a summary of assessment results that includes all the following that are available and an explanation of any element not available:~~
 - A) ~~candidates' results on the certification tests required pursuant to this Part,~~
 - B) ~~data on the performance of program completers in the first year of teaching practice,~~
 - C) ~~results of assessments of candidates' student teaching or internships, and~~
 - D) ~~any other data that support the institution's analysis of its candidates' teaching knowledge, skill, and performance;~~
- 5) ~~the program's faculty and its organizational location within the professional education unit; and~~
- 6) ~~the number of program completers over the most recent three years.~~
- e) ~~Each interim report shall be submitted in a format prescribed by the State Board of Education and shall contain:~~
 - 1) ~~a description of substantive changes, evaluations, and improvements in the~~

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~~program since the institution's most recent Accreditation Review;~~

- ~~2) a description of how each area for improvement identified in the most recent program review has been addressed; and~~
- ~~3) data on the performance of candidates and graduates of the program, summarized and cross-referenced to the applicable standards.~~

b~~d~~) The State Board of Education shall recognize "Specialized Professional Associations" ("SPAs") that are affiliated with NCATE and specialized accrediting organizations ("SAOs") that are recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation for purposes of program review in accordance with the provisions of this subsection (b)~~(d)~~.

- 1) Each program conducted by an Illinois institution that is accredited by NCATE will be reviewed by a panel convened under the auspices of the relevant SPA or SAO if one such a SPA exists and is recognized by the State Board of Education (see subsection (l) of this Section).
- 2) In an Illinois institution not accredited by NCATE, each program that is accredited by an SAO will be reviewed by that SAO.
- 3) The State Board of Education shall review the content-area standards of each SPA and each SAO and determine the degree to which those standards are aligned with the comparable standards established by the State Board. The State Board shall identify any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA or SAO and shall require supplementary evidence from the institution regarding these standards (see subsection (e)~~(f)~~ of this Section).
- 43) Each program not subject to review by an SPA or SAO Any other certification program conducted by an institution accredited by NCATE, any addendum to a program report submitted pursuant to subsection (f) of this Section, and each program conducted by an institution not accredited by NCATE will be reviewed by a panel convened by the State Superintendent of Education. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area and shall have been trained in the program review process.

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- ce) The State Board of Education shall notify each institution no later than two years prior to its scheduled Accreditation Review as to which of its program reports are to be submitted to the State Superintendent and which, if any, are to be directed to NCATE or to an SAO. The State Board of Education will not include in its review of an institution's programs any new program that is approved for operation after the date for submission of the institution's program reports.
- df) Each institution shall submit the reports required pursuant to this Section to NCATE if they are to be reviewed by SPAs and to the State Superintendent of Education if they are to be reviewed by a panel convened by the Superintendent.
- eg) As part of the notification provided under subsection (c)(e) of this Section, the State Board shall identify for each affected institution any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA or SAO. For each affected program, the institution shall submit to the State Superintendent a concurrent addendum to the program report, which shall be submitted in a format prescribed by the State Board and by means of two exemplars of activities or assessments, shall describe how the program meets the State standards in question.
- fh) No later than 30 days after the State Superintendent or NCATE receives a program report, the responsible staff shall notify the affected institution as to whether the report is complete. An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that it is incomplete.
- gi) No later than six months prior to the scheduled date of the review visit ~~June 15 (for a spring visit) or February 1 (for a fall visit)~~, each review panel shall submit a ~~preliminary~~ critique for each program reviewed, either to NCATE or to the State Superintendent of Education, as applicable. Each ~~preliminary~~ critique shall indicate the recognition status that should be assigned to the program (see subsection (j) of this Section) and include any standards the panel believes are not met by a particular program and shall provide the panel's rationale for that determination. Each ~~preliminary~~ critique shall be forwarded to the affected institution within ten business days after its receipt ~~no later than June 30 or February 15, as applicable~~.
- ji) ~~No later than September 15 or April 15, as applicable, an institution may submit evidence that its program meets the applicable standards, in the form of a~~

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~~response to a panel's preliminary critique. Each response shall be submitted either to NCATE or to the State Superintendent, as applicable, and shall be forwarded to the responsible panel no later than September 30 or April 30, as applicable.~~

- ~~k) No later than January 15 or September 1, as applicable, each panel shall complete its reconsideration of each affected program and submit a final critique, either to NCATE or to the State Superintendent, as applicable.~~
- ~~h) NCATE and the State Superintendent shall ensure that each final critique is received by the affected institution no later than 60 days prior to the scheduled date of the institution's review visit.~~
- ~~i) Each institution whose programs have been reviewed by an SPA or SAO shall provide or make available to the State Superintendent Board of Education all reports sent by the institution to the SPA or SAO and by the SPA or SAO to the institution. The State Superintendent Board shall keep this information as part of the institution's permanent file.~~
- ~~n) An institution may notify the State Superintendent if it does not receive required materials from NCATE or a SPA within the timelines set forth in this Section. The State Board of Education shall withdraw its recognition of any SPA that has failed to comply with the timelines set forth in this Section in more than 20 percent of the reviews it has conducted and fails to supply the State Superintendent with evidence that it has sufficient resources available to resume meeting applicable deadlines in time for the next program review cycle.~~
- ~~j) As part of the accreditation process described in Section 25.125 of this Part, the State Teacher Certification Board shall convey to the State Board of Education a recommendation regarding each preparation program offered by the affected educational unit. In making these recommendations, the State Teacher Certification Board shall accept the decision made by the relevant SPA or SAO, if any, regarding the national recognition of each program, unless the staff review of the report on additional standards required under subsection (e) of this Section indicates that certain State standards are not being addressed. A program's nonrecognition by an SPA or SAO shall be treated as discussed in subsection (j)(3) of this Section.~~
- 1) The State Teacher Certification Board may recommend:
- A) approval of programs that meet the applicable content standards; or

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B2) ~~The Certification Board may recommend~~ provisional approval of programs whose program reports are found to exhibit less than full compliance with the applicable content standards. No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent, or to the relevant SPA or SAO, if applicable, a revised program report that shall be reviewed as provided in this Section. Staff of the State Board of Education shall convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the State Teacher Certification Board shall convey its recommendation that the State Board of Education:

i) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or

ii) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it.

2) If a program's national recognition is denied or discontinued after review by a relevant SPA or SAO, the State Teacher Certification Board may recommend an 18-month period of probation for the program, during which no new candidates shall be enrolled. While the program is on probation, the institution may submit to the SPA or SAO either a revised program report addressing the unmet standards or a complete, new program report. At the conclusion of the probationary period, the State Teacher Certification Board may:

A) recommend continuing approval of the program, if national recognition is granted or restored by the relevant SPA; or

B) recommend revocation of the program's approval, if national recognition is denied by the relevant SPA. ~~If provisional approval is granted, staff of the State Board of Education may monitor the program's improvement as deemed necessary until submission of the report called for in subsection (p) of this Section and shall report any significant lack of progress to the State Teacher Certification Board, which may recommend that the State Board of Education require an accelerated submission date for that report.~~

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- ~~p)~~ ~~No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent a revised program report, which shall be reviewed as provided in this Section. Staff of the State Board of Education shall thereupon convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the Certification Board shall convey its recommendation that the State Board of Education:~~
- ~~1) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or~~
 - ~~2) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it.~~
- ~~kq)~~ Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of its approval shall be subject to the requirements of Section 25.165(b) of this Part.

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

Section 25.142 Assessment Requirements for Individual Programs

- a) Teacher Preparation Programs
Subject to the provisions of Section 25.720 of this Part, the applicable Assessment of Professional Teaching and the applicable content-area test are key assessments for candidates in teacher preparation programs. Beyond these assessments, each program shall require all candidates to complete at least the following additional key assessments:
- 1) An additional content assessment focused on program standards;
 - 2) An assessment of candidates' ability to plan instruction;
 - 3) An assessment of clinical practice; and
 - 4) An assessment of candidates' impact on students' learning.
- b) Programs for Administrators and School Service Personnel

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Subject to the provisions of Section 25.720 of this Part, the applicable content-area test is a key assessment for candidates in programs that prepare administrators and school service personnel. Beyond this assessment, each program shall require all candidates to complete at least the following additional key assessments:

- 1) An additional content assessment focused on program standards;
- 2) An assessment of candidates' ability to plan an appropriate environment;
- 3) An assessment of clinical practice; and
- 4) An assessment of candidates' impact on providing a supportive environment for students' learning.

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

Section 25.145 Approval of New Programs Within Recognized Institutions

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

- a) The institution shall submit to the State Superintendent of Education ~~five copies of~~ a program report meeting the requirements of Section ~~25.127(a)25.127(b)(1) through (b)(5)~~ of this Part, showing how each proposed program meets the applicable professional education and content-area standards established by the State Board of Education.
- b) ~~A panel established by the State Superintendent shall review the program report. The panel shall include at least one individual with expertise in the respective content area.~~1) No later than 30 days after the State Superintendent receives a program report, staff shall notify the affected institution as to whether the report is complete and identify any required component not adequately addressed.2) An institution may provide additional material to complete a program report within

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30 days after receiving a notification to the effect that it is incomplete.

- ~~3) The review panel shall notify the affected institution of any applicable standards not addressed in its program report, as well as any deficiencies which, if not improved, will be identified as areas of weakness in the panel's report.~~
- ~~4) The affected institution may submit additional documentation or revisions to a program report that may include descriptions of changes in the program made in response to the preliminary critique provided by the panel pursuant to subsection (b)(3) of this Section.~~
- ~~5) The review panel shall submit to the affected institution and to the State Superintendent a report describing the degree to which the program meets the applicable professional education and content area standards established by the State Board of Education and recommending action with respect to the proposed program.~~
- c) ~~At the institution's request, staff~~Staff of the State Board of Education shall convey ~~the report~~ to the State Teacher Certification Board ~~the report and recommendations resulting from the review of the program report.~~
- d) After consideration of the ~~report information and recommendations~~, the State Teacher Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

 - 1) Provisionally approve the proposed new teacher education ~~programs~~program(s), thereby authorizing the educational unit to conduct the ~~programs~~program(s) and to recommend candidates for certification by entitlement until the time of the institution's next scheduled Accreditation Review; or
 - 2) Deny approval of the proposed ~~programs~~program(s), thereby prohibiting the conduct of the affected ~~programs~~program(s).
- e) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.
- f) When a unit submits a proposal for an alternative program under any of Sections 21-5b, 21-5c, and 21-5d of the School Code [105 ILCS 5/21-5b, 21-5c, and 21-

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5d], that proposal shall not be considered a new program subject to this Section. The review of such a proposal shall be as delineated in Section 25.65, 25.67, or 25.313 of this Part, as applicable.

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

Section 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003

- a) Beginning July 1, 2003, approval of programs for foreign language shall no longer be specific to individual languages. That is, as of that date, an institution with an approved program in any language shall be considered as having approval for any combination of languages, subject to the provisions of this Section.
 - 1) An institution with an approved foreign language program may add one or more languages to that program at the discretion of the educational unit, provided that the institution shall notify the State Superintendent of Education to this effect in writing no later than three months before instruction in that language is to begin, except when notification is required further in advance under subsection (a)(2) of this Section. The State Superintendent shall provide this information to the State Teacher Certification Board at the next available meeting of the State Teacher Certification Board.
 - 2) An institution that intends to add one or more languages to its approved program for which no examination is listed in Section 25.710 of this Part shall notify the State Superintendent of Education no later than six months before instruction in that language is to begin, in order to allow time for the identification of an appropriate language proficiency examination if needed.
 - 3) An institution that intends to delete one or more languages from its approved foreign language program shall be subject to the requirements of Section 25.165(a) of this Part.
 - 4) An institution without an approved program in foreign language may apply for approval of a new program under Section 25.145 of this Part. Such an application shall indicate which ~~languages~~ language(s) the program will initially offer. After initial approval of the program, the institution may add or delete languages as provided in this Section.

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- b) Each foreign language program shall, as a requirement for program completion on or after July 1, 2004, require its candidates for certification, other than candidates in Latin and Classical Greek, to complete the Oral Proficiency Interview described in "ACTFL Proficiency Guidelines – Speaking" (1999), published by the American Council on the Teaching of Foreign Languages (ACTFL), 6 Executive Plaza, Yonkers, NY 10701 (no later amendments to or editions of these standards are incorporated by this Section) and to attain a score at the "intermediate high" level. As an alternative to the ACTFL interview, a program may administer another measure of oral proficiency, provided that approval for that measure is first obtained from the State Board of Education based on evidence that it permits identification of proficiency equivalent to the "intermediate high" level on the ACTFL interview.
- c) Pursuant to the standards set forth in 23 Ill. Adm. Code 27.340 (Foreign Language), beginning July 1, 2003, each approved preparation program in foreign language shall lead to candidates' eligibility for a special K-12 certificate. Beginning July 1, 2004, each individual completing an Illinois approved program shall be required to take and pass the assessment of professional teaching relevant to the special certificate. However, passage of the APT relevant to the secondary certificate prior to July 1, 2004, will be accepted for issuance of a special K-12 certificate. The provisions of Section ~~25.720~~~~25.725~~ of this Part shall apply to each individual already certified in Illinois who seeks an additional certificate in order to teach a foreign language.
- d) Beginning October 1, 2003, out-of-state applicants certified at the K-12 level shall be required to take and pass the assessment of professional teaching relevant to the special certificate. Beginning October 1, 2003, out-of-state applicants certified at the secondary level may take and pass either the APT relevant to the secondary certificate or the APT relevant to the special certificate and, if eligible, shall receive the applicable certificate. The validity of secondary certification in the language to be taught may be extended to the elementary level pursuant to Section 25.85(a)(2) of this Part.

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

Section 25.155 Initial Recognition Procedures

The procedures set forth in this Section shall apply to initial recognition of an institution and the concurrent accreditation of the educational unit and approval of one or more teacher preparation programs within that institution.

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- a) An institution may notify the State Board of Education of its desire to initiate the initial recognition, accreditation, and program approval process by submitting a letter of intent to the State Superintendent of Education on a form provided by the State Board. Within 30 days after receipt of such a notification, the State Superintendent shall respond to the institution, identifying the staff member who will be responsible for assisting the institution and inviting the institution to submit its required materials to that individual.
- b) The institution shall submit to the State Superintendent of Education, in the quantity and format specified by the State superintendent, ~~ten copies of~~ a report containing:
 - 1) information indicating that the institution meets the conditions described in Section 25.115(a) of this Part;
 - 2) a written description of the educational unit, including:
 - A) identification of the unit, its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;
 - B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation;
 - C) the written policies and procedures which guide the operations of the educational unit;
 - D) the unit's policies for monitoring and evaluating its operations, the quality of its offerings, performance of candidates, and effectiveness of its graduates; and
 - E) the unit's published criteria for admission to and exit from all initial and advanced preparation programs for professional educators, and provision for summary reports of candidate performance at exit; and

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- 3) a complete description of the unit's conceptual ~~frameworks~~framework(s) and its/their development, which shall address each of the "structural elements" of conceptual frameworks found in the standards referred to in Section 25.115(b) of this Part.
- c) Review of conceptual frameworks for institutions seeking initial recognition shall be conducted ~~at least twice~~ annually, during a time period announced by the State Superintendent of Education, by a panel convened by the State Superintendent ~~of Education~~. Each review shall encompass all materials postmarked no later than 60 days prior to the date of the review. Each spring review shall encompass all material postmarked by February 1. Each fall review shall encompass all material postmarked by September 1. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its conceptual ~~frameworks~~framework(s) is adequate or that certain structural elements were not adequately addressed.
- d) If the description of the conceptual ~~frameworks~~framework(s) is not found to be adequate, no further review of the institution shall occur unless the institution submits a revised conceptual framework. If the description of the conceptual ~~frameworks~~framework(s) is found to be adequate, a review visit shall be scheduled no later than the conclusion of between March 1 and May 31 of the following year (for institutions whose conceptual frameworks were reviewed in the spring) or between September 1 and November 30 of the following academic year (for institutions whose conceptual frameworks were reviewed in the fall) and shall be scheduled for the mutual convenience of the affected institution and the review panel.
- e) With regard to each program for which approval is sought, the institution shall submit to the State Superintendent of Education ~~five copies of~~ a program report meeting the requirements of Section ~~25.127(a)25.127(b)~~ of this Part. An institution shall submit its program reports no later than one February 1 (for a spring review) or September 1 (for a fall review) of the year prior to the projected date of its before the year in which it anticipates being ready for institutional review pursuant to subsection (h) of this Section.
- f) A panel established by the State Superintendent shall review the program report of each proposed program. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area.
 - 1) No later than 30 days after the State Superintendent receives a program

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report, staff shall notify the affected institution as to whether the report is complete pursuant to Section ~~25.127(a)~~25.127(b) of this Part.

- 2) An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that a report is incomplete.
 - 3) No later than six months prior to the scheduled date of the visit~~August 1 (before a spring visit) or February 1 (before a fall visit)~~, the review panel shall notify the affected institution of any applicable standards not addressed in its program report, as well as any deficiencies which, if not improved, will be identified ~~as areas of weakness~~ in the panel's critique as areas for improvement.
 - 4) Within 60 days after receiving the panel's modification under subsection (f)(3) of this Section~~No later than October 1 (before a spring visit) or April 1 (before a fall visit)~~, the affected institution may submit revisions to a program report that may include descriptions of changes in the program made in response to the ~~preliminary~~ critique provided by the panel pursuant to subsection (f)(3) of this Section.
 - 5) No later than 60 days before the scheduled date of the review visit referred to in this Section, each program review panel shall submit to the affected institution and to the State Superintendent a final critique describing the degree to which the program meets the applicable content standards established by the State Board of Education and recommending action with respect to the proposed program.
- g) The institution shall submit to the State Superintendent ~~ten copies of an~~ institutional report incorporating an overview of the institution, an overview of the unit's conceptual ~~frameworks~~framework(s), and evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part. This report shall be submitted in a format and quantity prescribed by the State ~~Superintendent~~Board of Education.
 - h) The State Superintendent of Education shall authorize the scheduling of an on-site review visit to the institution when:
 - 1) its conceptual framework is found to be adequate;

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- 2) the institution has submitted the narrative required under subsection (g) of this Section; and
 - 3) a panel has reviewed ~~each~~the program ~~report~~reports submitted by the institution as required by subsection (f) of this Section and has determined that each ~~such~~report meets the applicable content standards established by the State Board of Education.
- i) From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct an on-site review to verify the information provided by the institution as required by subsection (g) of this Section. A staff member of the State Board of Education shall ~~accompany the team, serving as a consulting, ex officio member~~~~serve as a consultant~~ to ensure that applicable standards, procedures, rules, and statutes are addressed. The review team shall conduct the review visit, prepare its draft and final reports, and submit its final report as provided in Section 25.125(e) and (f) of this Part.
 - j) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings meeting the requirements of Section 25.125(g) of this Part.
 - k) Staff of the State Board of Education shall convey to the State Teacher Certification Board the review team's report, the institution's letter of agreement or rejoinder, ~~and~~a response to that rejoinder provided by the team's chair, and any other relevant documentation that was available to the review team.
 - l) The State Teacher Certification Board, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education:
 - 1) Recognize the institution, accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved ~~programs~~program(s) and to recommend candidates for certification by entitlement; or
 - 2) Recognize the institution, provisionally accredit the educational unit, and approve one or more proposed teacher education programs, thereby authorizing the educational unit to conduct the approved

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~~programs~~program(s) and recommend candidates for certification by entitlement (subject to the requirements of Section 25.125(j)(2) of this Part); or

- 3) Deny recognition of the institution, accreditation of the affected educational unit, or approval of one or more teacher education programs, thereby prohibiting the conduct of the proposed ~~programs~~program(s).
- m) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

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

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

- a) The State Superintendent of Education shall notify an affected institution in writing not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C and, except as provided in this subsection (a), shall await the institution's response (see subsection (b) of this Section) prior to forwarding that recommendation to the State Board of Education. The State Superintendent shall not await a response from an institution if, as applicable to the nature of the review:
- 1) the State Teacher Certification Board has recommended the initial recognition of the institution, the accreditation of its educational unit, and the approval of all of its proposed programs under Section 25.155(l)(1) of this Part; or
 - 2) the State Teacher Certification Board has recommended continuing the accreditation of the educational unit under Section 25.125(j)(1) of this Part and the approval of all the unit's existing preparation programs under Section ~~25.127(j)(1)~~~~25.127(o)(1)~~ of this Part; or
 - 3) the State Teacher Certification Board has recommended provisional approval of each proposed new preparation program under Section 25.145(d)(1) of this Part.
- b) Within 30 days after receipt of written notification from the State Superintendent, an affected institution may submit a notice of objection to the State Teacher Certification Board's recommendation, ~~provided that the~~ The institution's

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narrative explanation of its objections shall conform to the requirements for rejoinders stated in Section 25.125(g) of this Part but may also be based upon an objection to the State Teacher Certification Board's review; this narrative objection(s) and any supporting documentation shall be submitted to the State Superintendent not later than 30 days after the institution submits its notice of objection.

- c) The State Superintendent shall forward to the State Board of Education for consideration at its next available meeting the recommendation made by the State Teacher Certification Board and the institution's presentation of its objection(s) and shall inform the State Teacher Certification Board that these materials have been submitted for the State Board's consideration.
- d) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution in writing of the State Board's action.

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

Section 25.165 Discontinuation of Programs

- a) An institution that intends to discontinue an approved program or cease offering preparation programs altogether shall so notify the State Superintendent of Education no later than 30 days prior to taking such action, except that voluntary discontinuation of a program shall also be subject to the following additional requirements:
- 1) The institution shall assure the State Superintendent that all candidates currently enrolled in any program scheduled for discontinuation will have an opportunity to complete the program.
 - 2) The institution shall supply to the State Superintendent the names and Social Security numbers of all candidates currently enrolled in any program scheduled for discontinuation.
- b) When approval of a program is revoked, the State Board of Education may require its continued operation for one additional academic year to permit currently enrolled candidates either to complete the program or to seek enrollment in another institution for that purpose. However, if the State Board determines in consultation with the State Teacher Certification Board that the program is unable

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to offer candidates learning opportunities that contribute to their teaching competence, the Board shall require that the program cease operating at the end of the then-current semester. The institution shall supply to the State Superintendent the names and Social Security numbers of all candidates currently enrolled in any program whose approval is revoked.

- c) A program in which no candidates have been enrolled for a consecutive three-year period shall be considered to have been discontinued. An institution desiring to resume offering such a program shall be required to comply with the requirements for initial approval stated in Section 25.145 of this Part.

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

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.225 Certification of School Counselors (2004)

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

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

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forth at 23 Ill. Adm. Code 23.110 but shall entail at least 600 hours and last no less than one semester, during which the candidate shall engage in the performance of various aspects of the counseling role and shall be gradually introduced to the full range of responsibilities associated with that role. However, the internship for an individual with at least two years of teaching experience may, at the discretion of the institution offering the approved program, consist of no fewer than 400 hours. In each case at least 240 hours of the internship shall involve direct service work with individuals and groups of school age.

- 2) The internship shall occur in a school setting except that, at the discretion of the institution, a maximum of one-third of the hours required may be credited for experiences in other related settings such as hospitals or day care settings that, in the judgment of the institution, expose the candidate to the needs of school-aged children and prepare the candidate to function as a school counselor.
 - 3) An institution may recommend certification of a candidate who was enrolled in an approved program prior to July 1, 2004, and has completed an internship meeting the requirements applicable at the time of his or her enrollment.
- d) Except as provided in subsections (e) and (f) of this Section, each applicant shall either:
- 1) hold or be qualified to hold a teaching certificate; or
 - 2) have completed, as part of an approved program, coursework addressing:
 - A) the structure, organization and operation of the educational system, with emphasis on P-12 schools;
 - B) the growth and development of children and youth, and their implications for counseling in schools;
 - C) the diversity of Illinois students and the laws and programs that have been designed to meet their unique needs; and
 - D) effective management of the classroom and the learning process.

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

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

SUBPART F: GENERAL PROVISIONS

Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (f) of this Section). For purposes of this Section, "outside the regular school term" means during hours when school is not in session or on days when school is not in session.

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- a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) or Section 21-25(d) of the School Code shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:
- 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students or a school counseling position; and
 - 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a formatform specified by the State Board of Education.
- b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:
- 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;
 - 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a formatform specified by the State Board of Education; and
 - 3) *he or she agrees in writing, using a formatform prescribed by the State Board of Education, to provide, ~~outside the regular school term,~~ at least 60 hours of mentoring to classroom teachers that conforms to the requirements of Section 21-27(2) of the School Code and consists of:*
 - A) *high-quality professional development for new and experienced teachers; and/or*
 - B) *assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process. (Section 21-27(2) of the School Code)*

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- c) Requirements for Professional Development and Assistance to NBPTS Candidates
- 1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional development to new or experienced teachers under subsection (b) of this Section shall submit a written log of the assistance provided, ~~to each recipient using a format specified on a form supplied~~ by the State Board of Education, demonstrating that he or she addressed one or more of the ~~areas of teaching practice enumerated in this subsection (c)(1), consistent with the~~ standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) ~~and~~ as relevant to the classroom-based needs of the recipient ~~teachers, teacher(s):~~ Each recipient of professional development shall be identified by name and shall sign the log as verification of the dates and hours of service indicated.
- A) ~~knowledge of content and pedagogy;~~
 - B) ~~assessment of students' learning and provision of timely and effective feedback to them;~~
 - C) ~~classroom management strategies;~~
 - D) ~~development of instructional goals;~~
 - E) ~~design and delivery of instruction;~~
 - F) ~~reflection on and analysis of recipient teachers' practice and their success in assisting students to reach instructional goals.~~
- 2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit a written log of the assistance provided ~~to each recipient, using a format specified -on a form supplied-~~ by the State Board of Education. This record shall identify the activities performed ~~from among those listed as allowable by the State Board and~~ verify that these activities addressed based upon their relationship to specific requirements candidates must meet for NBPTS certification.

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- d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:
- 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;
 - 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a formatform specified by the State Board of Education; and
 - 3) *he or she agrees in writing, using a formatform prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced-price lunches, or both.* (Section 21-27(3) of the School Code)
- e) Requirements for Mentoring
- 1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:
 - A) as part of and in conformance with a mentoring program formally established by a school district; or
 - B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher's involvement, and the amount of time expected to be devoted to each recipient teacher.
 - 2) Mentoring may be provided to recipients either individually or in groups, provided that the mentor must address one or more of the areas of teaching

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practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher.

- 3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State Board of Education a written log that:
 - A) meets the requirements of subsection (c)(1) of this Section; and
 - B) discusses how the mentoring was related to the academic needs of the recipient teachers' students.

- f) **Insufficient Appropriations**
When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments will be prioritized.

- 1) ~~No~~All annual stipends as described in subsection (a) of this Section shall be paid until all before any other payments pursuant to subsections (b) and (d) of this Section have been made.
- 2) The incentive payments described in subsection (d) of this Section shall take precedence over those described in subsection (b) of this Section.

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

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

- a) Applicants shall complete their applications truthfully and honestly. Each application shall~~ease must~~ be reviewed separately. The ~~gravity~~type of the offense (misdemeanor, felony or other infamous nature), the circumstances surrounding its commission (including age and background of the applicant at the time of the offense), and any criminal penalty that was imposed shall be considered. An applicant with a criminal history shall be provided an opportunity to provide evidence of good character and/or rehabilitation to prove that he or she has overcome a defect in his or her record~~involved will affect the character decision; obviously some offenses (and felonies) are of a more serious nature than others.~~
- b) The State Teacher Certification Board will review evidence provided by the

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~~applicant and render a decision as to good character by weighing the evidence of bad character (the criminal conviction) against that of good character and rehabilitation. In making this determination, the State Teacher Certification Board may consider, without limitation, a personal statement from the applicant and letters from university instructors, employers, and any other persons with knowledge of the applicant's criminal history and rehabilitation. The purpose of criminal penalties must be considered. It is the overwhelming view of experts in the various professions of the law that the purpose of criminal penalties is not only to punish, but to rehabilitate the individual. To automatically deny a person a privilege enjoyed by others is to tell that person that he will never be looked upon as being rehabilitated and that the stigma of his/her offense will forever be attached to him to prevent him from becoming an accepted and useful member of society. Such a drastic decision should not be taken lightly. It certainly should never be an automatic decision which does not give a person the opportunity to prove that he has overcome a defect in his/her past record.~~

- c) ~~The~~Therefore, in handling applications where there has been a criminal conviction on the part of the applicant, the State Teacher Certification Board shall require a waiting period of one year from the time the sentence for the criminal offense ends before an application for certification will be considered, excluding minor traffic offenses.will:
- 1) ~~not automatically reject an applicant with a criminal conviction record;~~
 - 2) ~~take into consideration the gravity of the offense, i.e. misdemeanor, felony, infamous crime together with the circumstances under which it occurred, i.e. background and age of the person at the time of the offense;~~
 - 3) ~~allow the applicant to provide evidence of good character and rehabilitation;~~
 - 4) ~~render a decision as to good character by weighing the evidence of bad character (the criminal conviction) against that of good character and rehabilitation; and~~
 - 5) ~~require a waiting period of one year from the time the sentence for the criminal offense ends before an application for certification will be considered.~~
- d) For purposes of this Section, an individual's "sentence" shall include any

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probationary period imposed either alone or in combination with a period of incarceration.

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

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

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

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

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

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

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

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter

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

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

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary
- Assessment of Professional Teaching – Special
- Basic Skills
 - Language Arts
 - Mathematics
 - Reading Comprehension
 - Writing
- Biological Science
- Blind and Partially Sighted
- Business/Marketing/Management
- Chemistry
- Chief School Business Official
- Computer Science
- Dance
- Deaf and Hard of Hearing
- Early Childhood
- Educable Mentally Handicapped
- Elementary/Middle Grades (K-9)
- English
- English as a Second Language
- English Language Proficiency
- French
- General Administrative
- General Science
- General Supervisory (available through June 30, 2003)

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German
Guidance
Health
Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)
Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology
School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education
Arabic
Cantonese
Greek
Gujarati
Hindi
Japanese

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Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

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

Agricultural Education
Assessment of Professional Teaching
 Early Childhood
 Elementary
 Secondary
 Special
Basic Skills
Business, Marketing, and Computer Education
Chief School Business Official
Dance
Director of Special Education (required beginning July 1, 2005)
Drama/Theatre Arts
Early Childhood
Early Childhood Special Education
Elementary/Middle Grades (K-9)
English Language Arts
English Language Proficiency
English as a New Language
Family and Consumer Sciences
Foreign Languages
 Chinese (Cantonese or Mandarin)
 French
 German
 Hebrew
 Italian
 Japanese
 Korean

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Latin
Russian
Spanish
General Administrative
Guidance (through June 30, 2005)
Health Education
Health Careers
Library Information Specialist
Mathematics
Music
Physical Education
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences
 Biology
 Chemistry
 Earth and Space Science
 Environmental Science
 Physics
Social Sciences
 Economics
 Geography
 History
 Political Science
 Psychology
 Sociology and Anthropology
Superintendent
Technology Education
Technology Specialist
Transitional Bilingual Education – Language Proficiency
 Arabic
 Cantonese
 Greek
 Gujarati
 Hindi
 Japanese

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Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese
Visual Arts

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

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

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

Section 25.720 Applicability of Testing Requirement and Scores

~~The provisions of subsections (d) through (i) of this Section shall apply with respect to applications for certification that are received or processed on or after July 1, 2004.~~

- a) ~~Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary, or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code. Beginning October 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching, which shall be based upon the standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning October 1, 2003) the applicable assessment of professional teaching only if:~~
- 1) ~~he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and~~

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~~applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching for that certificate); or~~

~~2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or~~

~~3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.~~

~~b) The required test of subject matter knowledge is the test that corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.~~

~~e) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, the subject matter knowledge test that corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.~~

~~a)~~ It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

b) Basic Skills Test

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

1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.

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- 2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
 - 3) *A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills.* (Section 21-1a of the School Code [105 ILCS 5/21-1a]) For purposes of this subsection ~~(b)(3)(e)(3)~~, a "comparable certificate" is one that either:
 - A) was issued on or before June 30, 2004; or
 - B) was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.
 - 4) The provisions of subsection ~~(b)(3)(e)(3)~~ of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.
 - 5) When a person who was not required to take the basic skills test pursuant to subsection ~~(b)(3)(A)(e)(3)(A)~~ of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection ~~(b)(3)(e)(3)~~ of this Section.
- ~~c~~f) Content-Area Tests
- 1) Except as provided in subsection ~~(c)(2)(f)(2)~~ of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test ~~for program completion as a prerequisite to student teaching in Illinois beginning with the 2004-2005 academic year.~~
 - 2) *A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a*

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certification test in another state or territory that is directly related in content to the specific area of certification. (Section 21-1a of the School Code) For purposes of this Section, a test is "directly related in content" if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement.

3) A person who has passed a test of language proficiency in order to qualify for a transitional bilingual certificate and received that certificate shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

dg) Assessment of Professional Teaching (APT)
Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:

- 1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or
- 2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.

eh) Except as provided in subsections (be)(1), (c)(3), and (dg)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.

fi) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart I.

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

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Section 25.APPENDIX E Endorsement Structure Beginning July 1, 2004

Section 25.100 of this Part explains the applicability of "designations" where shown as required in the following table. An asterisk next to the name of an endorsement or designation indicates that there is no content-area test for that credential. The relevant provisions of Section 25.100(e) of this Part shall apply in those cases.

Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Fundamental Learning Areas		
English Language Arts	None	English Journalism Language Arts Speech
Reading Teacher	None	Reading
Reading Specialist	None	Reading
Mathematics	None	Mathematics
Sciences – Designation <u>or Limited Endorsement under Section 25.100(h)(5)</u> Required	Biology Chemistry Earth and Space Science Environmental Science Physics	Biological Science Botany Physiology Zoology Chemistry Aerospace Astronomy Earth Science Geology Physical Geography Biological Science Physical Science General Science Physics

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Social Sciences – Designation <u>or Limited Endorsement</u> <u>under Section 25.100(h)(5)</u> Required	Economics Geography History Political Science Psychology Sociology and Anthropology	Economics Geography History U.S. History World History Political Science Psychology Anthropology Sociology
Physical Education	None	Physical Education
Health Education	None	Health Education
Dance	None	Dance
Drama/Theatre Arts	None	Theatre and Drama
Music	None	Music Instrumental Music Vocal Music
Visual Arts	None	Art
Foreign Languages – Designation Required	Chinese French German Hebrew Italian Japanese Korean Latin Russian Spanish	None French German Hebrew Italian None None Latin Russian Spanish

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Additional Teaching Fields		
Agricultural Education	None	Agricultural Business and Management Agriculture Agricultural Power and Machinery Horticulture Agricultural Resources
Business, Marketing, and Computer Education – Designation Optional	Business Computer Programming*	Accounting Basic Business Business Computer Programming Business/Marketing/ Management Information Processing Information Processing/ Secretarial Marketing
Family and Consumer Sciences – Designation Required	Apparel and Textiles* Living Environments* Nutrition, Wellness, and Hospitality*	Child and Day Care Services Consumer Education and Resource Management Fashion and Clothing Services Food and Nutrition Services Home Economics Institutional and Home Management Services Interior Furnishings Services/Living Environments Interpersonal, Family Relationships, Parenting

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Health Careers	None, but licensure in a specific occupation is required	Health Occupations
Technology Education	None	Industrial Technology Education Construction Electronics Graphic Communications Transportation Manufacturing Industrial Technology Public Service Drafting/Design Autobody Repair Heating, Ventilation, and Air Conditioning
Technology Specialist	None	Computer Technology Instructional Technology
Library Information Specialist	None	Media
Safety and Driver Education*	None	Safety and Driver Education
English as a New Language (ENL) – Designation Optional	Bilingual Education (language-specific)	Bilingual Education English as a Second Language
Middle-Level	Subject-specific	Middle-Grades
Elementary		
Self-Contained General Elementary Education	None	Self-Contained General Education

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Early Childhood		
Early Childhood	None	Early Childhood
Early Childhood Special Education	None	
Administrative		
Chief School Business Official		Chief School Business Official
Director of Special Education		Director of Special Education
General Administrative		General Administrative
Superintendent		Superintendent
School Service Personnel		
School Counselor		Guidance
School Nurse		School Nurse
School Psychologist		School Psychologist
School Social Worker		School Social Worker
Non-Teaching Speech- Language Pathologist		Non-Teaching Speech- Language Pathologist
Supervisory	None; see Sections 21-4 and 21-25 of the School Code and Section 25.497 of this Part.	Supervisory

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

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- 1) Heading of the Part: School Food Service
- 2) Code Citation: 23 Ill. Adm. Code 305
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
305.5	New Section
305.10	Amendment
305.15	Amendment
305.20	New Section
305.30	Amendment
- 4) Statutory Authority: 105 ILCS 125/0.05 et seq.
- 5) A Complete Description of the Subjects and Issues Involved: In general, the existing Part 305 rules address the obligation of public schools to provide free lunches to eligible students, and establish the State Board's requirements for public and private schools, residential child care institutions and camps (collectively, "sponsors") participating in the National School Lunch Program (NSLP).

Federal regulations governing the NSLP, as well as those pertaining to the School Breakfast Program, prohibit the sale of foods of minimal nutritional value (as defined in federal regulations) in food service areas during the service times for lunch or breakfast. In addition, the federal regulations grant broad discretion to administering state agencies to address foods not offered by the program. In particular, the NSLP regulations direct state agencies to establish restrictions on the sale of foods not offered through the federal food programs in the food service areas and allow state agencies to "impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating" in the federal school foods programs (7 CFR 210.11 and 7 CFR 220.12).

Therefore, the proposed amendments do not rely on any "new" authority not already inherent in Part 305. The State Board's rules governing School Food Service (Part 305) currently impose restrictions on schools participating in the NSLP that exceed federal requirements. While federal regulations only restrict the sale of foods and beverages of minimal nutritional value in food service areas during the service times for breakfast and lunch, the State Board's rules restrict elementary schools from selling certain types of foods *anywhere* on school grounds during the regular breakfast and lunch period. These restrictions apply to the sale of confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50 percent pure fruit juice, tea, coffee and other items designated by the federal government as foods and beverages of minimal nutritional value.

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Under the proposed amendments, commencing on the first day of the 2006-07 school year, all schools that participate in the federal National School Lunch Program or the School Breakfast Program which operate classes of grade 8 or below must prohibit the sale to students of any “minimally nutritious items” before school and during the school day. A minimally nutritious item is defined as:

1. any beverage other than flavored or plain reduced fat, low-fat or nonfat milk, 100 percent juices (in containers of 8 ounces or less for kindergarten through grade 5, and 12 ounces or less for grades 6 through 8) and water; and
2. any food whose calories from fat or total calories, sugar content or serving size exceeds specified levels.

The proposed amendments also reorganize Part 305 to better reflect specific subject areas, which will be addressed in separate sections. The proposed amendments more clearly tie the requirements of Illinois’ School Breakfast and Lunch Program, such as criteria for student eligibility and standards for meal reimbursement, to those already used at the federal level so that schools participating in both programs are not held to different requirements.

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

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

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(217) 782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: The Governor's office on November 28, 2005, requested to the Illinois State Board of Education that it exercise its authority under federal regulations to restrict the sale of minimally nutritious items to elementary and middle school students before school and during the regular school day.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER i: FOOD PROGRAMS

PART 305

SCHOOL FOOD SERVICE

Section

305.5	Definitions
305.10	Illinois Free Lunch and Breakfast Programs Program
305.15	Availability of Minimally Nutritious Items in Participating Schools National Child Nutrition Program
305.20	Student Workers
305.30	Government-Donated Commodities Federal Child Nutrition Programs

AUTHORITY: Implementing and authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

SOURCE: Peremptory rule adopted at 2 Ill. Reg. 45, p. 83, effective October 25, 1978; codified at 7 Ill. Reg. 14743; amended at 30 Ill. Reg. _____, effective _____.

Section 305.5 Definitions

"Eligible student" means a student eligible for the National School Lunch Program (42 USC 1751 et seq.) in accordance with federal regulations found at 7 CFR 245.

"Minimally nutritious item" means:

Any beverage other than:

flavored or plain reduced fat (2 percent) or low-fat (1 percent), or skim/nonfat fluid milk that meets State and local standards for pasteurized fluid milk and/or U.S. Department of Agriculture-approved alternative dairy beverages;

100 percent full-strength fruit and vegetable juices in containers of 8 ounces or less for students in kindergarten through grade 5, and

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in containers of 12 ounces or less for students in grades 6 through 8; and

water (non-flavored, non-sweetened, and non-carbonated).

Any individual food item whose:

calories from total fat exceed 35 percent, excluding nuts, seeds, and nut butters;

calories from saturated fat exceed 10 percent;

total sugar exceeds 35 percent by weight. The total sugar includes both naturally occurring and added sugars. The limit does not include fruits and vegetables;

à la carte portion size exceeds the serving size of the food served in the National School Lunch Program or School Breakfast Program;
or

calories exceed 200, and is prepackaged by the manufacturer and sold vended or à la carte.

"Non-program items" means any food or beverage items sold to students other than those offered as part of a federal reimbursable meal. Such items include, but are not limited to, à la carte offerings, any items sold in vending machines, or any items sold as part of any fundraising event (e.g., bake sales, candy sales), whether sponsored by the school, an individual or other organization.

"Participating school" means any public or nonpublic school that participates in the School Breakfast Program (42 USC 1771 et seq.) or the National School Lunch Program (42 USC 1751 et seq.).

"Reimbursable meal" means a meal meeting the definition of a "federal reimbursable meal", as set forth in regulations governing the School Breakfast Program (7 CFR 220.8) or the National School Lunch Program (7 CFR 210.10).

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

Section 305.10 Illinois Free Lunch and Breakfast ProgramsProgram

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- a) ~~In accordance with Section 4 of the School Breakfast and Lunch Program Act [105 ILCS 125/4], Illinois H.B. 2601, passed by the 76th General Assembly, requires every public school shall to provide free lunches to eligible students needy children. Failure to provide free lunches for needy students, as defined by annual economic guidelines, could result in withholding of reimbursement.~~
- b) ~~Every public school participating in the school breakfast program as defined in 105 ILCS 125/1 shall provide free breakfasts to eligible students. All needy children eligible for free lunches are also eligible for free breakfasts if the school participates in the breakfast program.~~
- c) ~~Public schools may only claim State reimbursement for reimbursable meals provided to eligible students. The complete Type A lunch with each component in the proper proportion, including one half pint of whole milk, must be served if reimbursement is claimed for the lunch. An accurate record of all Type A lunches served without milk must be maintained.~~
- d) An accurate record of the actual number of free ~~and reduced-price lunches and~~ breakfasts ~~and lunches~~ served to children each day must be maintained.

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

Section 305.15 Availability of Minimally Nutritious Items in Participating Schools National Child Nutrition Program

Commencing on the first day of the 2006-07 school year, all participating schools that operate only classes of grade 8 or below shall prohibit the sale to students of any minimally nutritious items before school and during the regular school day. If a school serves students in both grade 8 or below and students in grade 9 and above, then the school shall ensure that students in grade 8 and below do not have access to minimally nutritious items. The restrictions on the sale of foods and beverages contained in this Section shall only apply to non-program items.

- a) ~~Lunches and breakfasts served to student workers cannot be claimed for reimbursement as free lunches served unless the student has been determined to be needy by the school's determining agent. Needy children may not work for their meals unless written permission of their parents or guardian is on file in the school district. Meals served to student workers who could otherwise afford to purchase the meals are to be recorded as "paid" and claimed only for Type A lunch reimbursement. Non-needy student workers do not need parental consent.~~

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- b) ~~Any income derived from the sale of any food or beverage items offered in the lunchroom and dining area during the time designated as the lunch period must be deposited in the nonprofit lunch program account.~~
- e) ~~All elementary schools participating in the National School Lunch Program shall prohibit the sale of competitive foods to students during the time designated by local school officials as the regular breakfast and lunch periods.~~
- d) ~~Competitive foods include all confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50% pure fruit juice, tea, coffee, and any other foods or beverages designated as such by the State Board of Education.~~
- e) ~~Elementary schools shall mean all schools in which classes of the fifth grade or below are operating.~~
- f) ~~Local school authorities for junior and senior high schools shall establish such instructions as are desired to regulate the sale of competitive foods to students during the time period designated by local school authorities as the regular breakfast and lunch periods. However, revenue from the sale of all food and beverages provided in any dining or serving area during the designated regular breakfast and lunch periods shall accrue to the nonprofit school lunch program account.~~
- g) ~~Junior and senior high schools shall mean all schools in which classes of the sixth grade and above are operating.~~
- h) ~~Prices paid by adults for the Type A lunch are to be at least 15 cents higher than prices paid by students. This is based on the fact that no cash reimbursement is available for adult meals, nor are commodities allotted on the basis of adult meals served.~~
- i) ~~Proper storage facilities must be provided for government donated food commodities. Commodities may not be stored in private homes.~~
- j) ~~These commodities should be ordered in amounts which can be adequately stored and utilized. No more than a 90-day supply of any commodity is to be on hand in a school district or other institution.~~
- k) ~~Any agreement contract to process government donated commodities between an~~

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~~eligible receiving agency (school district or institution) and a food supplier or management firm must be submitted for approval. These contracts must be approved by the School Food Services Section of the State Board of Education which, in turn, will submit a copy of the approved contract agreement to the United States Department of Agriculture.~~

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

Section 305.20 Student Workers

- a) In order for a student to work in the food service area, any public school or any nonpublic school participating in the National School Lunch Program shall obtain written consent from the individual who legally enrolled the student, whether it be the parent, guardian or other individual.
- b) An eligible student shall not be required to work for his or her meals.
- c) A lunch or breakfast served to a student worker cannot be claimed for reimbursement as a free or reduced-price meal unless the student is an eligible student.
- d) A meal served to a student worker is to be recorded in the eligibility category for which the student would qualify if not working.

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

Section 305.30 ~~Government-Donated Commodities~~ Federal Child Nutrition Programs

- a) Any agreement or contract to process government-donated commodities between an eligible receiving agency (school district or institution) and a food supplier or management firm not listed on the electronic Illinois Commodity System must be submitted for approval to the Illinois State Board of Education. ~~All Child Nutrition Program sponsors, by applying to participate in the Federal School Lunch, School Breakfast, Nonfood Assistance, Special Milk, and Commodity Distribution Programs, agree to comply with the United States Department of Agriculture regulations pertaining thereto. Program sponsors and other appropriate agencies participating in these programs will be evaluated and required by the State Board of Education to comply with current regulations pertaining to these programs as issued by the United States Department of Agriculture.~~

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- b) Proper storage facilities must be provided for government-donated food commodities. Such storage facilities shall meet the requirements set forth in federal regulations governing the storage and use of commodities in child nutrition programs (7 CFR 250).~~Refusal of Commodities.~~
- c) Government-donated commodities shall not be stored at private residences or facilities, unless the facility is operated and designed for the storage or refrigeration of food.
- d) Government-donated commodities shall be ordered in amounts that can be adequately stored without loss or spoilage.
- e) Complaints about food safety and other food-quality issues concerning government-donated commodities shall be reported to the State Board of Education on the form provided for that purpose.
- 1) ~~A school food authority may refuse commodities at the time they are offered if such commodities cannot be used effectively in the food service program.~~
- 2) ~~A school food authority may receive, in lieu of the refused commodities, other commodities to the extent that other commodities are available to the State during the school year. However, not more than 20 per cent of the value of commodities offered to a school food authority for lunches during the school year shall be subject to replacement with other commodities. School food authorities eligible to receive replacement commodities shall be notified on a quarterly basis of any commodities available to replace those refused.~~
- 3) ~~The State Board of Education shall maintain accurate and complete records of the amount and value of commodities refused and shall require that school food authorities also maintain such records.~~

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

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- 1) Heading of the Part: Income Tax
 - 2) Code Citation: 86 Ill. Adm. Code 100
 - 3) Section Number: 100.3015 Proposed Action:
New Section
 - 4) Statutory Authority: 35 ILCS 5/1401(a) and 5/1501(a)(1).
 - 5) A Complete Description of the Subjects and Issues Involved: Public Act 92-846 amended IITA Section 1501(a)(1) to permit taxpayers to treat all income (other than employee compensation) as business income for purposes of allocating and apportioning its income to Illinois. This rulemaking provides guidance for taxpayers on the manner of making the election and the consequences of doing so.
 - 6) Does this rulemaking replace an emergency rulemaking currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this rulemaking contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? Yes
- | <u>Section Number</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
|-----------------------|------------------------|------------------------------|
| 100.9400 | Amendment | 29 Ill. Reg. 20318, 12/16/05 |
- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
 - 11) 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:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

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Phone: (217) 524-3951

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance needed by small businesses regarding the election to treat all income (other than employee compensation) as business income. Municipalities and not-for-profit corporations are not affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

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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)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 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 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)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
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))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA 212)

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

Section

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- 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 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

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

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 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 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

- 100.2580 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 G: BASE INCOME OF TRUSTS AND ESTATES

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- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: 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 J: COMPENSATION

Section

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

SUBPART K: 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)

SUBPART L: 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)
- 100.3380 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 (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

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100.5000	Time for Filing Returns: Individuals (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)
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

SUBPART O: COMPOSITE RETURNS

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100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits for Resident Individuals
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: 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
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

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

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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)
100.7040	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 R: AMOUNT EXEMPT FROM WITHHOLDING

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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 S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

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100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320	Time for Filing Returns (IITA Section 704)
100.7330	Payment of Tax Deducted and Withheld (IITA Section 704)
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SUBPART U: COLLECTION AUTHORITY

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100.9000	General Income Tax Procedures (IITA Section 901)
100.9010	Collection Authority (IITA Section 901)

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100.9020 Child Support Collection (IITA Section 901)

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100.9100 Notice and Demand (IITA Section 902)

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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 Y: CREDITS AND REFUNDS

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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 Z: 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 AA: JUDICIAL REVIEW

Section

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100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

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

SUBPART CC: LETTER RULING PROCEDURES

Section

100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

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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;

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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; 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,

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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. _____, effective _____.

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME**Section 100.3015 Business Income Election (IITA Section 1501)**

- a) *For each taxable year beginning on or after January 1, 2003, a taxpayer may elect to treat all income other than compensation as business income. This election shall be made in accordance with rules adopted by the Department and, once made, shall be irrevocable. (IITA Section 1501(a)(1))*
- b) The election under this Section shall be made on the original return filed by the person making the election for the taxable year to which the election applies or on a corrected return filed prior to the due date (including extensions) for the return pursuant to Section 100.9400(f)(3) of this Part. An election made on an original return may also be revoked on a timely-filed corrected return. After the extended due date for filing the return has passed, the election may still be made on an original return, but an election that has been made on the original or corrected return may no longer be revoked.
- c) In the case of a partnership, estate, trust or Subchapter S corporation, for purposes of IITA Section 305, 307 or 308, respectively, an election made by the pass-through entity to treat all of its income as business income shall be binding on its partners, beneficiaries and shareholders. An election by a partner, beneficiary or shareholder to treat all income as business income shall cause all nonbusiness income received by that partner, beneficiary or shareholder from the pass-through entity to be treated as business income received directly by the partner, beneficiary or shareholder.
- d) In the case of a combined group of corporations filing a combined return under Subpart P of this Part, the election shall be made each year by the designated agent of the group and shall apply to all income of the unitary business group required to be shown on the combined return, including income of members who do not join in the filing of the combined return.

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.110 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will update and clarify elements contained in Separations and Demotions, most specifically those related to the Discharge Proceedings. With regards to the Discharge Proceedings, this amendment will include current specific procedures related to the conduct of the hearing, role of the hearing board or hearing officer, and case presentation, thereby preserving some fundamental procedural safeguards. This amendment will also consolidate information to make it more easily accessible for all parties.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to:

Mary C. Follmer
Assistant Legal Counsel
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Phone: 217/278-3150-242

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the agency did not anticipate the need for this change.

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	
250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. _____, effective _____.

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Section 250.110 Separations and Demotions

- a) Resignation. An employee, having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting ahis signed resignation to his/her employer. An employee having a nonstatus appointment, as described in Section 250.70, may be terminated by his/her employer upon completion of thehis work assignment. The Executive Director shall be notified promptly by the employer of all resignations and terminations.
- b) Leave of Absence-
- 1) The Executive Director shall be notified promptly by the employer of all leaves of absence, military, disability, or otherwise, granted, including dates of beginning and completion of such leave which exceeds 30 calendar days of non-pay status.
- 2) A status employee, who because of disability, becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois state retirement system to which the employee contributes, shall be granted a leave of absence for the period for which the employee is eligible to receive such benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the retirement system, and shall be entitled to return to a position in the employee's class without any loss of status due to such disability leave, providing the employee returns upon the expiration of all disability benefits to which entitled. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, with approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which the employee was employed at the time the disability leave was granted and in accordance with total seniority earned. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but because of the employee's disability is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the System.
- 3) Disability
- A) An employer with the concurrence of two licensed physicians, one

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of whom to be of the employee's choice, may make the following determinations:

- iA) If an employee is no longer able to perform the duties and responsibilities of the position in the class due to a disability, the employee will be required to take disability leave; or
 - iiB) If an employee at the time of expiration of a leave for disability has exhausted all potential benefits and is unable to resume the duties and responsibilities of a position in the class, employment may be terminated unless an employer and the employee agree on employment in a more suitable classification; or
 - iiiC) If an employee, at the time of expiration of leave for disability, is unwilling to return to the position from which he/she is on leave, the employee may resign or employment may be terminated.
- B) If there is a difference of opinion, a third outside physician will be selected by the two physicians. The employer shall so notify the employee and the Executive Director in writing for all of the above actions.
- 4) A status employee shall be granted a leave of absence for pregnancy whenever the required duties of the position occupied by the employee are incompatible with the state of pregnancy, as determined by the employer, and such leave shall continue until competent medical opinion indicates that the employee is able to return to work in a position in the class in which the employee was employed prior to the leave.
 - 5) A status employee who accepts a position ~~that~~which represents a promotion in a class outside his/her promotional line shall be granted a leave from a position of his/her former class for the duration of the probationary period in the new class.
 - 6) An employee placed on Disciplinary Suspension or on Suspension Pending Discharge shall be placed on a leave of absence from his/her position.

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c) Layoff:

- 1) The Executive Director shall be notified promptly of all employees on layoff status, together with date of beginning of layoff, and of return to employment from layoff status, when such layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when such layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.
- 2) Whenever it becomes necessary to lay off one or more employees, except as provided in Section 250.110(c)(3), the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.
- 3) An employee, who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position which has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.
- 4) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.
- 5) A status employee who is subject to layoff from a part-time position, may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee, who is subject to layoff, may bump the least senior full-time employee, who then may bump the part-time

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employee having the highest percent-time appointment providing the full-time employee has more accrued seniority.

- 6) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of date of layoff.
- d) Disciplinary Suspension.* An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.
- 1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Personnel Director or his designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.
 - 2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director of the University System and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.
 - 3) Causes justifying suspension, not for discharge, shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting and "loafing on the job."

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution but is not reviewable by the Civil Service System.

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- e) Discharge Proceedings and Effective Date of Discharge-
- 1) Pre-discharge Proceedings-
- A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee~~Employee~~, the employer~~Employer~~ shall notify the employee~~Employee~~ in writing, served upon the employee~~Employee~~ in person if the employee~~Employee~~ is present on the job, otherwise by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee~~Employee~~ as shown on the employer's~~Employer's~~ records, of the employer's~~Employer's~~ intention to initiate such proceedings. The notification shall advise the employee~~Employee~~ of the substance of the charges proposed to be filed in sufficient detail to inform the employee~~Employee~~ of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee~~Employee~~ that either or both of the following options are available to the employee~~Employee~~:
- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to~~the Employee may~~ require the employer~~Employer~~ to hold a conference with the employee~~Employee~~ or his/her representative within three work days of service of the Employer's notification~~for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and~~
- ii) within 3~~three~~ work days after~~of~~ service of notification, the employee~~Employee~~ may deliver to the employer~~Employer~~ a written response to the matters contained in the employer's~~Employer's~~ notification; provided that, if the employee~~Employee~~ elects to require the conference identified in subsection (e)(1)(A) option (i)~~option (i)~~, at that~~such~~ conference the employee~~Employee~~ may request and receive an opportunity to respond further in writing within 3~~three~~ work days after the conclusion of the~~such~~ conference.

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B) Employer's Decision

i) Within 7 work days after compliance with the provisions of subsection (e)(1)(A) above, the employerEmployer shall either:

•(i) notify the employeeEmployee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employeeEmployee based solely on the matters contained in the employer'sEmployer's notification; or

•(ii) initiate proceedings before the Merit Board under this subsection Section 250.110(e) seeking discharge of the employeeEmployee based solely on the matters contained in the employer'sEmployer's notification.

ii) The employer'sEmployer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employerEmployer from imposing a suspension in accordance with subsection Section 250.110(d) or some lesser penalty.

C) An employeeEmployee who has been served with an employer'sEmployer's notification as provided in subsection (e)(1)(A) above may be placed on excused absence with pay during all or any part of the period covered by this subsection Section 250.110(e)(1) to provide the employerEmployer an opportunity to investigate serious charges.

2) Actual Discharge Proceedings-

A) Proceedings before the Merit Board seeking the discharge of an employeeEmployee shall be initiated by the employerEmployer filing with the Merit Board Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employeeEmployee of the nature of the conduct on which the charges are based. The Written Charges for

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Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of a statutory duty, law, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.

B) The Written Charges for Discharge shall be accompanied with a certification by the employerEmployer that all procedures set forth in subsectionparagraph (e)(1) of this Section have been followed and that there has been full compliance with any options elected thereunder by the employeeEmployee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employerEmployer shall serve copies thereof upon the employeeEmployee in person if the employeeEmployee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employeeEmployee as shown on the employer'sEmployer's records, and the employerEmployer shall file a proof of such service with the Merit Board.

C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of such service with the Merit Board.

D)B) An employeeEmployee who has been served with Written Charges for Discharge in accordance with subsectionssubsection (e)(2)(A) and (B)above may be suspended without pay by the employerEmployer during all or any part of the period that the discharge proceeding is pending, and until final disposition thereof,

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if the ~~employer~~Employer is of the opinion that the ~~employee's~~Employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on ~~employer's~~Employer's operations. Any ~~such~~ suspension without pay shall become effective on the date the ~~employer~~Employer serves ~~the Suspension Notice Pending Discharge~~Written Notice of Suspension upon the ~~employee~~Employee, which may be served with the Written Charges for Discharge or on any date thereafter. ~~Service~~Such ~~service~~ shall be upon the ~~employee~~Employee in person if the ~~employee~~Employee is present on the job³; otherwise, ~~service shall be~~ by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the ~~employee~~Employee as shown on the ~~employer's~~Employer's records, and the ~~employer~~Employer shall file with the Merit Board a copy of the ~~Suspension Notice Pending Discharge~~Written Notice of Suspension and proof of service ~~thereof~~.

3) Hearing Request-

- A) An ~~employee~~Employee who has been served with Written Charges for Discharge may request a hearing thereon by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days of the date of personal delivery or mailing of the Written Charges for Discharge to the ~~employee~~Employee. The Secretary for the Merit Board shall immediately notify the ~~employer~~Employer of the filing of ~~the~~such written request by the ~~employee~~Employee. Thereafter, further proceedings shall be as ~~hereafter~~ provided in this subsection Section 250.110 (e) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in ~~the~~such order.
- B) If the ~~employee~~Employee does not file a written request for hearing with the Secretary for the Merit Board within ~~said~~ 15 calendar days, the ~~employee's~~Employee's discharge shall become effective at the end of ~~the~~such 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the ~~employer~~Employer of the ~~employee's~~Employee's failure to file a timely written request for

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hearing.

4) Hearing Proceedings-

- A) Upon receipt of the ~~employee's~~Employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the ~~employee's~~Employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the ~~employee~~Employee and the ~~employer~~Employer shall all make good faith efforts to commence the hearing within 10 calendar days ~~after~~of receipt of the ~~employee's~~Employee's written request for hearing, but in no event shall such hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (e)(18)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the ~~employee~~Employee and the ~~employer~~Employer shall all make good faith efforts to conduct the hearings in no more than ~~3~~three hearing days, unless justice, due process, and fundamental fairness ~~and fair play~~ require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. A transcript of the ~~hearing~~hearings, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.
- B) Within 15 calendar days ~~after~~of the receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless ~~that such~~ time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions which prevent the members from

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meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer ~~that~~which will then review the record and submit findings of fact within 10 calendar days ~~after~~of the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing~~hearings~~ and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.

- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the ~~employee's~~Employee's request for hearing, the transcript and exhibits, ~~and~~ the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
- D) Upon ~~such~~ certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record ~~a notice that the Hearing Record has been certified and a copy of the Hearing Record~~. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service ~~thereon~~ on all parties. No answer or reply briefs and arguments in response to the above-referenced filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair~~Chairman~~. ~~Personal appearances before the Merit~~

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~~Board on any matter relating to a particular discharge proceeding will be granted only by express consent and prior order of the Merit Board after due notice to all parties.~~

- E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

- A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:
- i) defining and simplification of the issues;
 - ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
 - iii) reviewing each party's witness and exhibit list;
 - iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;

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- v) determining the length of time each party will need to present its case;
 - vi) exchanging exhibits; and
 - vii) discussing any matter that may aid in the efficient and timely disposition of the case.
- B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.
- 6) Order of Hearing
- A) The Executive Director, or authorized representative, shall open and convene the hearing.
 - B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he or she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.
 - C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.
 - D) The employer will first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's

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witnesses. The employee may be called as an adverse witness during the course of the hearing.

- E) The employee will then present his or her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
- F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
- G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
- H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
- I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

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- B) All testimony will be presented under oath or affirmation. Objections to testimony or evidentiary offers will be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
- E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
- F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days from the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.
- G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by local policy or agreement.

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- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:
 - A) The name and address of the witnesses sought;
 - B) Any specific documents the witnesses will be required to bring; and
 - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.
- 11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:

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NOTICE OF PROPOSED AMENDMENT

- A) A list of the names and addresses of the witnesses the party proposes to call; and
 - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.
- 13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.
- 14) Ex Parte Communications
- A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

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- B) Communications regarding procedure, including interpretation and application of Section 360 of the State Universities Civil Service Act, Section 250.110(e), and related procedures are not considered ex parte communications.
- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
- A) Conduct the pre-hearing conference;
- B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
- C) Establish reasonable limits on the duration of witness testimony;
- D) Limit repetitive or cumulative testimony;
- E) Rule on motions, objections or evidentiary questions;
- F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (such evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
- G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
- H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a final determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
- I) Enter any order that further carries out the purpose of this Section.

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- ~~16)~~ Decision of the Merit Board. The Merit Board shall enter findings of fact and shall order discharge or reinstatement of an employee with no loss of compensation, or make such other order as it deems appropriate. In the course of reaching their decision, the Merit Board may request the Executive Director to make such recommendations as he or she may deem appropriate with respect to the discharge proceedings. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer~~Employer~~ and the employee~~Employee~~ by certified mail. Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chair~~Chairman~~.
- 17) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days from the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his or her last known residence or place of business.
- ~~18)~~ Time Period Proceedings-
- A) On the motion of either party with notice to the other party, or by independent action of the Chair~~Chairman~~ of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection ~~Section 250.110~~ (e) may be extended by the Chair~~Chairman~~ of the Merit Board or by the Executive Director for good cause shown, ~~provided that no such~~
- B) No extension may be beyond a period established by statute, ~~Statute~~ except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable

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circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his or her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.

~~C)B)~~ The time periods set forth in this subsection Section 250.110 (e), except for the 15-day period set forth in subsection (e)paragraph (3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection Section 250.110 (e), except for the 15-day period set forth in subsection (e)paragraph(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.

D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

197) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct which violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

20)8) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and

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providing copies thereof to parties to the proceedings shall be paid by the ~~employer~~Employer. The Merit Board shall pay all expenses of the Hearing Board ~~or Hearing Officer~~members and any legal expenses incurred by a Hearing Board ~~or Hearing Officer~~, to the extent that such expenses have been approved by the Merit Board or its Executive Director.

f) Demotion-

1) A demotion may occur when a status employee:

- A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
- B) is subject to a reduction in percentage of time worked;
- C) is appointed to a position in a lower class in a promotional line;
- D) is appointed to a position in a class outside a promotional line with a lower pay potential;
- E) is given a nonstatus appointment.

2) Actions Constituting Demotion

- A)ii) Any of the ~~above~~-actions described in subsection (f)(1) is considered to be a demotion when ~~that~~such action has been initiated by the employer.
- B)iii) Such an action is not considered to be a demotion when such action has been initiated, or has been willingly accepted, by the employee. Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.

~~C)iii)~~ Without the evidence indicated in subsection ~~(f)(2)(B)(ii) above~~, the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.

~~3)2)~~ An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of said Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection Section 250.110(e).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted as set forth in the Notice of Demotion.

~~4)3)~~ A status employee, who is demoted to a position in a class in which he/she has never been employed on a status appointment, may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. ~~The~~Such employee must pass thesueh examination as a condition to ~~his~~ retaining his/her appointment.

g) Dismissal-

1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position, except those specified in subsections Section 250.110(h)(2) and (3), at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.

2) The employer shall notify the Executive Director promptly of dismissals,

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

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setting forth the reasons for such action.

h) Termination-

- 1) A notice of termination of employment shall be used by the employer to report completion of services of a temporary, or provisional employee, retirement of an employee, death of an employee, and/or the determination of the employer that an employee is unable to resume his/her duties at the expiration of a leave of absence in accordance with subsection Section 250.110(b)(3).
- 2) An employer may terminate an Apprentice, a Trainee, or a Learner at any time during the period of training.
- 3) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reasons for such action.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Insect Pest and Plant Disease Act
- 2) Code Citation: 8 Ill. Adm. Code 240
- 3) Section Number: 240.140 Adopted Action:
Amendment
- 4) Statutory Authority: Insect Pest and Plant Disease Act [505 ILCS 90/30]
- 5) Effective Date of Amendment: January 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: August 12, 2005; 29 Ill. Reg. 12305
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made in the text of the proposed amendment.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: The Department is increasing the Nursery Dealer Certificate fee and Original Certificate fee associated with the nursery industry.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Springfield, Illinois 62794-9281

217/785-5713

Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER h: PESTS AND PLANT DISEASES

PART 240
 INSECT PEST AND PLANT DISEASE ACT

SUBPART A: NURSERY AND NURSERY STOCK;
 INSPECTION; CERTIFICATES

Section	
240.10	Storage and Display of Nursery Stock
240.20	Inspection of Shipments of Nursery Stock in Transit
240.30	Infested or Infected Shipments of Nursery Stock; Disposal or Treatment
240.40	Listing of Other States' Certified Nurseries
240.50	Revocation of Certificates
240.60	Special Certification: Sales, Trades, and Auctions by Garden Clubs and Social Organizations
240.70	Special Certification: Plants and Nursery Stock Shipped by Individual Residents
240.80	Inspection of Private Premises, Public Grounds and Forest Preserves
240.90	Inspection of Native Trees for Resale
240.100	Refusal to Inspect Nursery
240.110	Sale of Nursery Stock Which is Infected Prohibited
240.120	Nursery Certificates Withheld or Qualified Certificates Issued
240.130	Inspection of Shipments for Foreign Countries
240.140	Fee Schedule
240.150	Use of the Department of Agriculture for Advertising (Repealed)
240.160	Administrative Rules (Formal Administrative Hearings; Contested Cases; Petitions; Administrative Procedures)

SUBPART B: QUARANTINE

Section	
240.250	Scope
240.260	Definitions
240.270	Restrictions and Regulated Articles
240.280	Movement of Regulated Articles
240.290	Issuance and Cancellation of Permits, Certificates of Inspection or Compliance Agreements
240.300	Attachment of Certificates, Permits or Agreements

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 240.310 Inspection and Disposal of Regulated Articles
 240.320 Duration of Quarantine

AUTHORITY: Implementing and authorized by the Insect Pest and Plant Disease Act [505 ILCS 90].

SOURCE: Rules and Regulations Relating to the Insect Pest and Plant Disease Act, filed October 25, 1974, effective November 2, 1974; codified at 5 Ill. Reg. 10523; amended at 6 Ill. Reg. 3041, effective March 5, 1982; amended at 7 Ill. Reg. 1764, effective January 28, 1983; amended at 12 Ill. Reg. 8299, effective May 2, 1988; amended at 26 Ill. Reg. 14661, effective September 23, 2002; amended at 30 Ill. Reg. 133, effective January 1, 2006.

SUBPART A: NURSERY AND NURSERY STOCK;
 INSPECTION; CERTIFICATES

Section 240.140 Fee Schedule

The Department shall charge and collect fees for inspection and issuance of certificates according to the following schedule:

a)	Nursery Inspection		
	+	Aere	\$15.00
	1-0-5.0	Aeres	20.00
	5.1-10	Aeres	25.00
	11-50	Aeres	35.00
	51-100	Aeres	50.00
	101-250	Aeres	100.00
	251-500	Aeres	125.00
	Over 501	Aeres	0.35 per acre

Nursery Effective January 1, 2003, the nursery inspection fees shall be as follows:

1 acre or less	\$25.00
over 1 acre but less than or equal to 5 acres	\$30.00
over 5 acres but less than or equal to 10 acres	\$40.00
over 10 acres but less than or equal to 50 acres	\$50.00
over 50 acres but less than or equal to 100 acres	\$75.00
over 100 acres but less than or equal to 250 acres	\$150.00
over 250 acres but less than or equal to 500 acres	\$180.00
over 500 acres (per acre)	\$0.50

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- b) ~~Greenhouse Inspection~~Greenhouses
Greenhouses that request inspection shall be charged the special inspection and certificate fees in Section 240.140(d).
- c) Nursery Dealer Certificates
~~Nursery dealer certificates shall be provided at the rate of \$15.00.~~
- 1) Effective January 1, 2003 through December 31, 2005, the rate for a nursery dealer certificate shall be ~~\$25.00~~.
- 2) Effective January 1, 2006, the rate for a nursery dealer certificate shall be \$50.
- d) Special (Requested) Inspections
~~Special inspections shall be charged at the rate of \$15.00 per hour or any fraction thereof of inspector's time (the time that it takes for the inspector to travel from the nearest field office to the inspection site, one-way only, shall be included in computing the inspector's time). Individual certificates for special inspections shall be charged at the rate of \$10.00 per certificate.~~
- Effective January 1, 2003, the inspection rate charged for special inspections shall be ~~\$25.00~~ per hour and the rate charged for individual certificates for special inspections shall be ~~\$25.00~~ per certificate.
- e) Original ~~certificates are~~Certificates ~~An original certificate, which is~~ required to accompany nursery stock and/or plants and plant products for shipment or sale verifying same free of insect pests and plant diseases, ~~shall be issued at the rate of \$10.00 each when no inspection is required.~~
- 1) Effective January 1, 2003 through December 31, 2005, the rate for original certificates shall be ~~\$25.00~~ each.
- 2) Effective January 1, 2006, the rate for original certificates shall be \$50 each.

(Source: Amended at 30 Ill. Reg. 133, effective January 1, 2006)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Numbers: 1.4545 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Amendments: December 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: January 28, 2005; 29 Ill. Reg. 1487
- 10) Has JCAR issued a Statement of Objections to the amendment? No
- 11) Differences between proposal and final version: No substantive changes were made. All nonsubstantive technical changes recommended by JCAR were made, and an agreement was made with JCAR to make additional amendments, in January 2006, relating to substantive policies regarding the Department's small business set-aside program as found in CPO Bulletin #35.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1.08	Amendment	29 Ill. Reg. 15678; 10/21/05
1.15	Amendment	29 Ill. Reg. 15678; 10/21/05
1.25	Amendment	29 Ill. Reg. 15678; 10/21/05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1.1040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1050	Amendment	29 Ill. Reg. 15678; 10/21/05
1.1525	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2005	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2010	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2012	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2015	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2020	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2025	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2030	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2037	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2038	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2040	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2045	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2046	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2050	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2060	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2560	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2575	New Section	29 Ill. Reg. 15678; 10/21/05
1.2800	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4535	Amendment	29 Ill. Reg. 15678; 10/21/05
1.4575	New Section	29 Ill. Reg. 15678; 10/21/05
1.5520	Amendment	29 Ill. Reg. 15678; 10/21/05
1.5550	Amendment	29 Ill. Reg. 15678; 10/21/05
1.2036	Emergency Amendment	29 Ill. Reg. 20140; 12/16/05
1.2036	Amendment	29 Ill. Reg. 20540; 12/16/05

15) Summary and purpose of amendment: Public Act 93-769 increased the dollar value of sales that retail and wholesale vendors attain in order to be considered small. The current retail threshold was increased from \$1.5 million to \$6 million. The wholesale threshold was increased from \$7.5 million to \$10 million. Construction and manufacturing limits were unchanged. The rules are being modified to reflect the statutory change.

16) Information and questions regarding this adopted amendment shall be directed to:

Gina Wilson
 Illinois Department of Central Management Services
 720 Stratton Office Building
 Springfield IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

217/785-1793

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? Yes

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.01 Title
- 1.05 Policy
- 1.08 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

- Section
- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection
- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

- Section
- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

- Section
- 1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section
1.4505 Procurement Preferences
1.4510 Resident Bidder Preference
1.4530 Correctional Industries

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1.4535 Sheltered Workshops for the Disabled
- 1.4540 Gas Mileage
- 1.4545 Small Business
- 1.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 1.5013 Conflicts of Interest
- 1.5015 Negotiations for Future Employment
- 1.5020 Exemptions
- 1.5030 Revolving Door
- 1.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

- Section
- 1.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 1.5510 Complaints Against Vendors
- 1.5520 Suspension
- 1.5530 Resolution of Contract Controversies
- 1.5540 Violation of Law or Rule
- 1.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 1.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

- Section
- 1.6500 General
- 1.6510 No Agency Relationship
- 1.6520 Obligations of Participating Governmental Units

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1.6530 Centralized Contracts – Estimated Quantities
- 1.6535 Centralized Contracts – Definite Quantities

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 1.7000 Severability
- 1.7010 Government Furnished Property
- 1.7015 Inspections
- 1.7020 Records and Audits
- 1.7025 Written Determinations
- 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; amended at 30 Ill. Reg. 138, effective December 22, 2005.

SUBPART O: PREFERENCES

Section 1.4545 Small Business

- a) Set-Aside
The CPO may determine categories of supplies or service procurements that will

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be set aside for small business located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.

- b) **Small Business List**
The CPO will maintain a list of responsible vendors that meet the criteria of small business. The CPO will periodically inform each purchasing agency of those vendors on the list and the supplies and services that each provides. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) **Required Use**
If a Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) **Withdrawal of Set-Aside**
If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.
- e) **Criteria for Small Business**
Unless the CPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is ~~one~~:
- 1) An Illinois business, independently~~Independently~~ owned and operated.
 - 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of

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materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

- 3) With annual sales, including sales of affiliates, for most recently ended fiscal year no greater than:
 - A) ~~\$10,000,000~~7,500,000 for wholesale business;
 - B) \$10,000,000 for construction business; or
 - C) ~~\$6,000,000~~1,500,000 for retail business.
- 4) With no more than 250 employees, including those of affiliates, if a manufacturing business.
 - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.
 - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the amounts shown in subsection (e)(3). For example, a business that is both a retailer and wholesaler may not have total sales exceeding ~~\$16,000,000~~9,000,000 and the retail component may not exceed ~~\$6,000,000~~1,500,000 and the wholesale component may not exceed ~~\$10,000,000~~7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining

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whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

- f) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business under the Code [and this Part](#). The CPO may establish procedures for verifying such information.

(Source: Amended at 30 Ill. Reg. 138, effective December 22, 2005)

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- 1) Heading of the Part: Transitional Housing Licensure for Sex Offenders on Parole, Probation, or Supervision
- 2) Code Citation: 20 Ill. Adm. Code 800
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
800.10	New Section
800.20	New Section
800.30	New Section
800.40	New Section
800.50	New Section
800.60	New Section
800.70	New Section
800.80	New Section
800.90	New Section
800.100	New Section
800.110	New Section
800.120	New Section
800.130	New Section
800.140	New Section
800.150	New Section
800.160	New Section
800.170	New Section
800.180	New Section
800.190	New Section
800.200	New Section
800.210	New Section
800.220	New Section
800.300	New Section
800.310	New Section
800.320	New Section
800.330	New Section
800.340	New Section
800.350	New Section
- 4) Statutory Authority: Unified Code of Corrections, 3-3-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 5-6-3, 5-6-3.1, 5-6-4, 16.2, and 120 [730 ILCS 5/3-2-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 5-6-3, 5-6-3.1 and 5-6-4 and 110/16.2 and 152/120)] and the Sex Offender Management Board Act [20 ILCS 4026]
- 5) Effective Date of Rules January 1, 2006

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 23, 2005; 29 Ill. Reg. 14145
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Clarification of the maximum allowable percentage of sex offender residence in Level II facilities in Section 800.50 and minor format, grammatical, and typographical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking was promulgated to comply with PA 94-161 as it sets forth licensing procedures for transitional housing facilities for sex offenders on parole, probation, or supervision and sets operating standards and security requirements.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/522-2666, extension 6511

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER h: MISCELLANEOUS STANDARDSPART 800
TRANSITIONAL HOUSING LICENSURE FOR SEX OFFENDERS
ON PAROLE, PROBATION, OR SUPERVISION

SUBPART A: LICENSING PROCEDURES

Section	
800.10	Applicability
800.20	Designees
800.30	Definitions
800.40	Transitional Housing, Treatment, and Referral Criteria
800.50	Licenses Required
800.60	Application Fees
800.70	Application for Licensure
800.80	Licensing Requirements
800.90	Responsibilities of the Governing Body
800.100	On-site Inspection of Programs, Security, and Operations
800.110	Background Investigations
800.120	Required Notices
800.130	Change of Ownership or Management or Corporate Dissolution
800.140	Application for Renewal of License
800.150	Grounds for Revocation, Termination, or Refusal to Issue or Renew a License
800.160	Complaints Concerning Licensees
800.170	Investigation of Potential Deficiencies or Violations Concerning Licensees
800.180	Disposition of Potential Deficiencies or Violations Concerning Licensees
800.190	Closure Order
800.200	Procedure for Revocation or Refusal to Renew a License
800.210	Licensing Hearing
800.220	Operation Without a License

SUBPART B: OPERATING STANDARDS

Section	
800.300	Administration
800.310	Reports and Correspondence
800.320	Records of Sex Offenders

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800.330	Security Procedures
800.340	Searches
800.350	Safety and Emergency Procedures

AUTHORITY: Implementing and authorized by Sections 3-2-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 5-6-3, 5-6-3.1 and 5-6-4 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-3-7, 3-3-9, 3-14-2, 3-17-1, 3-17-5, 5-6-3, 5-6-3.1 and 5-6-4], Section 16.2 of the Probation and Probation Officers Act [730 ILCS 110/16.2], Section 120 of the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152/120], and the Sex Offender Management Board Act [20 ILCS 4026].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14358, effective September 9, 2005, for a maximum of 150 days; adopted at 30 Ill. Reg. 149, effective January 1, 2006.

SUBPART A: LICENSING PROCEDURES

Section 800.10 Applicability

This Subpart applies to the Department and any person, group of persons, corporations, or entity that intends to develop, establish, maintain, or operate Transitional Housing for sex offenders on parole, probation, or supervision.

Section 800.20 Designees

Unless otherwise specified, whenever a title such as Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

Section 800.30 Definitions

"Authorized Representative" means the individual in whom authority is vested for the management, control, and operation of all services at a Transitional Housing facility and for communication with the Department regarding the status of the licenses at that facility.

"Department" means the Illinois Department of Corrections.

"Director" means the Director of the Department.

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"Facility" means the building or premises that are used for housing and services as specified in this Part.

"Governing Body" means the board of directors of a corporation or partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

"License" means a document issued by the Department to allow the applicant to establish or operate a Transitional Housing facility.

"Licensee" means those individuals, agencies, or organizations that hold a license.

"Licensing Administrator" means Department staff authorized by the Director to oversee the licensing process and operations of Transitional Housing facilities holding a license.

"Linkage Agreement" means a written agreement with an external person or organization to supplement existing services and to arrange for other services not directly provided by or at a Transitional Housing facility.

"Parole" means the conditional and revocable release of a committed person under the supervision of a parole officer.

"Probation" means a sentence of release upon set conditions of a convicted person under the supervision of a county probation officer.

"Sex offender" means a person who has been adjudicated guilty of a sex offense as defined in the Sex Offender Registration Act [730 ILCS 150].

"SOMB" means the Sex Offender Management Board.

"Supervising Authority" means the law enforcement entity responsible for the supervision of the sex offender on parole, probation, or supervision.

"Supervision" means the release of a person upon set conditions after an adjudication of guilt but prior to entry of conviction under the supervision of a county probation officer.

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"Transitional Housing" means a Department licensed community based facility where a limited number of sex offenders on parole, probation, or supervision are temporarily placed and reside for monitoring, counseling, and treatment.

Section 800.40 Transitional Housing, Treatment, and Referral Criteria

Applicants for a Transitional Housing license must:

- a) Have a facility that is located more than 500 feet from any school, facility providing programs or services exclusively directed toward persons under 18 years of age, or playground.
- b) Have a physical structure that provides for security measures, approved by the Department, 24 hours per day and seven days per week.
- c) Limit residential occupancy of the facility to individuals over the age of 18.
- d) Provide housing to sex offenders on parole, probation, or supervision for a period not to exceed 90 days, unless otherwise approved by the Director of the Department.
- e) Provide a structured environment for congregate living that shall offer regular scheduled group sessions that are held a minimum of three days per week; provide the opportunity, either in-house or through a referral system to outside providers, for sex offender treatment with SOMB certified providers; and monitor the movement of all sex offenders on parole, probation, or supervision by maintaining a system of signing in and out. This record shall be available for review at all times by the Department, its parole agents, county probation officers, local police departments, and other supervision entities.
- f) Establish a budget that specifies monthly operating expenses and demonstrates, within six months after licensure, sufficient income to meet these expenses plus emergency reserve by providing documentation of access to a minimum sum equivalent to the total of two months of operating expenses.
- g) Notify immediately the supervising authority of any sex offender resident, whether or not on electronic detention or monitor, who has left the facility without properly signing out or has overstayed his or her leave time, who has been involved in criminal activity at the location, or who has contact with a law enforcement agency at the facility; and, in cases of emergency, this notifying

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contact shall include the requirement of first contacting the appropriate local law enforcement agency responsible for handling the emergency.

- h) Submit treatment and counseling plans for each sex offender to the Director for review and approval.
- i) Have a written linkage agreement or agreements with SOMB certified providers to provide the opportunity of sex offender treatment to be paid for by the sex offender residents.
- j) Have a referral network to be utilized by sex offenders for necessary medical, mental health, substance abuse, and vocational or employment resources, and maintain any legally required confidentiality of identifying information.
- k) Have the ability for all sex offenders to be monitored electronically and allow access, by technicians maintaining the electronic monitoring equipment, to the premises as necessary.

Section 800.50 Licenses Required

- a) No person on parole, probation, or supervision for a sex offense shall reside in a building or premises in which another person known to be a sex offender or known to have been placed on supervision for a sex offense resides, except in a Department licensed Transitional Housing facility. Any person, group of persons, corporation, or other entity who desires to develop, establish, maintain, or operate a Transitional Housing facility for sex offenders who are on parole, probation, or supervision must obtain a license from the Department prior to commencing operations. Transitional Housing licenses shall be issued for the specific level of the facility.
 - 1) Level I licenses shall be issued to facilities that may house more than one but not more than 20 sex offenders on parole, probation, or supervision.
 - 2) Level II licenses shall be issued to facilities that have a Department of Human Services license under 77 Ill. Adm. Code 2060 and that have fewer than ten sex offender residents, or no more than ten percent of the total residency be sex offenders on parole, probation, or supervision, whichever is less.

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- b) Before a Transitional Housing license may be granted, the licensing applicant must certify its compliance with federal, State, and local laws, as well as all applicable federal, State, or local building, zoning, planning, land use, health, and sanitation regulations, and fire safety requirements of the State Fire Marshal.

Section 800.60 Application Fees

- a) The non-refundable application fee shall be \$250 per facility and must be submitted with each application for a license, renewal of a license, or relocation of a licensed facility.
- b) Payment shall be made by check or money order payable to the Department. A separate check or money order shall be submitted with each facility application.
- c) No application fee shall be required of any unit of local, State, or federal government.

Section 800.70 Application for Licensure

- a) An application for a license to operate Transitional Housing for sex offenders who are on parole, probation, or supervision, for renewal of a license, or to relocate a licensed facility shall be completed and signed by the governing body of the facility or its authorized representatives on forms prescribed and furnished by the Department. Forms are available by sending a written request to:

Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Attn: Sex Offender Transitional Housing Licensing Administrator

- b) The application shall be signed and dated by the organization representative and at least two of the corporate officers in the case of a corporate applicant, or by all partners or associates in the case of a partnership or association, shall be notarized, and shall include the following:
 - 1) Articles of incorporation and bylaws, including a statement indicating the facility's corporate status is in good standing with the Illinois Secretary of State and whether the institution is for profit or not-for-profit; or a copy of the entity's partnership agreement; or statement of ownership; or articles

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of organization; and a list of assumed names under which the entity is doing business, as applicable.

- 2) A statement of purpose and range of services and a general description of the type of security established or to be established.
- 3) The names and addresses of all owners or controlling parties of the organization and whether they are individuals, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal, or other charitable organizations. In the case of corporations, the names and addresses of all officers, directors, and stockholders owning five percent or more of the stock of the corporation, either beneficial or of record, shall be disclosed.
- 4) Annual current operating budget and projected budget showing anticipated expenses and income and emergency reserve.
- 5) Certification of compliance with applicable local building, zoning, health, sanitation, or other safety requirements as specified in federal, State, or local laws, and with fire safety requirements of the State Fire Marshal.
- 6) Proof of fire, hazard, liability and other insurance coverage appropriate to the administration of Transitional Housing.
- 7) A facility site plan of the proposed site in which the specific use of each building and the specific floor plan and an explanation of the facility locking, lighting, and communication features are included. All secure doors, windows, and perimeter structures, including fencing and gates, shall be shown.
- 8) The program and operations plan for Transitional Housing.
- 9) The staffing plan that provides for continuous supervision and security that includes the number of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job descriptions and job titles.
- 10) Documentation of background checks in accordance with Section 800.110.
- 11) The appropriate application fee per Section 800.60.

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- 12) If applying for a Level II license, a copy of the Department of Human Services license.
- c) A new application shall be required whenever:
 - 1) An application for license has been withdrawn and the facility seeks to reapply;
 - 2) There is a change of facility location;
 - 3) There is a change of licensee's ownership, name, supervising agency, or corporate status or the individual who holds a license has died; or
 - 4) A new license is sought after the Department has either revoked a license or refused to renew a license.
- d) A new application may be submitted at any time after a license has been voluntarily surrendered or withdrawn by the applicant.
- e) If the Department has refused to renew a license or has revoked a license, the facility may not reapply for licensure before the expiration of 12 months after the Department's action.
- f) If the applicant's mailing address, but not the physical location, changes, the Department shall be notified immediately, but no later than ten days after the change. A current phone number and, if available, a fax number shall be provided to the Department.
- g) The Department shall issue a license or a notification of refusal to issue a license within 180 days after the date the application was received and determined to be complete.

Section 800.80 Licensing Requirements

- a) A license to operate a Transitional Housing facility shall be valid for three years from the date issued unless revoked by the Department or voluntarily surrendered by the licensee.
- b) A license shall not be issued retroactively.

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- c) The license shall include the level of the license, licensee's name, the facility name and address, the date issued, the license number, and the expiration date.
- d) The license shall not be transferred to another person, organization, or sponsor, nor shall it be valid for a name, address, or part of the facility other than what is shown on the license.
- e) The facility shall adhere to the provisions specified on the license.
- f) The facility shall maintain a degree of financial solvency that assures compliance with the standards prescribed in this Part and assures adequate care and supervision of the sex offenders on parole, probation, or supervision.
- g) Financial records shall be maintained and kept in the State of Illinois where they shall be readily available for review by the Department.
- h) The Department shall be notified immediately if the facility is determined to be financially insolvent.
- i) At any time during the licensure period, additional services for sex offenders may be added at the facility at no extra licensing cost.
- j) Changes in the following shall occur only upon prior approval of the Department:
 - 1) The programming modality used by the facility;
 - 2) The residential capacity of the facility; or
 - 3) The security, operations, and treatment plans to be used by the facility.
- k) The licensee shall give 90 days notice to the Department prior to voluntarily closing or terminating its Transitional Housing facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in compliance with the standards listed in this Part until the date of closure or until the sex offenders on parole, probation, or supervision are removed.
- l) The license certificate shall remain the property of the Department and shall be returned to the Department if there is a change in ownership, management, or location, or if the license is suspended, revoked, or modified.

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Section 800.90 Responsibilities of the Governing Body

- a) The governing body of an incorporated facility shall be a board of directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body shall be responsible for maintaining the standards set forth in this Part.
- b) The governing body of a sole proprietorship or partnership shall be the partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.
- c) The governing body shall:
 - 1) Provide written by-laws, partnership agreements, articles of organization, or statements of ownership, as applicable;
 - 2) Assure that the facility operates at all times with an on-site administrator who, by official notice, is made known to the Department;
 - 3) Hold at least two meetings annually;
 - 4) Keep written records or minutes of all board meetings reflecting official actions by the board;
 - 5) Officially notify the Department of any major changes in the corporate structure or a change in the administration of the facility, including: articles of incorporation and by-laws, partnership agreements, articles of organization, board membership, officers, ownership, and changes in services provided by the facility;
 - 6) Establish written policies of the facility that shall be made available to all members of the governing body and employees of the facility, including services to be provided by the facility;
 - 7) Assure that staff have achieved appropriate competency levels for this type of facility and are administering the facility's established policies correctly;

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- 8) Assure that the facility has clearly outlined procedures to ensure continuity for sex offenders residing in the Transitional Housing and sufficient linkage agreements and programs to support the sex offenders;
- 9) Provide and maintain physical facilities appropriate for the program and supporting services;
- 10) Maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by licensing representatives; and
- 11) Assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fidelity duty or the loss of monies, securities or other property that the facility may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others.

Section 800.100 On-site Inspection of Programs, Security, and Operations

- a) Prior to recommending issuance of a license, the site of a Transitional Housing facility shall be inspected by licensing representatives.
- b) On-site reviews of programs, security, and operations shall be completed by Department licensure staff prior to recommendation for licensure and at least annually thereafter.
- c) License representatives, within 30 days after the application for licensure has been received and determined to be complete, shall schedule a visit to the facility. The purpose of the visit shall be to assess the housing and prepare a written report to the Licensing Administrator regarding:
 - 1) Compliance with applicable statutes, licensing procedures, and standards;
 - 2) The adequacy of security, programming, and care outlined in the program plan;
 - 3) The degree to which the program, as outlined, can reasonably be expected to ensure security, safety, continuity of care, and the provision of adequate

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planning and services;

- 4) The adequacy of number of staff, staff qualifications, and training;
 - 5) The adequacy of the physical plant, site, and facility design in relation to implementing Transitional Housing; and
 - 6) Whether the quality assurance, security policies, and evaluation mechanisms developed by the facility can reasonably be expected to control the use of behavior management techniques and security practices within the facility and to minimize the frequency of unusual incidents within the program.
- d) In order to determine continuing compliance with applicable statutes and rules, a licensee's facility may, without prior notice, be visited periodically by authorized representatives of the Department.

Section 800.110 Background Investigations

- a) No Transitional Housing applicant may receive a license from the Department, and no person may be employed by a licensed Transitional Housing facility, unless he or she provides written authorization for a background check that may include, but is not limited to:
 - 1) A check of the criminal justice information systems, including, but not limited to, those maintained by the Illinois Department of State Police, the Federal Bureau of Investigation, and the United States Department of Justice, to determine whether the person has been charged with a crime, and if so, the disposition of the charges; and
 - 2) A pre-employment drug test and an agreement to random drug testing when the Department or the facility has reasonable suspicion of abuse.
- b) The authorization required under this Section shall be on forms prescribed by the Department and shall include:
 - 1) Identifying information consisting of name, address, social security number, date of birth, height, weight, hair and eye color, and previous names and addresses;

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- 2) Fingerprints;
 - 3) A declaration under penalty of perjury regarding any prior criminal convictions other than a minor traffic violation; and
 - 4) Authorization for the Department to release the results of the investigation to the governing body or employer.
- c) Each facility license applicant and employee or prospective employee of a licensed facility shall submit to a fingerprinting process as determined by the Department.
 - d) For purposes of this Section only, employees who have been separated from the facility for six months or longer due to reasons other than approved leave time shall no longer be considered current employees. Upon their return to active duty, these individuals shall be required to again authorize a background investigation pursuant to this Section.
 - e) Employees and prospective employees of a multi-function agency otherwise exempt from the requirements of this Section, but whose duties may require that they be on the premises of a Transitional Housing facility, shall authorize the background investigation required by this Section.
 - f) An individual who has authorized the background investigation required by this Section may be employed by a Transitional Housing facility on a provisional or probationary basis pending the outcome of any required background investigation of federal records.

Section 800.120 Required Notices

- a) Facility Postings
 - 1) Upon initial licensure and during the period of licensure, the licensee shall maintain at the main entrance a visible and conspicuous exterior sign in at least four inch high letters identifying the facility as a "Department of Corrections Licensed Transitional Housing Facility".
 - 2) The license issued by the Department shall be publicly displayed at the facility at all times.

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- b) Facility Filing and Publication
 - 1) Upon initial licensure, the licensee shall file with the office of the county clerk of the county in which the facility is located a certificate setting forth the name the facility is operating under and the true or real full names of persons or entities operating the facility.
 - 2) The licensee shall publish the filing of the notice of licensure in a newspaper of general circulation published in the county in which the certificate is filed. The notice shall be published once per week for three consecutive weeks with the first publication within 15 days after the certificate is filed with the county clerk.
 - 3) Proof of publication shall be filed with the county clerk within 50 days from the date of filing the certificate. Unless proof of publication is made to the county clerk, the notification is void.
- c) The licensee shall notify the police department, public and private elementary and secondary schools, public libraries, and each residential home and apartment complex located within 500 feet of the Transitional Housing facility of its initial licensing as a Transitional Housing facility and, annually thereafter, its continuing operation as a Transitional Housing facility.
- d) The Department shall, within one week of issuance of a Transitional Housing license, submit written notification to the Illinois State Police of the licensure, the address of the facility, and the maximum number of sex offenders that can be housed at the facility for inclusion on the Illinois State Police Offender Registry website.

Section 800.130 Change of Ownership or Management or Corporate Dissolution

- a) Each Transitional Housing license issued shall be valid only for the premises and persons named in the application. Licensure is not transferable. A license shall become null and void when:
 - 1) A change in ownership occurs involving more than 25% of the aggregate ownership interest within a one year period or a significant change in management occurs; or

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- 2) A change in 50% or more in the board of directors of a not-for-profit corporation occurs within a one year period.
- b) In order to obtain a new license reflective of the change in ownership, the licensee shall submit an application and fees to the Department in accordance with Sections 800.60 and 800.70.
- c) Failure to notify the Department within ten calendar days after the changes in ownership listed in subsection (a) will result in the imposition of a license fee of \$350 for each affected license.
- d) A license shall become null, void, and of no further effect when there is any dissolution of a corporate licensee. Written notification shall be given to the Department within ten calendar days after the dissolution.
- e) A license issued to a corporation that is subsequently dissolved shall not be reactivated upon reinstatement of the corporation and the license is also subject to sanctions as provided in this Part. Such corporation shall reapply for licensure.
- f) In order to obtain a new license relative to reinstatement of a corporation, an application for initial licensure and the license application fee of \$250 per license shall be submitted to the Department. If the Department was not notified within ten calendar days of the dissolution of the corporation, the license fee will be \$350 for each affected license.

Section 800.140 Application for Renewal of License

- a) Application forms for license renewal prescribed by the Department shall be requested by the facility from the Department prior to the expiration date of the Transitional Housing license. The completed application shall be submitted to the Department three months prior to the expiration date of the license.
- b) Upon receipt of the application for license renewal, the Department shall conduct a licensing study. The study shall include an on-site visit of the premises and a review of the records of the facility as the Department considers necessary in order to determine that the facility meets or continues to meet the licensing standards for a Transitional Housing facility. The licensing study shall be in writing and shall be reviewed and signed by the Director. The Department shall either:

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- 1) Renew the license if the Department is satisfied that the facility continues to maintain the minimum licensing standards; or
- 2) Refuse to renew the license in accordance with Section 800.200.
- c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may, if good cause is shown, further extend the period in which the decision must be made for up to 30 days.

Section 800.150 Grounds for Revocation, Termination, or Refusal to Issue or Renew a License

- a) The Department may revoke a license, refuse to renew a license, or refuse to issue a license of any Transitional Housing facility if there is a finding that the licensee or the licensee's governing body or employees did any of the following:
 - 1) Failed to maintain standards prescribed by Department rules or applicable laws.
 - 2) Violated any of the provisions of the license issued.
 - 3) Acted to conceal, misrepresent, or falsify any condition, action, or omission that would demonstrate non-compliance with rules or procedures or a violation of any federal, State, or local law or court order.
 - 4) Failed to submit to the Department required reports or failed to make available to the Department any records required by the Department in conducting an investigation of the facility for licensing purposes.
 - 5) Failed or refused to submit to or fully cooperate with an investigation required by the Department.
 - 6) Failed or refused to admit authorized representatives of the Department at any time for the purpose of investigation.

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- 7) Failed to provide, maintain, equip, and keep in a safe, secure, and sanitary condition premises established or used for Transitional Housing as required under Department rules or required by any law, regulation, or ordinance applicable to the facility.
 - 8) Failed to publicly display its license and notices or to publish and file notification in accordance with Section 800.120.
 - 9) Failed to exercise reasonable care in the hiring, training, and supervision of facility personnel.
 - 10) Failed to report absences of sex offenders on parole, probation, or supervision.
 - 11) Failed to report to the Department unusual incidents.
 - 12) Failed to correct any condition that may jeopardize the health, safety, security, or welfare of sex offenders served by the facility.
 - 13) Failed to correct any condition or occurrence relating to the operation, security, or maintenance of the facility that violates this Part.
 - 14) Failed to maintain financial resources adequate to administer a Transitional Housing facility.
- b) If the continued operation of the Transitional Housing facility jeopardizes the health, safety, or welfare of the sex offenders being served or if adequate security is not maintained, the facility may be closed immediately in accordance with Section 800.190.

Section 800.160 Complaints Concerning Licensees

Complaints concerning Transitional Housing facilities shall be directed orally or in writing to the Department's licensing representatives serving the facility, if known, or to:

Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Attn: Sex Offender Transitional Housing Licensing Administrator

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(217) 522-2666

Section 800.170 Investigation of Potential Deficiencies or Violations Concerning Licensees

- a) The Department shall initiate a timely investigation of allegations of potential deficiencies, violations, or evidence of grounds for revocation or termination.
- b) Department investigations may include an interview with the person making the allegation, if known, and with others who may have knowledge relevant to the alleged violation or deficiency.
- c) An unannounced visit by the licensing representative may be made to the location of the facility.
- d) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for revocation of the facility license.

Section 800.180 Disposition of Potential Deficiencies or Violations Concerning Licensees

- a) Within 15 business days after completion of the investigation, the Department shall make a formal finding determining whether there were violations of licensing procedures or standards or federal, State, or local laws.
- b) Within five calendar days after the Department makes a formal finding of violation, a letter shall be sent by registered mail, return receipt requested, to the licensee summarizing the findings.
- c) The letter shall:
 - 1) Cite the laws or licensing procedures or standards violated;
 - 2) Notify the licensee that within ten days after the receipt of the letter the licensee may send a written request to the Licensing Administrator requesting an informal review of the decision; and
 - 3) Notify the licensee that failure to correct the violations may result in revocation of the license or refusal to renew a license.

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- d) If a request for informal review of the Department's findings is granted by the Licensing Administrator and the licensee indicates a willingness to correct the violations, a time period for compliance may be allowed as determined by the Licensing Administrator. When a time period is granted, a registered letter of notice shall be sent to the licensee specifying the time period granted to correct the violations that shall begin upon the licensee's receipt of the registered mail. A licensing representative may make unannounced on-site visits to determine whether the identified violations have been corrected within the time period permitted for compliance.
- e) If, at the conclusion of the period of time granted the licensee for correction of the findings, the licensee has failed to correct the identified violations or, if no time period for compliance was authorized, the Department shall proceed to revoke or refuse to renew the license in accordance with Section 800.200.
- f) If threats exist to the health, safety, or welfare of the sex offenders served or to the facility security systems or protocols, suspension or termination of the license may immediately result.

Section 800.190 Closure Order

- a) Whenever the Department expressly finds that the continued operation of a Transitional Housing facility jeopardizes the health, safety, or welfare of the sex offenders served by the facility or that the facility is unable to maintain adequate security, the Department shall issue an order of closure directing that the operation of the facility as Transitional Housing for sex offenders terminate immediately and, if applicable, shall initiate license revocation proceedings within ten working days.
- b) A facility closed under this Section may not operate as a Transitional Housing facility during the pendency of any judicial review of the decision by the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.
 - 1) Those sex offenders on parole, probation, or supervision residing at the facility shall move out immediately to a residency approved by the supervision authority after any order of closure or revocation of or refusal to renew a license.
 - 2) All sex offenders' records shall be released to the Licensing Administrator.

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Section 800.200 Procedure for Revocation or Refusal to Renew a License

- a) Except as otherwise provided in Section 800.190, the Department shall notify the licensee by registered mail, return receipt requested, prior to revocation or refusal to renew a license.
 - 1) The notice shall be sent to the address specified on the license or to the address of the ranking or presiding officer of the board of directors or any equivalent body operating the facility.
 - 2) The notice shall inform the licensee that he or she may, within ten days after receipt of the notice through registered mail, make a request to the Department for a public hearing before the Department and for a written statement of the charges.
- b) Upon receipt of a written request for a hearing by the licensee, the Department shall send to the licensee a notice of the hearing by registered mail, return receipt requested. The notice shall include:
 - 1) A written statement of the charges;
 - 2) A statement of the date, time, place, and nature of the hearing;
 - 3) The names and mailing addresses of the hearing officer, all parties, and all other persons to whom the Department gives notice of the hearing, unless otherwise held confidential by law; and
 - 4) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c) The statement of charges shall be provided in writing and shall contain:
 - 1) A plain and concise statement of the matters asserted and the consequences of the failure to respond;
 - 2) Citation of the federal, State, or local laws or rules and regulations alleged to be violated; and
 - 3) Specific relief sought via this action.

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- d) The hearing must be held within 30 days after the date of the postmark of the registered mail.
- e) The notice must be received by the licensee no later than 15 days prior to the date set for the hearing.
- f) The hearing shall be conducted in accordance with Section 800.210.
- g) If no request for a hearing is made within ten days after notification, the license shall be revoked or renewal denied.

Section 800.210 Licensing Hearing

- a) At the date, time, and place designated, the Director, or an individual authorized in writing by the Director to function as the hearing officer, shall conduct a hearing regarding the revocation of a license or the refusal to renew a license to operate a Transitional Housing facility. The hearing shall be governed by the provisions contained in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10], unless otherwise provided in this Section.
- b) Both the Department and the licensee, also referred to as parties, shall be allowed to present written and oral statements, testimony, and evidence that may be pertinent to the charges or to the defense. A person may appear and be heard on his or her own behalf or through an attorney at law authorized to practice in the State of Illinois.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance identifying him or herself by name, address, and telephone number and identifying the party represented.
- d) Any pleadings, motions, affidavits in support of motions, and notices shall be served by the filing party upon all parties to the proceeding. Proof of service upon all parties shall be filed with the Department at the address listed in Section 800.160.
 - 1) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled to the material. When any party has appeared by attorney, service upon the attorney shall be deemed service upon the party.

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- 2) Proof of service of any paper shall be by a certificate of attorney, affidavit, or acknowledgement.
- e) The hearing officer may direct parties or their attorneys to appear at a specified date, time, and place for a conference prior to the date set for the hearing or during the course of the hearing for the purpose of considering:
- 1) The simplification of issues;
 - 2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification, or limitation with respect to matters alleged in any pleading;
 - 3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
 - 4) The procedure at the hearing;
 - 5) The limitation of the number of witnesses;
 - 6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and
 - 7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- f) All hearings conducted in any proceeding shall be open to the public, except that the hearing officer may close portions of the hearing based on considerations concerning the welfare and safety of the participants or witnesses. In the event of failure to appear at the hearing upon proper notice, the hearing may be held *ex parte* immediately.
- g) The hearing officer shall have full authority to:
- 1) Rule upon all motions made in the course of a hearing;
 - 2) Rule upon all other matters arising in the course of the hearing; and

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- 3) Require, upon reasonable notice, any party to present further material or relative evidence upon any issue.
- h) If the respondent believes the hearing officer is biased against the respondent or if there is a conflict of interest, he or she shall petition the Director in writing at least five days prior to the date set for the hearing to appoint another hearing officer to hear the matter. The petition shall be accompanied by an affidavit setting forth the facts upon which the claim of bias or conflict of interest is based. The Director shall make a determination whether bias or conflict of interest exists, and may remove any hearing officer he or she finds biased or if a determination has been made that a conflict of interest exists.
- i) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to the facts at issue, shall be admitted in the proceedings, subject only to objections to the weight of the evidence as distinguished from admissibility per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, the evidence shall be admitted.
- j) A party may conduct examinations or cross-examinations without rigid adherence to formal rules. The hearing officer before whom a matter is pending may, in his or her discretion, examine any of the witnesses at a hearing.
- k) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.
- l) The Department shall record the hearing via methods such as tape or stenography.
 - 1) The record of the hearing shall be transcribed upon request of any party provided that the party pays the cost of the transcript.
 - 2) Suggested corrections to the transcript may be offered within ten days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official at a later time.
- m) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of relevant books and papers for a hearing in a pending proceeding, may be issued by the Department or the hearing officer upon the motion of any party. Service of subpoenas and payment of witness fees shall be as provided in the Civil Practice Act [735 ILCS 5].

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- n) After initiation of a statement of charges, any party, upon written request made to the other party at least three business days prior to the hearing or within five business days after service of an additional pleading, shall be entitled to:
- 1) Obtain the names and addresses of witnesses the other party intends to call to testify at the hearing; and
 - 2) Obtain all writings and documents the party proposes to offer in evidence.
- o) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- p) The hearing officer may continue the hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.
- q) Within 30 business days after the close of all proofs in the hearing, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.
- r) At any time prior to the entering of findings of facts, conclusions of law, and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director an agreed order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing of such an order, the entire proceeding shall cease and each party shall be deemed to have waived administrative review.
- s) Within 30 business days after receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

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- t) The time within which any act under this Section is to be done shall be computed by excluding the first business day and including the last business day.

Section 800.220 Operation Without a License

- a) Whenever the Department determines that an unlicensed person or organization is engaging in housing that requires licensure pursuant to Section 800.50 of this Part, it shall issue a notice to that person or organization to cease and desist from engaging in the activity. The notice shall specify the licensure requirement and shall include citation of relevant sections of the Illinois Administrative Procedure Act and this Part.
- b) The Department's notice shall include the instruction that the recipient may submit written documentation to the Department within ten calendar days to support a claim that licensure is not required or that the recipient is properly authorized to engage in the rental activity.
- c) After the expiration of the ten day period, if the Department believes that the person or organization is unlicensed and continuing to engage in activity that requires licensure under this Part, the Department shall refer the matter to the appropriate State's Attorney or to the Office of the Attorney General.

SUBPART B: OPERATING STANDARDS

Section 800.300 Administration

- a) All licensed Transitional Housing facilities shall employ at least one full-time authorized representative who is responsible for the daily operations at the Transitional Housing facility.
- b) The Authorized Representative's name and contact information shall be provided to the Department, the probation office of the county in which the Transitional Housing facility is located, and the local police department. The Transitional Housing authorized representative may also function as a Transitional Housing manager.
- c) All licensed Transitional Housing facilities shall have on-site at all times at least one Transitional Housing manager who oversees all activities under the direction of the authorized representative. The Transitional Housing manager shall maintain at the facility a historical record of each sex offender placed at the

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facility and a file on each sex offender that includes the transition plan for residency in the area and anticipated length of stay at the facility, tracks the efforts made to implement this plan, contains the resident's treatment plan, and documents the sex offender's attendance at any treatment or group services within the facility. Such file shall be given to the supervising agent for the sex offender when the sex offender concludes his or her residency at the facility.

- d) All licensed Transitional Housing facilities shall maintain written qualifications and a description of the authority and responsibilities of the authorized representative.
- e) Either the authorized representative or an individual designated to act in the place of the authorized representative shall be scheduled at the facility and function as the on-call administrator at all times.
- f) All licensed Transitional Housing facilities shall have a minimum of one case manager for every 20 sex offender residents. The case manager shall:
 - 1) Develop and monitor individual treatment and case plans for each sex offender.
 - 2) Assist sex offenders in developing a long-term self-sufficiency plan to enable them to transition successfully into the community by providing linkage to resources such as housing, employment, and transportation.
 - 3) Maintain appropriate referral sources and contact persons for the sex offenders' referral for community-based services such as sex offender treatment, mental health services, substance abuse services, and healthcare.
 - 4) Assist in making appointments that facilitate the approved treatment plans for sex offenders, and where necessary, transport sex offenders to and from those appointments.
 - 5) Maintain thorough, accurate, and timely sex offender records, files, and correspondence.
 - 6) Prepare reports and presentations of information as required.

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- 7) Reinforce with sex offenders all program policies, rules, and expectations for participation in the program.
- 8) Attend and participate in case reviews and present progress reports on each sex offender.
- g) Operations manuals shall be accessible to the Department.

Section 800.310 Reports and Correspondence

- a) As correspondence, treatment plans, efforts to relocate sex offenders to non-Transitional Housing, and other such information becomes available or changes, the authorized representative shall submit copies of this information to the Department.
- b) **Annual Reports**
The authorized representative shall submit by November 1 of each year to the Department an annual report that shall include, but not be limited to:
 - 1) Total number of sex offenders who have at any time resided in the Transitional Housing facility since January 1.
 - 2) Current number of sex offenders in residency at the Transitional Housing facility and the offenses of those offenders.
 - 3) Total number of sex offenders who exited Transitional Housing facility both through successful relocation and violations since January 1.
- c) **Unusual Incident Reports**
 - 1) Unusual incidents or situations that occur on the grounds of a Transitional Housing facility or that occur within the community involving an on-duty employee or a resident at the Transitional Housing facility shall be reported to the appropriate officials and completely documented by the witnessing employee or the employee who received notification of the incident prior to the end of his or her shift. The unusual incident report shall be maintained in a separate confidential administrative file and shall include the following:
 - A) The facility name.

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- B) The date and time of the incident.
 - C) The names and, if applicable, the identification numbers of the staff and residents involved in the incident.
 - D) The names and, if applicable, the identification numbers of witnesses to the incident.
 - E) A complete narrative of the facts and circumstances of the incident.
 - F) The signature of the reporting staff member and the date and time the report was written.
 - G) The signature of the reviewing supervisory staff member and the date and time the report was received.
 - H) An assessment by the authorized representative or designee and his or her signature and the date reviewed.
- 2) The authorized representative or designee shall report immediately, by telephone, to the Licensing Administrator and supervising authority any of the following types of incidents or situations that occur on the grounds of the facility or that involve an on-duty employee or resident away from the facility:
- A) A resident's physical assault on any person where serious injury requires medical treatment.
 - B) An arrest of a resident.
 - C) Use of force by an employee, including use of physical force to restrain.
 - D) A resident's suicide attempt.
 - E) Any serious illness or injury that requires medical attention.
 - F) Any unauthorized absence of a resident.

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- G) Death of a resident.
 - H) Major property loss or damage.
 - I) Any serious fire or arson attempt.
 - J) Any resident or employee action that the facility may refer for prosecution of criminal charges.
 - K) Other incidents or situations that, in the opinion of the authorized representative, should be reported.
 - L) Any other incidents or situations that may result in legal action or require an administrative response by the Department.
- 3) The authorized representative of the Transitional Housing facility, after immediately informing the Licensing Administrator by telephone of the incident, shall ensure:
- A) An initial incident report is completed and transmitted to the Licensing Administrator by the next working day or within 72 hours after the incident if the incident occurs on the weekend. The initial report may be designated as the final report.
 - B) A progress report or final follow-up report is transmitted to the Licensing Administrator within 15 days after the incident, if applicable. A progress report shall be transmitted to the Licensing Administrator, as additional information is available, but not less frequently than every 90 days after the date of the last report until submission of the final report.

Section 800.320 Records of Sex Offenders

- a) All Transitional Housing facilities shall establish and maintain a file on a current basis for each sex offender resident.
 - 1) The file shall include, at a minimum, the following applicable information: the sex offender's name, identification number, age, gender, and race or nationality; date of admission to the Transitional Housing facility; risk

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assessment; treatment and transition plans; treatment attendance; program agreements; releases of information documents; progress reports; reports of program violations; referrals to other agencies, therapists or counselors; record of visitors; date of release from the transition center, address of relocation residence; total number of days in the Transitional Housing facility; and related correspondence.

- 2) File entries shall be dated and the source of the information and the author of the entry shall be identified.
 - 3) Files are confidential and shall be safeguarded from unauthorized and improper access, disclosure, and loss.
 - A) Files shall be marked "confidential".
 - B) Access to computerized records shall be controlled and restricted on a need-to-know basis. Security measures shall be taken to ensure the integrity and confidentiality of any computer record.
 - 4) Whenever a sex offender moves out of the facility, his or her file shall be transferred to the Department. The facility shall retain a copy of some or all of the contents of the file for its records, as needed, for up to five years.
 - 5) The Department shall have access to files upon request.
- b) The Department shall establish and maintain a file on a current basis for each sex offender residing in a Transitional Housing facility. The file shall include, at a minimum, efforts in placing the sex offender in non-transitional housing; efforts to place the offender in the county from which he or she was convicted; the anticipated length of stay of each offender in the Transitional Housing facility; the number of sex offenders residing in the Transitional Housing facility; and the services provided to the sex offender during the residency at the Transitional Housing facility.

Section 800.330 Security Procedures

- a) All licensed Transitional Housing facilities shall maintain a security manual that contains policies and procedures related to the following and is consistent with provisions of this Section. At a minimum the security manual procedures shall include: counts, sex offender residents' outside movement, transportation,

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contraband control, facility inspection, sex offender and visitor searches, emergency plans, use of force, control of caustics, flammable, and toxic materials, facility program schedule, residential rules, mail, visits, use and storage of security equipment, crisis instructions and suicide prevention, investigations, reporting of unusual incidents, and relationship to local law enforcement.

- b) All licensed Transitional Housing facilities shall designate a point of issue for facility keys and security equipment, the point of control of the fire alarm system, staff, sex offender, and visitor sign-ins, and a place for mail.
- c) All licensed Transitional Housing facilities shall prohibit sex offender residents from congregating or loitering on the sidewalk or area immediately outside the facility
- d) All licensed Transitional Housing facilities shall conduct a security inspection of areas and security devices each week.
 - 1) The facility shall submit a written report of the shift and weekly inspections to the authorized representative.
 - 2) The inspections shall be reported on forms that contain, but are not limited to:
 - A) A list of all items or areas to be inspected and an indication that each item or area was inspected;
 - B) Any deficiency detected;
 - C) The name of the staff conducting the inspection;
 - D) Whether the inspection is a shift or weekly inspection; and
 - E) The date and time of the inspection.
 - 3) Areas or items to be inspected shall include, but not be limited to:
 - A) Living and activity areas;
 - B) Outdoor areas of the facility;

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- C) Fences and all perimeter areas;
 - D) Windows and screens;
 - E) Grills;
 - F) Doors and locks; and
 - G) Video systems, if any.
- e) Unusual incidents shall be reported in accordance with Section 800.310. Persons injured in an incident shall be provided with immediate access to medical services.
- f) Firearms shall be prohibited within all licensed Transitional Housing facilities, except where the weapon is under the control of law enforcement, parole, or probation officers.
- g) All licensed Transitional Housing facilities shall maintain identifying information on any vehicles being routinely operated by a sex offender resident on a regular basis and provide this information to the parole, probation, or other officers or agents of the supervising agency as requested.
- h) Additionally, Level I facilities shall have on premises 24 hours per day seven days per week at least one security guard registered in accordance with the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] who shall:
- 1) Conduct and document rounds of the facility and perimeter at least every six hours.
 - 2) Ensure sex offender residents and visitors sign in and out of the facility.
 - 3) Conduct daily living area inspections.

Section 800.340 Searches

- a) The Department and parole, probation, and other officers or agents responsible for the supervision of the sex offenders residing in a licensed Transitional Housing

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facility shall be provided access on the premises at any time to perform searches of the sex offenders' living area and common areas.

- b) All licensed Transitional Housing facilities shall make available access keys to sex offender rooms and other belongings for the purpose of searching the sex offenders' living area and belongings when a sex offender is not present or is unwilling to cooperate in the search.
- c) All licensed Transitional Housing facilities shall post or give prior notice to visitors that visitors and their possessions shall be subject to search upon entry to the facility.

Section 800.350 Safety and Emergency Procedures

- a) Fire Safety
 - 1) All licensed Transitional Housing facilities shall establish a written fire prevention plan, including at a minimum:
 - A) Provision for an adequate fire protection service;
 - B) A system of fire extinguisher inspection and testing of equipment at least quarterly or at intervals approved by the State Fire Marshal;
 - C) An annual inspection by the State Fire Marshal;
 - D) Availability of fire protection equipment at appropriate locations throughout the facility; and
 - E) Monthly inspection.
 - 2) A comprehensive and thorough inspection of the facility shall be conducted annually or on a schedule approved by the State Fire Marshal to determine compliance with safety and fire prevention standards.
 - 3) The fire plan shall be reviewed annually and updated as needed.
- b) Flammable, Toxic, and Caustic Materials

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The use and storage of all flammable, toxic, and caustic materials shall be controlled. These materials must be under direct staff control and be properly stored and secured.

- c) Emergency Communications
 - 1) All licensed Transitional Housing facilities shall provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.
 - 2) All licensed Transitional Housing facilities shall establish a written evacuation plan prepared in the event of a fire or a major emergency that shall be approved by the State Fire Marshal. The plan shall be reviewed annually and updated as needed. Revised plans shall be reissued and provided to the State Fire Marshal and to the local fire safety authority. The plan shall include the following:
 - A) Location of buildings and room floor plans;
 - B) Use of exit signs and directional arrows for traffic flow;
 - C) Location of publicly posted evacuation plans; and
 - D) Monthly drills in all occupied locations of the facility.
- d) Emergency Plans

All facility personnel shall be trained in the implementation of written emergency plans.
- e) Failure to Return

The facility shall establish a written plan regarding sex offenders who fail to return to the facility. The plan shall insure a timely coordinated response to the situation consistent with public safety. The plan shall be reviewed at least annually and updated as needed.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2770.110	Amendment
2770.111	Amendment
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) Effective Date of the Amendments: January 1, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: October 21; 2005 at 29 Ill. Reg. 15755
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of these amendments: The proposed amendments to Part 2770 announce the 2006 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

the Joint Committee on Administrative Rules, we are also repealing the subsection with the rates for 2000 as it is no longer needed.

- 16) Information and Questions regarding these adopted amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-2333

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section	
2770.100	Pre 2003 Industrial Classification
2770.101	Post 2002 Industrial Classification
2770.105	Pre 2003 Contribution Rate For Non Experience-Rated Employers
2770.106	Post 2002 Contribution Rate For Non Experience-Rated Employers
2770.110	Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.111	Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

Section	
2770.150	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160	Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170	Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER

Section	
2770.400	Definitions (Repealed)
2770.405	Application Of Base Period Wages (Repealed)
2770.410	Restriction On Benefit Wage Transfers (Repealed)
2770.415	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420	Petition For Hearing (Repealed)

SUBPART D: BENEFIT WAGE CANCELLATIONS

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005; amended at 30 Ill. Reg. 185, effective January 1, 2006.

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- a) ~~The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2000, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.1%
15-17	C. Construction	3.2%
20-39	D. Manufacturing	1.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.8%
50-51	F. Wholesale Trade	1.3%
52-59	G. Retail Trade	1.0%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.1%
91-97	J. Public Administration	1.0%

- b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2001, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.8%
10-14	B. Mining	3.2%
15-17	C. Construction	3.0%
20-39	D. Manufacturing	1.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.6%
50-51	F. Wholesale Trade	1.2%
52-59	G. Retail Trade	0.9%
60-67	H. Finance, Insurance, Real Estate	1.0%
70-89	I. Services	1.0%
91-97	J. Public Administration	0.9%

- be) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

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Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%
70-89	I. Services	0.9%
91-97	J. Public Administration	0.8%

(Source: Amended at 30 Ill. Reg. 185, effective January 1, 2006)

Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

- a) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste	2.0%

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	Management	
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%

- b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.7%
21	Mining	2.9%
22	Utilities	1.5%
23	Construction	3.0%
31-33	Manufacturing	2.4%
42	Wholesale Trade	1.7%
44-45	Retail Trade	1.2%
48-49	Transportation and Warehousing	2.2%
51	Information	1.9%
52	Finance and Insurance	1.2%
53	Real Estate and Rental and Leasing	1.2%
54	Professional, Scientific and Technical Services	1.4%
55	Management of Companies and Enterprises	1.7%
56	Administrative and Support and Waste Management	2.5%
61	Educational Services	1.0%
62	Health Care and Social Assistance	0.9%
71	Arts, Entertainment and Recreation	1.7%
72	Accommodation and Food Services	1.0%
81	Other Services (except Public Administration)	1.1%
92	Public Administration	0.9%
99	Unclassified	1.2%

- c) The average contribution rate for each Economic Sector in the North American

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Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2005, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.1%
21	Mining	3.2%
22	Utilities	1.9%
23	Construction	3.8%
31-33	Manufacturing	3.2%
42	Wholesale Trade	2.3%
44-45	Retail Trade	1.6%
48-49	Transportation and Warehousing	2.8%
51	Information	2.4%
52	Finance and Insurance	1.5%
53	Real Estate and Rental and Leasing	1.6%
54	Professional, Scientific and Technical Services	1.8%
55	Management of Companies and Enterprises	2.2%
56	Administrative and Support and Waste Management	3.2%
61	Educational Services	1.4%
62	Health Care and Social Assistance	1.2%
71	Arts, Entertainment and Recreation	2.1%
72	Accommodation and Food Services	1.3%
81	Other Services (except Public Administration)	1.4%
92	Public Administration	1.2%
99	Unclassified	1.7%

d) [The average contribution rate for each Economic Sector in the North American Industry Classification System \(NAICS\), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2006, as determined by the application of Section 2770.106\(a\)\(4\) of this Part, shall be:](#)

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>2.5%</u>
<u>21</u>	<u>Mining</u>	<u>3.8%</u>
<u>22</u>	<u>Utilities</u>	<u>2.3%</u>
<u>23</u>	<u>Construction</u>	<u>4.4%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>3.8%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>2.8%</u>

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<u>44-45</u>	<u>Retail Trade</u>	<u>2.0%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>3.4%</u>
<u>51</u>	<u>Information</u>	<u>2.8%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>2.0%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.9%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>2.3%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>2.7%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>3.8%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.8%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>1.6%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>2.5%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.7%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.7%</u>
<u>92</u>	<u>Public Administration</u>	<u>1.5%</u>
<u>99</u>	<u>Unclassified</u>	<u>2.1%</u>

(Source: Amended at 30 Ill. Reg. 185, effective January 1, 2006)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1650.301	New
1650.351	New
1650.410	Amendment
1650.481	New
1650.482	New
1650.483	New
1650.484	New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Amendments: December 23, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 7, 2005; 29; Ill. Reg. 14760
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The System has incorporated second notice changes following the Joint Committee's review that are non-substantive in nature. The final version of the rulemaking is not substantively different from the one originally proposed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace emergency rulemaking currently in effect? No

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements P.A. 94-0004, which became effective June 1, 2005. New rule *1650.351* governs the granting of sick leave in excess of a normal annual sick leave allotment and sets forth the employer contribution calculation formula for excess sick days awarded by an employer to a member as a retirement incentive. New rule *1650.481* sets forth the employer contribution calculation formula for salary increases in excess of 6% used in a member's average salary annuity calculation. New rule *1650.482* sets forth the circumstances under which a contract or collective bargaining agreement entered into prior to the effective date of P.A. 94-0004 would lose its exemption from employer contributions. New rule *1650.483* establishes the maximum time period for exemption from employer contributions for sick leave granted and salary increases paid under contracts or collective bargaining agreements entered into prior to the effective date of P.A. 94-0004. New rule *1650.484* provides employer contribution exemption guidelines for members not covered by employment contracts or collective bargaining agreements. The System is also amending rule *1650.410* to clarify, with the passage of P.A. 94-0004, that a return of contributions for excess service requires a member to attain 35 years of service to qualify for such a refund.

New rule *1650.301* is unrelated to P.A. 94-0004. The rule codifies TRS' longstanding practice of requiring a member who has a break in teaching service to return to teaching for one full pay period on a full-time basis to qualify for the early retirement option.

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

Thomas S. Gray, General Counsel
Teachers' Retirement System
2815 West Washington
Springfield, Illinois 62794-9253

(217) 753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOISPART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure
1650.202 Disability and Occupational Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

	Rates
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)
1650.380	Definition of Actuarial Equivalent
1650.390	Independent Contractors

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System
[1650.481 Employer Contribution Required for Salary Increases in Excess of 6%](#)
[1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions](#)
[1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave – Exemption from Contributions](#)
[1650.484 Members Not Covered by Collection Bargaining Agreements or Employment Contracts](#)

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service
1650.520 Suspension of Benefits
1650.530 Power of Attorney
1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.570 Survivors' Benefits
1650.571 Payment of Monthly Survivor Benefits to a Trust
1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

1650.610 Staff Responsibility
1650.620 Right of Appeal
1650.630 Form of Written Request
1650.635 Presiding Hearing Officer – Duties and Responsibilities
1650.640 Prehearing Procedure
1650.641 Claims Hearing Committee Hearing Packet
1650.650 Hearing Procedure
1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

1650.710 Amendments

SUBPART J: RULES OF ORDER

Section

1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section

1650.910 Summary and Purpose
1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOITICE OF ADOPTED AMENDMENTS

- 1650.990 Copies of Public Records
- 1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section

- 1650.1000 Nomination of Candidates
- 1650.1001 Elections Date/Election Day – Defined
- 1650.1010 Petitions
- 1650.1020 Eligible Voters
- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Curing Minor Deficiencies
- 1650.1113 Required Form
- 1650.1114 Filing a QILDRO with the System
- 1650.1115 Benefits Affected by a QILDRO
- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined
- 1650.1204 Payroll Deduction Program – Disability Defined
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIREMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg.

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10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005.

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section 1650.301 Early Retirement Without Discount – Return to Teaching from a Break in Service

To be eligible to elect early retirement without discount when a member returns from a break in teaching service, a member must meet the following requirements:

- a) The member must be employed as a teacher as defined in 40 ILCS 5/16-106 within 6 months prior to his or her effective date of retirement:
 - 1) In a full-time position (five days per week, four or more clock hours daily) for at least one full pay period (minimum two weeks); or
 - 2) In a substitute or part-time non-contractual teacher position (daily or hourly) working 85 or more days for the same employer.
- b) The member employed under subsection (a)(1) must be paid for each day worked with the daily salary rate equal to or greater than employer's minimum salary on the employer's salary schedule.

(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

Section 1650.351 Employer Contribution for Excess Sick Leave

- a) The phrase "normal annual sick leave allotment" shall mean the amount of annual sick leave granted by a TRS employer to its teachers under a collective bargaining agreement or employment policies, including any personal days that may be used as sick leave.
- b) The normal annual sick leave allotment for a TRS employer's administrators shall be the same as that for its teachers as defined in subsection (a).
- c) If an employer grants sick leave days in excess of the normal annual sick leave allotment as defined in subsection (a) in the last four school years prior to

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retirement, the employer is subject to the employer contribution provided in 40 ILCS 5/16-128(d-10).

- d) The employer contribution required in 40 ILCS 5/16-128(d-10) shall be computed as follows:

The member's highest salary rate reported by the granting employer during the four-year sick leave review period in subsection (c) x the total normal cost rate (the employer's normal cost as defined in Section 1650.183 plus the member contribution required under 40 ILCS 5/16-152) applicable to the last fiscal year of contributing service x the portion of sick leave service credit attributed to sick days in excess of the normal annual allotment granted by that specific employer = employer's contribution.

- e) If more than one employer in the last four school years prior to retirement grants sick leave days in excess of the normal annual sick leave allotment, the contribution from each employer will be determined from sick leave days granted earliest to latest.

- f) An award of sick days as part of a retirement incentive shall not constitute a normal annual sick leave allotment; however, for members who earned sick days through the normal annual allotment granting process but were denied the use of such sick days by a limit on accumulation imposed by his or her employer, those days may be reinstated subject to the provisions of Section 1650.350(a) without charge to the employer if the reinstatement is made before January 1, 2007.

(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions for Duplicate or Excess Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's

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beneficiaries.

- 1) The term "excess service" shall mean: ~~that period of service that would exceed the number of years of service:~~
 - A) that period of service in excess of the number of years of service necessary for members retiring under 40 ILCS 5/16-133.2(b) the member to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or
 - B) that period of service exceeding the amount of service allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)]; or-
 - C) that period of service in excess of 35 years of creditable service if the member elected pursuant to 40 ILCS 5/16-129.1 to upgrade the retirement benefit based upon pre-July 1998 service.
- 2) To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(A) of this Section, the System shall apply the following formula:
 - A) divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.
 - B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.
 - C) the resulting figure shall be the amount returned to the member at retirement.
- 3) The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].
- 4) If a member elects to receive a return of contributions under subsection (b)

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of this Section, he or she may not utilize the optional service removed from the member's service record due to the return of contribution as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40 ILCS 5/16-129.1.

- 5) No interest shall be payable upon the amount returned.

(Source: Amended at 30 Ill. Reg. 194, effective December 23, 2005)

Section 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%

The employer contribution required under 40 ILCS 5/16-158(f) will be determined as follows:

- a) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20%.
- b) Calculate the member's monthly benefit using salaries as reported, excluding that part of the member's salary that exceeds the member's salary with the same employer for the preceding year by more than 6%.
- c) Subtract (b) from (a).
- d) Multiply (c) by a Monthly Benefit Factor for the member's exact age at the retirement date. The Monthly Benefit Factors are based on the actuarial assumptions of the System for life expectancy and investment return as determined by the System's actuaries at five year intervals pursuant to 40 ILCS 5/16-176.
- e) If a member's monthly benefit is calculated pursuant to 40 ILCS 5/16-133(a), this Section will not apply.
- f) If there is more than one employer during the final average salary period, each employer will pay its respective contribution based on salary increases granted by that employer in excess of 6%.

(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

Section 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions

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A contract or collective bargaining agreement shall lose its exemption from employer contributions under 40 ILCS 5/16-128(d-10) and/or 16-158(f) upon the following:

- a) An increase in an existing salary or sick leave retirement incentive or the addition of a new salary or sick leave retirement incentive.
- b) A renegotiated increase in salary (excluding employer payment of the .40% of salary toward the cost of the early retirement without discount option under 40 ILCS 5/16-152(a)(4)) or sick leave unless specifically provided for in a salary reopener provision in the contract or collective bargaining agreement or as permitted in Section 1650.483(c).

(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

Section 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave – Exemption from Contributions

- a) The exemptions from employer contributions provided under 40 ILCS 5/16-128(d-10) and 40 ILCS 5/16-158(f) for those members who notify their employer of the intent to retire under the terms of an exempt contract or collective bargaining agreement but do not receive such incentives until after the expiration of the contract or collective bargaining agreement shall cease no later than three school years after the expiration of the contract or collective bargaining agreement or June 30, 2011, whichever is earlier.
- b) If a contract or collective bargaining agreement terminates during the school year, for the purpose of calculating the employer contribution:
 - 1) If the contract or collective bargaining agreement expires July 1 through December 31, the System will consider the expiration date to be the last day of the prior fiscal year.
 - 2) If the contract or collective bargaining agreement expires January 1 through June 29, the System will consider the expiration date to be the last day of the current fiscal year.
- c) An amendment to an exempt contract or collective bargaining agreement to reduce a retirement incentive for purposes of Section 16-128(d-10) or 16-158(f) shall not terminate an employer's exempt status.

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(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

Section 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts

- a) For members not covered by collective bargaining agreements or employment contracts, the System will accept employment policies as evidence of a contractual agreement under which salary increases paid and sick leave granted shall be exempt from employer contributions under 40 ILCS 5/16-128(d-10) and 16-158(f).
- b) Such policies must have been in effect prior to June 1, 2005.
- c) Employees operating under employment policies will be deemed to be employed under a one school year contract for exemption from employer contribution purposes under 40 ILCS 5/16-128(d-10) and 16-158(f) unless the salary increases and/or granting of sick leave under the policy are governed by provisions in the employer's collective bargaining agreement, in which case the employer exemption shall end at the same time the exemption ends for that collective bargaining agreement.

(Source: Added at 30 Ill. Reg. 194, effective December 23, 2005)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Predatory Lending Database
- 2) Code Citation: 38 Ill. Adm. Code 346
- 3) Section Number: 346.35 Emergency Action:
New Section
- 4) Statutory Authority: Residential Real Property Disclosure Act [765 ILCS 77/70], Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g) and 4-10], and Title Insurance Act [215 ILCS 155/20]
- 5) Effective Date of Rule: January 1, 2006
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it will expire: This emergency rule is to expire when the proposed rules are adopted.
- 7) Date Filed in Index Department: December 22, 2005
- 8) A copy of the emergency rule, 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: Public Act 94-280 is effective January 1, 2006. Under the Act, the Department has thirty days after the effective date of the Act to designate the pilot program areas. In comments received during the first notice period, as well as indications received in the last two weeks, it has become apparent to the Department that the lending and title community need clarification regarding when the pilot program will begin. The language of this emergency rule is also being filed as an amendment to the permanent rules implementing Public Act 94-280.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 94-280, effective January 1, 2006, amends the Residential Real Property Disclosure Act to establish a four-year predatory lending pilot program in certain Cook County areas as determined by the Department based on high mortgage foreclosure rates due to predatory lending. The statute requires the Department to maintain and administer a predatory lending database based on information submitted by any broker, originator, credit counselor and title insurance company or closing agent involved in a mortgage transaction on residential real property in the pilot program area. The statute sets forth certain required information to be submitted by those entities to the database and authorizes the Department to require additional information by rule. The statute requires the Department to make a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULE

determination, as set by rule, whether the borrower must obtain credit counseling from a HUD-certified credit counselor and prohibits the borrower from waiving the counseling.

- 11) Are there any proposed rulemakings to this Part pending: Yes, at 29 Ill. Reg. 15772, published October 21, 2005.
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 13) Information and questions regarding this Rule shall be directed to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813; Fax #: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULE

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 346

PREDATORY LENDING DATABASE

Section

346.35 Declaration of Inception Date

EMERGENCY

AUTHORITY: Implementing and authorized by Section 70 of the Residential Real Property Disclosure Act [765 ILCS 77/70], Sections 4-1(g) and 4-10 of the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g) and 4-10], and Section 20 of the Title Insurance Act [215 ILCS 155/20].

SOURCE: Adopted by emergency rule at 30 Ill. Reg. 208, effective January 1, 2006, for a maximum of 150 days.

**Section 346.35 Declaration of Inception Date
EMERGENCY**

The Secretary of Financial and Professional Regulation will declare in writing the date of creation ("inception date") of the Pilot Program created by Section 70(b) of the Residential Real Property Disclosure Act [765 ILCS 77/70(b)]. The inception date shall be at least 30 days after the date the Secretary's declaration is issued. The Secretary's declaration shall be posted on the Department's website, and the Department shall communicate the declaration to affected licensees of the Department. Until the inception date, none of the duties, obligations, contingencies or consequences of or from the Pilot Program will be imposed. The four-year term of the program will begin on the inception date.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Financial Incentive for Non-Medicare State Employees Retirement System Annuitants Who Opt Out of the State Employees Group Health Plan
- 2) Code Citation: 80 Ill. Adm. Code 2106
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
2106.110	Modified
2106.140	Repealed
2106.150	Renumbered
2106.160	Renumbered
2106.210	Modified
2106.310	Modified
2106.330	Modified
- 4) Date Notice of Emergency Rules Published in the Illinois Register: October 21, 2005; 29 Ill. Reg. 15976
- 5) Date JCAR Statement of Objection to Emergency Rules Published in the Illinois Register: December 2, 2005; 29 Ill. Reg. 19727
- 6) Date Agency submitted this modification to JCAR for approval: December 19, 2005
- 7) Summary of Action Taken by the Agency: At its meeting on November 15, 2005, the Joint Committee on Administrative Rules objected to this emergency rulemaking because the language inferred that Department policies, pamphlets and memoranda prevailed over governing statute. In addition, the rulemaking did not specify the amount of the financial incentive to be offered under the rule. In response to this Objection, the Department modified the emergency rulemaking as follows:
 1. In Section 2106.110, the Department deleted the following words at the end of the first paragraph: "the Department of Central Management Services publications and any memoranda issued by the Director. In the event of any discrepancies among these documents, or if an issue is not addressed in any of the documents, the Director will issue a final decision".
 2. The Department deleted all of Section 2106.140: "The Opt Out Incentive will be administered using policies established by the Director and contained in DCMS publications and policy documents" and changed the subsequent Section numbers of Sections 2106.150 and 2106.160 in Subpart A accordingly.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
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3. The Department deleted Section 2106.210(a): "Design and develop Opt Out Incentive policies and procedures consistent with Public Act 94-0109, DCMS goals and objectives and budgetary limitations."
4. The Department deleted Section 2106.210(b): "Establish eligibility criteria and make determinations regarding qualifications for participation and financial payments for the Opt Out Incentive based on those criteria".
5. The Department changed Section 2106.210(c) to 2106.210(a), deleted the comma and the words "policies and procedures" after the word "requirements" and deleted the last sentence: "Information concerning the Opt Out Incentive will be included in DCMS publications for Members".
6. The Department changed Section 2106.210(d) to 2106.210(b) and deleted the first two words, "Determine and".
7. The Department changed Section 2106.210(e) to 2106.210(c) and also changed Section 2106.210(f) to Section 2106.210(d).
8. The Department changed Section 2106.210(g) to 2106.210(c) and deleted the following words "as referenced in DCMS publications".
9. The Department changed Section 2106.210(h) to 2106.210(f) and added the words "this Part" after the word "with" and deleted the words "the rules, policies and procedures established for the Opt Out Incentive".
10. The Department changed Section 2106.210(i) to 2106.210(g).
11. In Section 2106.310(a), the Department added the words "of \$150 per month" after the word "incentive".
12. In Section 2106.330, the Department deleted the following words: "defined and communicated in DCMS publications" at the end of the paragraph, and added the words "outlined in Section 2106.310 of this Part".

The following is the text of the emergency rulemaking adopted at 29 Ill. Reg. 15976, effective October 5, 2005, for a maximum of 150 days, as modified in Sections 2106.110, 2106.140, 2106.150, 2106.160, 2106.210, 2106.310 and 2106.330 at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2106:

FINANCIAL INCENTIVE FOR NON-MEDICARE STATE EMPLOYEES RETIREMENT
SYSTEM ANNUITANTS WHO OPT OUT OF THE STATE EMPLOYEES GROUP HEALTH
PLAN

SUBPART A: GENERAL

Section

2106.110 Governing Authority
EMERGENCY

2106.120 Purpose
EMERGENCY

2106.130 Definitions of Terms
EMERGENCY

2106.140 Policy (Repealed)
EMERGENCY

2106.140~~2106.150~~ Records and Certifications
EMERGENCY

2106.150~~2106.160~~ Severability
EMERGENCY

SUBPART B: RESPONSIBILITY FOR ADMINISTRATION OF THE OPT OUT
INCENTIVE

Section

2106.210 DCMS Responsibility
EMERGENCY

2106.220 Member Responsibility
EMERGENCY

SUBPART C: OPT OUT INCENTIVE REQUIREMENTS AND BENEFITS

Section

2106.310 Eligibility Requirements
EMERGENCY

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

2106.320 Participation Limits
EMERGENCY
2106.330 Enrollment
EMERGENCY

AUTHORITY: Implementing and authorized by Public Act 94-0109, amending the State Employees Group Insurance Act [5 ILCS 375/1 et seq.].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking.

SUBPART A: GENERAL

Section 2106.110 Governing Authority
EMERGENCY

The financial incentive for non-Medicare State Employees Retirement System (SERS) Annuitants to opt out of the State Employees Group Insurance Health Plan will be governed by Public Act 94-0109, the State Employees Group Insurance Act [5 ILCS 375/1 et seq.], as amended in 375/8 (d-5), and this Part, ~~the Department of Central Management Services publications and any memoranda issued by the Director. In the event of any discrepancies among these documents, or if an issue is not addressed in any of the documents, the Director will issue a final decision.~~

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

Section 2106.140 Policy (Repealed)
EMERGENCY

~~The Opt Out Incentive will be administered using policies established by the Director and contained in DCMS publications and policy documents.~~

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking, which

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NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
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includes the repeal of Section 2106.140, to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

**Section ~~2106.140~~2106.150 Records and Certifications
EMERGENCY**

Records and other necessary certifications will be furnished to the Director as may be necessary for the administration of this Opt Out Incentive. These records and certifications will be retained and provided as necessary by SERS and DCMS.

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking, which includes the renumbering of Section 2106.150 to Section 2106.140, to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

**Section ~~2106.150~~2106.160 Severability
EMERGENCY**

If any provision of the Act or these Rules or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of the Act or these Rules which can be given effect without the invalid application or provision. To this end, the provisions of the Act or these Rules are declared to be severable.

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking, which includes the renumbering of Section 2106.160 to Section 2106.150, to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

SUBPART B: RESPONSIBILITY FOR ADMINISTRATION OF THE OPT OUT
INCENTIVE**Section 2106.210 DCMS Responsibility
EMERGENCY**

DCMS will be responsible for administering the Opt Out Incentive and shall:

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- a) ~~Design and develop Opt Out Incentive policies and procedures consistent with Public Act 94-0109, DCMS goals and objectives and budgetary limitations.~~
- b) ~~Establish eligibility criteria and make determinations regarding qualifications for participation and financial payments for the Opt Out Incentive based on those criteria.~~
- a)e) Develop and distribute materials and information to Members, including any and all necessary forms with requirements, policies and procedures related to the Opt Out Incentive. ~~Information concerning the Opt Out Incentive will be included in DCMS publications for Members.~~
- b)d) ~~Maintain~~Determine and ~~m~~Maintain eligibility for the Opt Out Incentive in a centralized, computerized file, properly storing and retrieving confidential information, processing updates and administering security access in accordance with confidentiality laws.
- c)e) Authorize payments to Members participating in the Opt Out Incentive. No partial monthly or retroactive payments will be made.
- d)f) Assist Members with Opt Out Incentive questions and/or issues, and respond to oral and written inquiries concerning the Opt Out Incentive.
- e)g) Comply with the federal Health Insurance Portability and Accountability Act (HIPAA), where applicable ~~as referenced in DCMS publications.~~
- f)h) Enroll and terminate Members in compliance with this Part~~the rules, policies and procedures established for the Opt Out Incentive.~~
- g)i) Identify and collect Opt Out Incentive payments paid in error to Members and deposit the money into the Health Insurance Reserve Fund.

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

SUBPART C: OPT OUT INCENTIVE REQUIREMENTS AND BENEFITS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES**Section 2106.310 Eligibility Requirements**
EMERGENCY

Opt Out Incentive administration shall be in compliance with Public Act 94-0109 and shall:

- a) Allow SERS Annuitants who elect not to participate in the Health Plan to receive a financial incentive of \$150 per month if all of the following conditions are met:
 - 1) the Member is enrolled in the Health Plan at the time of a Special Enrollment Period or subsequent Benefit Choice Periods, or an Opt Out/In Qualifying Change in Status occurs; and
 - 2) the Member is not eligible for and/or receiving benefits under the federal Medicare health insurance program (Title XVIII of the Social Security Act, as added by Public Law 89-97).
- b) Provide for a Special Enrollment Period from November 1 through November 30, 2005 for SERS Annuitants enrolled in the Health Plan to elect to participate in the Opt Out Incentive. The Opt Out Incentive elected by SERS Annuitants during this Special Enrollment Period will have an effective date of January 1, 2006.
- c) Provide that SERS Annuitants who previously elected not to participate in the Health Plan may choose to enroll in the Health Plan during the Benefit Choice Period or with an Opt Out/In Qualifying Change in Status. Once enrolled, they may take advantage of the Opt Out Incentive during a subsequent Benefit Choice Period or with a subsequent Opt Out/In Qualifying Change in Status. Participants will not be permitted to enroll and opt out during the same Benefit Choice Period or based on the same Opt Out/In Qualifying Change in Status.

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

Section 2106.330 Enrollment
EMERGENCY

Eligible Members participating in the Health Plan may enroll in the Opt Out Incentive during the Special Enrollment Period, the Benefit Choice Period, or with an Opt Out/In Qualifying Change in Status by completing appropriate form(s) and furnishing proof of eligibility as outlined in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF MODIFICATION OF EMERGENCY RULES TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

| Section 2106.310 of this Part~~defined and communicated in DCMS publications.~~

(Source: Adopted by emergency rulemaking at 29 Ill. Reg. 15976, effective October 5, 2005 for a maximum of 150 days; modification of emergency rulemaking to meet the Objection of the Joint Committee on Administrative Rules at 30 Ill. Reg. 211, effective December 22, 2005 and not to exceed the 150-day time limit of the original rulemaking)

NOTICE OF RECODIFICATION

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

- 1) Heading of the Part: Social Services
- 2) Code Citation: 89 Ill. Adm. Code 126 Subpart B
- 3) Date of Administrative Code Division Review: December 22, 2005
- 4) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2151.10	Purpose
2151.20	Definitions
2151.30	Eligibility
2151.40	Enrollment Fee
2151.50	Other Administrative Responsibilities of the Department
2151.60	Eligibility Determination
2151.70	Enrollment
2151.80	Re-enrollment
2151.90	Other Administrative Responsibilities
2151.100	Termination of Program Administrator
2151.110	Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund
2151.120	Discounts

- 5) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
126.200	Purpose
126.205	Definitions
126.210	Eligibility
126.215	Enrollment Fee
126.220	Other Administrative Responsibilities of the Department
126.225	Eligibility Determination
126.230	Enrollment
126.235	Re-enrollment
126.240	Other Administrative Responsibilities
126.245	Termination of Program Administrator
126.250	Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund

NOTICE OF RECODIFICATION

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

126.255 Discounts

6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
2151.10	126.200
2151.20	126.205
2151.30	126.210
2151.40	126.215
2151.50	126.220
2151.60	126.225
2151.70	126.230
2151.80	126.235
2151.90	126.240
2151.100	126.245
2151.110	126.250
2151.120	126.255

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2006 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Higher Education Cooperation Act (23 Ill. Adm. Code 1010)

1) Rulemaking:

A) Description: The Board has established a Committee to Review the Higher Education Cooperation Act (HECA) Program. Findings of this review may necessitate proposed amendments to the rules.

B) Statutory Authority: Implementing and authorized by the Higher Education Cooperation Act [110 ILCS 220].

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled at this time.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined

F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield IL 62701-1404
217/557-7352

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)

1) Rulemaking:

A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.

B) Statutory Authority: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2006 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield IL 62701-1404
217/557-7352

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Noninstructional Capital Improvements and Community College Locally-Funded Capital Projects (23 Ill. Adm. Code 1040)

1) Rulemaking:

- A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.
- B) Statutory Authority: Implementing Sections 8 and 9.11 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/8, 9.11, and 9.05].
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: June 2006
- E) Effect on small businesses, small municipalities or not for profit corporations: Proposed amendments would include Board policy and statutory changes that eliminated the need for IBHE approval of locally funded community college projects.
- F) Agency contact person for information:

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2006 REGULATORY AGENDA

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield IL 62701-1404
217/557-7352

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Program Approval (Public Colleges and Universities) (23 Ill. Adm. Code 1050)

1) Rulemaking:

A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.

B) Statutory Authority: Implementing Section 7 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/7 and 9.05].

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled at this time.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined

F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield IL 62701-1404
217/557-7352

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): A Master Plan for Postsecondary Education in Illinois (23 Ill. Adm. Code 1070)

ILLINOIS BOARD OF HIGHER EDUCATION

JANUARY 2006 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.
 - B) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05].
 - C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
 - D) Date agency anticipates First Notice: Undetermined.
 - E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined.
 - F) Agency contact person for information:

Sandi Gillilan, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield IL 62701-1404
217/557-7352
 - G) Related rulemakings and other pertinent information: None.

TEACHER'S RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 2006 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description:

- Amendments to rules pertaining to Qualified Illinois Domestic Relations Orders (QILDRO's) to administer P.A. 94-0657.
- Amendments to rules pertaining to Board Election procedures to administer P.A. 94-0710.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of the General Counsel
P.O. Box 19253
2815 West Washington
Springfield, Illinois 62794-9253
217/753-0375

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 20, 2005 through December 27, 2005 and have been scheduled for review by the Committee at its January 18, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/1/06	<u>State Board of Education</u> , Disadvantaged Students Funds Plan – Districts Between 1,000 and 50,000 ADA (Repealer) (23 Ill. Adm. Code 201)	10/7/05 29 Ill. Reg. 14614	1/18/06
2/1/06	<u>State Board of Education</u> , Disadvantaged Students Funds Plan – Districts Over 50,000 ADA (Repealer) (23 Ill. Adm. Code 202)	10/7/05 29 Ill. Reg. 14620	1/18/06
2/1/06	<u>State Board of Education</u> , Disadvantaged Students Funds Plan (23 Ill. Adm. Code 203)	10/7/05 29 Ill. Reg. 14637	1/18/06
2/2/06	<u>Attorney General</u> , Price Gouging (14 Ill. Adm. Code 465)	9/16/05 29 Ill. Reg. 13937	1/18/06
2/3/06	<u>Department of Financial and Professional Regulation-Division of Banking</u> , Predatory Lending Database (38 Ill. Adm. Code 346)	10/21/05 29 Ill. Reg. 15772	1/18/06
2/3/06	<u>Property Tax Appeal Board</u> , Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	10/14/05 29 Ill. Reg. 15503	1/18/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/3/06	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	9/30/05 29 Ill. Reg. 14452	1/18/06
2/3/06	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	10/7/05 29 Ill. Reg. 14601	1/18/06
2/3/06	<u>State Board of Education</u> , The "Grow Your Own" Teacher Education Initiative (23 Ill. Adm. Code 60)	10/14/05 29 Ill. Reg. 15367	1/18/06
2/9/06	<u>Pollution Control Board</u> , Water Quality Standards (35 Ill. Adm. Code 302)	4/29/05 29 Ill. Reg. 5873	1/18/06
2/9/06	<u>Department of Financial and Professional Regulation-Division of Insurance</u> , Health Maintenance Organization (50 Ill. Adm. Code 5421)	3/4/05 29 Ill. Reg. 3057	1/18/06
2/9/06	<u>Department of Financial and Professional Regulation-Division of Professional Regulation</u> , Acupuncture Practice Act (68 Ill. Adm. Code 1140)	9/16/05 29 Ill. Reg. 13949)	1/18/06

PROCLAMATIONS

2005-397**TOM PETERSON DAY**

WHEREAS, the name Tom Peterson is synonymous with WGN, and those that have been fortunate enough to listen to WGN Radio over the past 20+ years know Tom to be one of the best voices, and one of the finest newsmen in Chicago; and

WHEREAS, Tom has worked in broadcasting for more than 45 years. Early in his career, he worked as a disc jockey, a news anchor, and as news director at a Minnesota radio station; and

WHEREAS, after his stint in Minnesota, Tom left radio for TV, but only for a ten year period, working as an anchor and news director at a television station in Iowa. He joined the WGN team in October of 1982; and

WHEREAS, Tom has been with WGN ever since, building an unshakable reputation for being a credible news reporter and an engaging on-air personality. Looking back over his career, his tenure at WGN has been remarkable, serving as a reporter, program host, anchor, and news director; and

WHEREAS, Tom has worked every WGN news shift with literally hundreds of talk show hosts. Today, he is very well-respected within his profession and by people all throughout Chicagoland and across the country; and

WHEREAS, this year, Tom Peterson is retiring from WGN. He will undoubtedly be greatly missed by peers and colleagues, as well as friends and fans, but we are all very proud of him as he prepares to open up a new chapter in his life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 30, 2005 as **TOM PETERSON DAY** in Illinois in recognition of Tom's commitment and dedication to broadcasting and reporting the news with accuracy and integrity, which has made him a greatly admired member of the WGN family and the Chicago community.

Issued by the Governor on December 20, 2005.

Filed with the Secretary of State. December 20, 2005

2005-398**CRIME STOPPERS OF LAKE COUNTY MONTH**

WHEREAS, Crime Stoppers of Lake County is an excellent program that encourages collaboration and cooperation between concerned citizens, law enforcement agencies, media organizations, and the general public to prevent crime and protect the community; and

WHEREAS, Crime Stoppers does that by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and

WHEREAS, thanks to Crime Stoppers, there have been more than 4,600 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program's inception in 1983. Altogether, more than \$17 million worth of contraband and stolen property has been seized; and

PROCLAMATIONS

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and

WHEREAS, to support their wonderful mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2006 as **CRIME STOPPERS OF LAKE COUNTY MONTH** in Illinois in recognition of their terrific program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor on December 21, 2005.

Filed with the Secretary of State. December 21, 2005

2005-397 (Revised)
TOM PETERSEN DAY

WHEREAS, the name Tom Petersen is synonymous with WGN, and those that have been fortunate enough to listen to WGN Radio over the past 20+ years know Tom to be one of the best voices, and one of the finest newsmen in Chicago; and

WHEREAS, Tom has worked in broadcasting for more than 45 years. Early in his career, he worked as a disc jockey, a news anchor, and as news director at a Minnesota radio station; and

WHEREAS, after his stint in Minnesota, Tom left radio for TV, but only for a ten year period, working as an anchor and news director at a television station in Iowa. He joined the WGN team in October of 1982; and

WHEREAS, Tom has been with WGN ever since, building an unshakable reputation for being a credible news reporter and an engaging on-air personality. Looking back over his career, his tenure at WGN has been remarkable, serving as a reporter, program host, anchor, and news director; and

WHEREAS, Tom has worked every WGN news shift with literally hundreds of talk show hosts. Today, he is very well-respected within his profession and by people all throughout Chicagoland and across the country; and

WHEREAS, this year, Tom Petersen is retiring from WGN. He will undoubtedly be greatly missed by peers and colleagues, as well as friends and fans, but we are all very proud of him as he prepares to open up a new chapter in his life:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 30, 2005 as **TOM PETERSEN DAY** in Illinois in recognition of Tom's commitment and dedication to broadcasting and reporting the news with accuracy and integrity, which has made him a greatly admired member of the WGN family and the Chicago community.

Issued by the Governor on December 20, 2005.

Filed with the Secretary of State. December 22, 2005

2005-399

PROCLAMATIONS

RADON ACTION MONTH

WHEREAS, radon is a colorless, odorless, tasteless, radioactive gas that is released from the decay of uranium in soil and can seep into homes and buildings up to dangerous levels; and

WHEREAS, just this year, the United States Surgeon General issued a national health advisory warning Americans that indoor radon is the second-leading cause of lung cancer in the country. According to the United States Environmental Protection Agency, more than 21,000 lung cancer deaths every year are related to radon; and

WHEREAS, in just the State of Illinois, as many as 900 men and women are at risk of developing lung cancer every year. The health risks, however, are completely preventable; and

WHEREAS, radon can be detected with a simple test and fixed through well-established venting techniques. Since 2002, more than 50,000 measurements have been taken in our State, and homes that exceed the Environmental Protection Agency's Radon Action Level of 4.0 pCi/L have been corrected; and

WHEREAS, it is also important that homes are tested for radon every two years. Consequently, the Illinois Emergency Management Agency and the American Lung Association of Illinois are partnering to provide radon information and guidance to families in our State about testing their homes regularly to find out how much radon they might be breathing; and

WHEREAS, in addition to the Emergency Management Agency and the American Lung Association, many organizations throughout the country will raise awareness about the health risks posed by radon during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2006 as **RADON ACTION MONTH** in Illinois, and urge all the citizens of our State to test their homes for radon and reduce their risk of developing lung cancer by taking corrective actions when necessary.

Issued by the Governor on December 22, 2005.

Filed with the Secretary of State. December 22, 2005

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

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