

# 2011

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Index Department  
Administrative Code Division  
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September 2, 2011 Volume 35, Issue 36

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## INTRODUCTION

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

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

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

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

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011

22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011
24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
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30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)
 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1050.210	Amendment
1050.340	Amendment
1050.370	New Section
1050.610	Amendment
1050.655	New Section
1050.660	Amendment
1050.840	Amendment
1050.870	New Section
1050.1350	Amendment
1050.1790	Amendment
1050.2100	New Section
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will increase Mortgage Loan Originator License fees, reestablish and update license and reporting provisions pertaining to Mortgage Loan Originators including through use of the Nationwide Mortgage Licensing System and Registry, and add a new purchasing activity report and new standard for payment processing by servicers.

Mortgage Loan Originator fees have not been increased since the original loan originator registration program began in 2004 and the proposed increase reflects agency costs to provide the current level of service. The other proposed amendments are to supplement Mortgage Loan Originator provisions previously added to the Residential Mortgage License Act of 1987 by Public Act 96-0112 and arise from the federal Secure and Fair Enforcement Licensing Act ("SAFE"). Many of the provisions are being transferred from Subpart R (Registration of Loan Originators) and are needed to cover and transition certain reporting requirements to the current Mortgage Loan Originator License program. The purchasing activity report will close a gap in current activity reporting by licensees. The new standard for payment processing by servicers is intended to provide additional consumer protection against late fee assessments by licensees.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> 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.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Mortgage Loan Originators and Mortgage Brokers
  - B) Reporting, bookkeeping or other procedures required for compliance: New annual reporting of purchasing activity is required and this reporting requirement will apply to a small portion of Mortgage Banker licensees. Mortgage Loan

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Originators and their employing Mortgage Brokers/Mortgage Bankers have reporting requirements in Section 1050.370 in connection with Mortgage Loan Originator licensing. These requirements are generally being transferred from Subpart R to continue the transition of the agency's Mortgage Loan Originator registration/licensing program pursuant to the federal SAFE Act and the agency's use of the Nationwide Mortgage Licensing System and Registry.

- C) Types of professional skills necessary for compliance: No additional professional skills arise from this rulemaking.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 1050

## RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

## SUBPART A: DEFINITIONS

## Section

1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Definitions
1050.115	Administrative Decision (Repealed)
1050.120	Assisting (Repealed)
1050.125	Commissioner (Repealed)
1050.130	Control (Repealed)
1050.132	Conviction or Convicted (Repealed)
1050.135	Document (Repealed)
1050.140	Employee (Repealed)
1050.145	First Tier Subsidiary (Repealed)
1050.150	Hearing Officer (Repealed)
1050.155	High Risk Home Loan (Repealed)
1050.157	Licensee (Repealed)
1050.160	Material (Repealed)
1050.165	Other Regulatory Agencies (Repealed)
1050.170	Party (Repealed)
1050.175	Principal Place of Business (Repealed)
1050.180	Repurchase a Loan (Repealed)
1050.185	State (Repealed)
1050.190	Servicer (Repealed)
1050.195	Points and Fees (Repealed)
1050.197	Total Loan Amount (Repealed)
1050.198	Approved Credit Counselor (Repealed)
1050.199	Home Equity Loan (Repealed)

## SUBPART B: FEES

## Section

1050.210	Fees
1050.220	License Fees (Repealed)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1050.230 Amended License Fees – Corporate Changes (Repealed)
- 1050.240 Duplicate Original License Fees (Repealed)
- 1050.245 Loan Originator Registration Application Fee (Repealed)
- 1050.246 Loan Originator Registration Transfer Fee (Repealed)
- 1050.247 Loan Originator Registration Reactivation Fee (Repealed)
- 1050.248 Duplicate Loan Originator Certificate of Registration or Pocket Card Fee (Repealed)
- 1050.250 Examination Fees (Repealed)
- 1050.255 Direct Expenses of Out-of-State Examinations (Repealed)
- 1050.260 Additional Full-Service Office Fees (Repealed)
- 1050.270 Hearing Fees (Repealed)
- 1050.280 Late Fees (Repealed)
- 1050.290 Manner of Payment (Repealed)

## SUBPART C: LICENSING

## Section

- 1050.310 Application for an Illinois Residential Mortgage License
- 1050.320 Application for Renewal of an Illinois Residential Mortgage License
- 1050.330 Waiver of License Fee
- 1050.340 Full-Service Office
- 1050.350 Additional Full-Service Office
- 1050.360 Continuing Education Requirements for Certain Employees (Repealed)
- 1050.370 Licensing of Mortgage Loan Originators

## SUBPART D: OPERATIONS AND SUPERVISION

## Section

- 1050.410 Net Worth
- 1050.420 Line of Credit (Repealed)
- 1050.425 Examination
- 1050.430 Late Audit Reports
- 1050.440 Escrow
- 1050.450 Audit Workpapers
- 1050.460 Selection of Independent Auditor (Repealed)
- 1050.470 Proceedings Affecting a License
- 1050.475 Change in Business Activities
- 1050.480 Change of Ownership, Control or Name or Address of Licensee
- 1050.490 Bonding Requirements

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE  
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

## Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
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1050.660	Verification

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1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Director's Authority – Unusually High Rate

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1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1050.940 Requirements
- 1050.950 Misleading and Deceptive Advertising Prohibition

## SUBPART I: LOAN BROKERAGE PRACTICES

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- 1050.1020 Loan Brokerage Disclosure Statement
- 1050.1030 Prohibited Practice

## SUBPART J: LOAN APPLICATION PRACTICES

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- 1050.1110 Borrower Information Document
- 1050.1120 Description of Required Documentation
- 1050.1130 Maintenance of Records (Repealed)
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- 1050.1150 Copies of Signed Documents
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- 1050.2220 Registration Required
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## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

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1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351, effective September 21, 2004; amended at 29 Ill. Reg. 14808, effective September 26, 2005;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

amended at 29 Ill. Reg. 19187, effective November 10, 2005; amended at 34 Ill. Reg. 17339, effective October 29, 2010; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: FEES

**Section 1050.210 Fees**

- a) Method of Payment of Fees  
The fees listed in this Section shall be payable to the Department, or to the Nationwide Mortgage Licensing System and Registry for transfer to the Department as approved by the Director. The Director may specify the form of payment to the Department or to the Nationwide Mortgage Licensing System and Registry, which may include certified check, money order, credit card, or other forms authorized by the Director. The Director may specify that fees be paid separately or combined, and may pro-rate fees for implementation of the Nationwide Mortgage Licensing System and Registry. The Nationwide Mortgage Licensing System and Registry shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.
- b) Residential Mortgage License
  - 1) Investigation Fee: The applicant shall pay a non-refundable fee of \$1,135 or such non-refundable amount as authorized by the Director that, when combined with the license fee set forth in subsection (b)(2)(A), totals an amount equal to \$2,043 annually or such amount authorized by Section 2-2 of the Act.
  - 2) License Fee:
    - A) Initial Licensure: For each application for an initial Illinois Residential Mortgage License on which the Director has made the findings that a license shall be issued, the applicant shall pay a non-refundable license fee of \$908, plus the investigation fee set forth in subsection (b)(1), or such non-refundable amount as authorized by the Director that, when combined with the investigation fee set forth in subsection (b)(1), totals an amount equal to \$2,043 annually or such amount authorized by Section 2-2 of the Act.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- B) License Renewal: For each application for an annual renewal of an Illinois Residential Mortgage License, the applicant shall pay a non-refundable license fee of \$2,043, or the total amount set forth in subsections (b)(1) and (b)(2)(A).
- C) Amended License: The licensee shall pay a non-refundable fee of \$500 for each Notice of Change of Ownership or Control amended license that is required by Subpart D of this Part.
- D) Notice of Change: The licensee shall pay a non-refundable fee of \$50 with each Notice of Change of Officers or Directors or Change of Name or Address or Change of Activity.
- E) Duplicate License: The licensee shall pay a non-refundable fee of \$50 for each duplicate original license issued.
- F) Returned Payment: Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of \$50.
- c) Loan Originator Registration or Mortgage Loan Originator License
- 1) Application Fee: An applicant for Loan Originator registration or Mortgage Loan Originator license shall pay a non-refundable fee of ~~\$200~~\$125 for each individual registered or licensed on the initial application and ~~\$150~~\$100 annually for each individual renewal, plus an additional ~~\$75~~\$50 late fee for any renewal that is received after the expiration date of the preceding registration or license.
- 2) Registration or License Transfer Fee: There shall be paid by or on behalf of the Loan Originator or Mortgage Loan Originator non-refundable fee of ~~\$50~~\$35 for each Certificate of Registration or license transferred.
- 3) Registration or License Reactivation Fee: There shall be paid by or on behalf of the applicant a non-refundable fee of ~~\$150~~\$100 for reactivating each Certificate of Registration or license on Inoperative Status.

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- 4) Duplicate Documents: The licensee or registrant shall pay a non-refundable fee of \$50 for each duplicate document.
  - 5) Returned Payment: Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
- d) Examination
- 1) Fees: Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Department at a rate of \$510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.
  - 2) Out-of-State Travel: When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- e) Additional Full-Service Office:
- 1) Initial Fee: The licensee shall pay a non-refundable fee of \$250 for each Notice of Intent to Establish an Additional Full-Service Office required by Subpart C of this Part.
  - 2) Annual Fee: After the notice filed under subsection (e)(1), the licensee shall pay an annual non-refundable Additional Full-Service Office fee of \$250 on the initial license anniversary date.
- f) Hearing Fees: Each party that requests a hearing pursuant to Section 4-1(n) of the Act shall pay a non-refundable fee of \$500, except that a Loan Originator or Mortgage Loan Originator requesting a hearing shall pay a non-refundable fee of \$250, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.

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(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: LICENSING

**Section 1050.340 Full-Service Office**

- a) Each licensee shall maintain a full-service office consistent with the provisions of Sections 3-4 and 1-4(r) of the Act. At a minimum, each licensee shall:
- 1) Maintain a registered agent in Illinois; and
  - 2) Provide a person or persons *reasonably adequate to handle efficiently communications, questions, and other matters relating* (Section 3-4 of the Act) to an application for a loan or existing loan and provide a toll-free telephone arrangement for doing so. In determining whether a licensee handles such matters in a reasonably adequate manner, the Director shall consider consumer complaints received regarding the licensees and information obtained from examinations conducted and reports filed pursuant to the Act. In addition, the Director shall consider whether the licensee has:
    - A) Provided facilities and personnel adequate to accommodate a borrower who wishes to bring all documents applicable to his or her application for or existing home mortgage to the full-service office for examination in conjunction with an inquiry, complaint or concern. Leased facilities or offices shall be provided through leases with a minimum term of 12 months and must cover the full period of the licensee's license.
    - B) Maintained a supply of all documents required under Subparts G, H, I, J, K, and L of this Part, when those~~where such~~ Subparts apply to the licensee.
- b) If the Director determines that a licensee is not in compliance with Sections 3-4 and 1-4(r) of the Act, the Director shall notify the licensee, in writing, detailing the requirements for bringing the licensee into compliance. The Director may require a licensee to demonstrate compliance with this Section in instances in which personnel are conducting licensable activities in Illinois without adequate

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facilities and/or licensed offices in Illinois. The Director, at his or her discretion, may require documentation from licensees and hold hearings to take testimony from owners, officers, directors and employees of a licensee, as selected by the Director, and compel attendance of those so selected for the purpose of determining compliance with this Section.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.370 Licensing of Mortgage Loan Originators**a) License Applications

The Director shall consider an application for licensure withdrawn if no action has been taken to complete the license application process, including failure to reschedule exams, after 90 days from filing the application with the Director through the Nationwide Mortgage Licensing System and Registry. In addition, the Director shall withdraw any license application for which the applicant has failed or refused to provide a written response, including any required documentation, within 15 business days after receiving a written request for a response from the Director.

b) Licenses

1) Issuance of License; Conditions and Reports. Upon approving an application for an original or renewed Mortgage Loan Originator License pursuant to Article VII of the Act and this Part, the Director may issue the Mortgage Loan Originator License through electronic licensing systems such as the Nationwide Mortgage Licensing System and Registry and maintain a public record of all licenses issued within those electronic licensing systems. The Director may make copies of licenses available to licensees through electronic or other methods. Mortgage Loan Originator Licenses shall be issued subject to the following conditions:

- A) The Director shall use applicable license numbers and/or identifiers for each Mortgage Loan Originator License, including unique identifiers as authorized by Section 7-14 of the Act.
- B) Each Mortgage Loan Originator shall provide notification to the Director through the Nationwide Mortgage Licensing System and Registry, or other method approved by the Director, within 10

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calendar days after obtaining information that the Mortgage Loan Originator has had his or her license revoked in any governmental jurisdiction (see Section 7-3(1) of the Act), has been convicted of, or pled guilty or nolo contendere to, a felony (see Section 7-3(2) of the Act), or has been convicted of a misdemeanor or had an adverse judgment in any jurisdiction involving monies, breach of trust, and/or moral turpitude (see the financial responsibility, character and general fitness requirements of Section 7-3(3) of the Act). The notification shall describe fully all convictions and adverse judgments. The Director may take disciplinary action against any Mortgage Loan Originator for convictions and adverse judgments based upon failure to comply with Sections 7-3(1), (2), or (3) of the Act and may take disciplinary action against a Mortgage Loan Originator and/or employing licensee that fails to comply with the reporting requirement of this subsection (b)(1)(B).

- C) Each employing licensee shall provide notification to the Director through submitting a sponsor removal to the Nationwide Mortgage Licensing System and Registry, or other method approved by the Director, within 10 calendar days after the termination of a Mortgage Loan Originator's employment. The employing licensee may notify the Director of the reasons for the termination and, if applicable, the employing licensee also shall provide a report to the Director pursuant to Section 6-2(4) of the Act. The Director may take disciplinary action against an employing licensee that fails to comply with the reporting requirement of this subsection (b)(1)(C) or files a frivolous, false or misleading report under Section 6-2(4) of the Act.
- D) Each Mortgage Loan Originator shall notify the Director through the Nationwide Mortgage Licensing System and Registry, or other method approved by the Director, within 30 days if the Mortgage Loan Originator:
- i) has received notice about a lien against him or her or has filed for bankruptcy; or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- ii) becomes delinquent in child support, defaults on student loans, and/or is more than 30 days in arrears on Illinois taxes; or
- iii) changes his or her name, address, email or other identifying criteria.

E) The Director may take disciplinary action against a Mortgage Loan Originator who fails to notify the Director as required by subsection (b)(1)(D).

2) Inactive or Inoperative Status and Reactivation; Transfers

The Director may create categories of inactive or inoperative status. A Mortgage Loan Originator License shall be considered on inactive or inoperative status at any time a Mortgage Loan Originator is not actively employed by a licensee prior to the expiration date of the license. A Mortgage Loan Originator shall apply to the Director through the Nationwide Mortgage Licensing System and Registry, or other method approved by the Director, and include the transfer fee set forth in Section 1050.210, in order to transfer the sponsorship of his or her license to another employing licensee. A Mortgage Loan Originator cannot conduct licensable activities while on inactive or inoperative status or any time prior to the Director accepting the new sponsor in the Nationwide Mortgage Licensing System and Registry. When a Mortgage Loan Originator has been on inactive or inoperative status for more than 90 calendar days, prior to resuming active status, the Mortgage Loan Originator shall pay to the Director a Mortgage Loan Originator Reactivation Fee in the amount set forth in Section 1050.210. A Mortgage Loan Originator's inactive or inoperative status expires with the expiration of the license and any subsequent licensing shall require submission of a new license application and fee in the amount set forth in Section 1050.210.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

**Section 1050.610 Filing Requirements**

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On or before March 1 of each year, each licensee, except entities engaged solely in loan brokering activities and entities engaged solely in servicing activities, shall file an Annual Report of Mortgage Activity. On or before March 1 of each year, each licensee that brokers loans must file an Annual Report of Mortgage Brokerage Activity. On or before March 1 of each year, each licensee that services residential mortgage loans shall file an Annual Report of Mortgage Servicing Activity. On or before March 1 of each year, each licensee that purchases residential mortgage loans shall file an annual report of purchasing activity set forth in Section 1050.655.

The Director may require reporting by licensees of mortgage, mortgage brokerage, and mortgage servicing activities to the Nationwide Mortgage Licensing System and Registry, upon the dates established by the Nationwide Mortgage Licensing System and Registry.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.655 Annual Report of Purchasing Activity**

Each licensee that purchases residential mortgage loans shall file an Annual Report of Purchasing Activity. The Annual Report of Purchasing Activity shall include the names of originating entities, dollar amounts for each loan by property address or dollar amount of Illinois loans contained in a multi-state property portfolio and identifying the portfolio, a total dollar amount for all Illinois loans purchased, and other information required by the Director.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.660 Verification**

A notarized affidavit or oath, affirmation or declaration under penalty of perjury, attesting to the accuracy and truthfulness of the report must accompany each Annual Report of Mortgage Activity, Annual Report of Brokerage Activity and Annual Servicing Report, and Annual Report of Purchasing Activity submitted to the Director. This verification must be signed by the owner, if the licensee is a sole proprietorship; by all partners, if the licensee is a partnership; by two officers or all directors, if the licensee is a corporation; or by all members, if the licensee is an association.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: SERVICING

**Section 1050.840 Payment Processing**

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A licensee shall ~~make a good faith effort to~~ process and properly credit to a mortgage loan account any payment from a mortgagor on the same calendar date the payment is physically delivered, either in person or via United States Mail, at the address designated by the licensee for payments. No late fee shall be imposed if the licensee has received the mortgagor's payment in readily identifiable form by 5:00 p.m. on the day on which the payment is due in the amount, manner, location and time indicated by the mortgagee to avoid the imposition of late fees. Upon demand by the Department, the licensee shall produce documentation as to the date on which any payment in question was received by the licensee.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.870 Compliance with Other Laws**

Servicing and foreclosure procedures of a licensee shall comply with applicable federal and State statutes and regulations, including but not limited to, Section 15-1502.5 of the Illinois Mortgage Foreclosure Law [735 ILCS 5/15-1502.5].

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1050.1350 Compliance with Other Laws**

Commitment and closing procedures of a licensee shall comply with applicable Federal and State statutes and regulations, including but not limited to the following:

- a) The Interest Act [815 ILCS 205];
- b) Mortgage Escrow Account Act [765 ILCS 910];
- c) Consumer Fraud and Deceptive Business Practices Act [~~815~~205 ILCS 505].

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

**Section 1050.1790 Costs of Hearing**

In addition to the filing fees ~~as~~ set forth in Section 1050.210(f)~~Subpart A and except for hearings~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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~~to which Section 1050.2175 of this Part applies~~, each party to the hearing shall be required to pay its pro rata share of expenses, including, but not limited to, the hearing officer, witness and mileage fees, transcript and ~~such~~ other incidental costs ~~as may be~~ authorized by the hearing officer or by the Director, unless waived by the Director. In determining whether to waive ~~such~~ costs or a portion of costs, the Director shall consider the financial hardship upon the party.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART R: REGISTRATION OF LOAN ORIGINATORS

**Section 1050.2100 Mortgage Loan Originators; Applicability**

Pursuant to the implementation of the federal Secure and Fair Employment for Mortgage Licensing Act (SAFE Act) (12 USC 51 et seq.), this Subpart does not apply to mortgage loan originators licensed pursuant to Section 7-1A of the Illinois Residential Mortgage License Act of 1987.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update season dates and site-specific regulations, incorporate language providing Illinois residents preference for youth hunting lottery drawings on special hunt areas and to add language clarifying requirements for persons accompanying youth turkey hunters.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

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217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 710  
THE TAKING OF WILD TURKEYS – SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~16~~<sup>11</sup>-Friday, April ~~20, 2012~~<sup>15, 2011</sup>

2<sup>nd</sup> Season: Saturday, April ~~21~~<sup>16</sup>-Thursday, April ~~26, 2012~~<sup>21, 2011</sup>

3<sup>rd</sup> Season: Friday, April ~~27~~<sup>22</sup>-Wednesday, ~~April 27,~~<sup>May 2, 2012</sup>~~2011~~

4<sup>th</sup> Season: Thursday, ~~April 28~~<sup>May 3</sup>-Wednesday, May ~~9, 2012~~<sup>9, 2011</sup>

5<sup>th</sup> Season: Thursday, May ~~10~~<sup>5</sup>-Thursday, May ~~17, 2012~~<sup>12, 2011</sup>

## b) Southern Zone Season Dates:

1<sup>st</sup> Season: Monday, April ~~13~~<sup>9</sup>-Friday, April ~~13, 2012~~<sup>13, 2011</sup>

2<sup>nd</sup> Season: Saturday, April ~~14~~<sup>19</sup>-Thursday, April ~~19, 2012~~<sup>14, 2011</sup>

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- 3<sup>rd</sup> Season: Friday, April ~~2015~~-Wednesday, April ~~25, 2012~~~~20, 2011~~
- 4<sup>th</sup> Season: Thursday, April ~~26~~~~21~~-Wednesday, ~~May 2, 2012~~~~April 27,~~  
~~2011~~
- 5<sup>th</sup> Season: Thursday, ~~May 3~~~~April 28~~-Thursday, May ~~10, 2012~~~~5,~~  
~~2011~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey

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Jo Daviess  
Kankakee  
Kendall  
Knox  
La Salle  
Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

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SOUTHERN ZONE

- Alexander
- Bond
- Clay
- Clinton
- Crawford
- Edwards
- Effingham
- Fayette
- Franklin
- Hamilton
- Gallatin-Hardin
- Jackson
- Jasper
- Jefferson
- Johnson
- Lawrence
- Madison
- Marion
- Massac
- Monroe
- Perry
- Pope
- Pulaski
- Randolph
- Richland
- Saline
- St. Clair
- Union
- Wabash
- Washington
- Wayne
- White
- Williamson

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

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- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that are followed by a (1).
- c) Statewide regulations shall apply for the following sites:
  - Anderson Lake Conservation Area (1)
  - Argyle Lake State Park (1)
  - Cache River State Natural Area (1)
  - Campbell Pond Wildlife Management Area
  - Cape Bend State Fish and Wildlife Area (1)
  - Carlyle Lake Wildlife Management Area
  - Copperhead Hollow State Wildlife Area
  - Cypress Pond State Natural Area (1)
  - Deer Pond State Natural Area (1)
  - Devil's Island State Fish and Wildlife Area
  - Dog Island Wildlife Management Area (1)
  - Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)
  - Flag Pond State Natural Area

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Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

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Pere Marquette State Park (designated area only)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

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Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)

Butterfield Trail State Recreation Area (1)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (1)

Eldon Hazlet State Park

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

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Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (1)

Horseshoe Lake State Park (Madison County)

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)  
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before  
sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking

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lots) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (1)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park ~~(1)~~

Pyramid State Park – East Conant Unit

Rall Woods (Falling Down Prairie) State Natural Area (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting

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spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (1)

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Wayne Fitzgerald State Recreation Area

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates
  - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
  - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached their 16<sup>th</sup> birthday prior to the opening date of the youth season. Hunters must have an apprentice hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.
- d) Permit Requirements – Spring Youth Turkey Hunt
  - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).

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- 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.
  - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
  - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 5) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
  - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
  - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License must be~~Permit holder is required to be~~ accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession~~field by a parent/guardian or responsible adult who possesses~~ a valid Firearm Owners Identification (FOID) Card. An Illinois resident serving as a youth supervisor must have a valid FOID

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~~card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting license. The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer.~~ The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation Area

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Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)

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Pyramid State Park

Pyramid State Park – East Conant Unit

Rall Woods State Natural Area (1)

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Tapley Woods State Natural Area (1)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

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Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Winston Tunnel State Natural Area (1)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting)

Butterfield Trail State Recreation Area

Castle Rock State Park

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Iroquois County State Fish and Wildlife Area

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Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
Shelby County

Middlefork State Fish and Wildlife Area

Momence Wetlands

Sam Dale Lake State Fish and Wildlife Area

Sand Ridge State Forest

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: 201.175                      Proposed Action: New
- 4) Statutory Authority: Implementing and authorized by Section 9.14 of the Environmental Protection Act [415 ILCS 5/9.14].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency proposes to add a program allowing qualifying smaller sources to register as an alternative to permitting obligations. Owners and operators of qualifying sources would no longer be required to apply for construction or operating permits, await review of permit applications and issuance of a permit, pay construction and operating permit fees, or submit annual emissions report. Instead, qualifying owners or operators would pay an annual fee of \$235, submit initial and annual certification that the source continues to meet program criteria, and keep records supporting the certification.
- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should refer to docket R12-10 and be addressed to:

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John Therriault  
Clerk's Office  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R12-10 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). For more information, contact hearing officer Tim Fox at 312/814-6085 or e-mail [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipalities, or not-for-profit corporations that own or operate a qualifying source could be affected by the proposed amendments.
  - B) Reporting, bookkeeping or other procedures required for compliance: Owner or operators of qualifying sources will have the same or fewer requirements for reporting, bookkeeping, or recordkeeping.
  - C) Types of Professional skills necessary for compliance: It is not anticipated that any additional skills will be necessary for compliance, as the goal of small source registration is to reduce the administrative requirements for owners or operators of qualifying units, while maintaining environmental effectiveness of substantive emissions requirements for these sources.
- 14) Regulatory Agenda in which these amendments were summarized: January 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201  
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

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## SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units
<u>201.175</u>	<u>Registration of Smaller Sources (ROSS)</u>

SUBPART E: SPECIAL PROVISIONS FOR OPERATING  
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

## SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants

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- 201.210 Categories of Insignificant Activities or Emission Levels
- 201.211 Application for Classification as an Insignificant Activity
- 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

## SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND  
PROJECT COMPLETION SCHEDULES

## Section

- 201.241 Contents of Compliance Program
- 201.242 Contents of Project Completion Schedule
- 201.243 Standards for Approval
- 201.244 Revisions
- 201.245 Effects of Approval
- 201.246 Records and Reports
- 201.247 Submission and Approval Dates

## SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

## Section

- 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
- 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
- 201.263 Records and Reports
- 201.264 Continued Operation or Startup Prior to Granting of Operating Permit
- 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

## SUBPART J: MONITORING AND TESTING

## Section

- 201.281 Permit Monitoring Equipment Requirements
- 201.282 Testing
- 201.283 Records and Reports

## SUBPART K: RECORDS AND REPORTS

## POLLUTION CONTROL BOARD

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Section	
201.301	Records
201.302	Reports

## SUBPART L: CONTINUOUS MONITORING

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing by Sections 9.14, 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.14, 10, 27, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## POLLUTION CONTROL BOARD

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## SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

**Section 201.175 Registration of Smaller Sources (ROSS)**

- a) An owner or operator of an eligible source may annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act. The source must meet all of the following criteria to be an eligible source:
- 1) Pursuant to Section 9.14 of the Act:
    - A) The source must not be required to obtain a permit pursuant to the Clean Air Act Permit program, or federally enforceable State operating permit, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;
    - B) USEPA has not otherwise determined that a permit is required;
    - C) The source emits less than an actual 5 TPY of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
    - D) The source emits less than an actual 0.5 TPY of combined hazardous air pollutant emissions;
    - E) The source emits less than an actual 0.05 TPY of mercury air emissions;
    - F) The source emits less than an actual 0.05 TPY of lead air emissions; and
    - G) The source does not have an emission unit or source subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as "area source".
  - 2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728. Table F or as incinerator systems.

## POLLUTION CONTROL BOARD

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- b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:
- 1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for any 12 consecutive months within the most recent 24 months. If the source is new, or has been operating less than 12 months, projected estimated emissions may be used for all or the remaining months, respectively.
  - 2) Annual renewal of registration:
    - A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year and, if the summed actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year are greater than 7 tons, or if the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from the prior two calendar years are greater than 10 tons, the owner or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.
    - B) For the purposes of determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator must sum the actual emissions from all units at the source for the prior calendar year and, if the summed emissions of HAPs, mercury or lead are equal to or exceed the 0.5 or 0.05 TPY for the prior calendar year, respectively, the owner or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.

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- c) The following must be included in each registration and each renewal of registration:
- 1) The name, address, and telephone number of the source and of the person responsible for submitting and retaining copies of the registration information and the records;
  - 2) A statement that the source meets the requirements of this Section;
  - 3) A certification that the information submitted in subsections (c)(1) and (c)(2) of this Section is correct or a correction of the information; and
  - 4) Fees:
    - A) Initial registration by owners and operators of permitted sources is not required to include a fee unless the submittal of registration coincides with the source's annual billing date.
    - B) Initial registration by owners and operators of new sources must include the applicable fee required by Section 9.14 of the Act.
    - C) Renewal of registration must include the applicable fee pursuant to Section 9.14 of the Act.
- d) The owner or operator of an eligible source shall submit the registration required by subsection (c) of this Section as follows:
- 1) Initial registration:
    - A) Owners and operators of sources holding permits may register after the effective date of this Section.
    - B) Owners and operators of new sources shall register 90 days before commencing operation.
  - 2) Renewal of registration. Owners and operators must renew registration annually on or before the source's billing date.

## POLLUTION CONTROL BOARD

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- e) The following records shall be kept and made available for inspection by the Agency for at least 5 calendar years:
- 1) A description of the emission units associated with the source and their associated control devices;
  - 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsections (a) and (b) of this Section;
  - 3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a) and (b) of this Section; and
  - 4) A copy of the source's initial registration and annual renewal of registration.
- f) Changes to an eligible source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) of this Section changes.
- g) Changes to the source requiring a permit:
- 1) If the source fails to meet the criteria in subsections (a) and (b) of this Section due to a change in operation, the owner or operator must apply for a permit within 90 days prior to the source's annual registration date.
  - 2) If the owner or operator modifies the equipment or constructs new equipment associated with the source, so that the source is no longer eligible for ROSS pursuant to the requirements in subsections (a) and (b) of this Section, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code 201 and 203.
  - 3) If the source fails to meet the criteria in subsection (a) of this Section because of a change in a regulation or statutory requirement or a new regulation or statutory requirement, the owner or operator must apply for a permit within 90 days prior to the source's annual registration date or the date required by new regulation or statute, whichever is earlier.

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- h) Reentry into ROSS: the owner or operator of a source that obtained an operating permit pursuant to subsection (g) of this Section may register for ROSS if the source meets the criteria in subsections (a) and (b)(1) of this Section in the prior calendar year.

(Source: Added at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
217.152	Amend
217.154	Amend
217.157	Amend
217.158	Amend
217.164	Amend
217.184	Amend
217.204	Amend
217.224	Amend
217.244	Amend
217.344	Amend
217.APPENDIX H	Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) Effective Date of Amendments: August 22, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 22, 2011; 35 Ill. Reg. 6770
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.

## POLLUTION CONTROL BOARD

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

14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
217.451	New	35 Ill. Reg. 8363; June 3, 2011
217.454	Amend	35 Ill. Reg. 8363; June 3, 2011
217.456	Amend	35 Ill. Reg. 8363; June 3, 2011

15) Summary and Purpose of Amendments: For a more detailed description of this rulemaking, please see the Board's August 18, 2011 opinion and order adopting these rules. In The Matter Of: Illinois Environmental Regulatory Group's Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217 (R11-24).

The adopted amendments modify the date for compliance with the requirements of various subparts of this Part, which contain provisions relating to the control of nitrogen oxides emissions from various source categories, including emission units within these source categories such as industrial boilers, process heaters, glass-melting furnaces, cement kilns, lime kilns, furnaces used in steel-making and aluminum-melting, and fossil-fuel-fired stationary boilers. This rulemaking extends the compliance date for the requirements under Subparts D, E, F, G, H, I, and M of Part 217 from January 1, 2012, to January 1, 2015, and as such, satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements under Sections 172 and 182 of the Clean Air Act for major stationary sources of Nitrogen Oxides (NO<sub>x</sub>) in areas designated as nonattainment with respect to the National Ambient Air Quality Standards. The proposal also amends Appendix H by striking ExxonMobil Oil Corporation and its units and the units of ConocoPhillips Company Wood River Refinery that include compliance dates before January 1, 2015.

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

Daniel Robertson  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

312/814-6931  
RobertsD@ipcb.state.il.us

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Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R11-24 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

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SUBTITLE B: AIR POLLUTION  
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FOR STATIONARY SOURCES

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NITROGEN OXIDES EMISSIONS

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- 217.APPENDIX F Allowances for Electrical Generating Units  
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217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective May 6, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011.

SUBPART D: NO<sub>x</sub> GENERAL REQUIREMENTS**Section 217.152 Compliance Date**

- a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, ~~2015~~2012.
- b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31, 2014, if the unit is required to meet emissions limitations for NO<sub>x</sub>, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before May 7, 2010, whereby the emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.
- c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, ~~2015~~2012, except that

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the owner or operator of emission units listed in Appendix H must comply with the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

**Section 217.154 Performance Testing**

- a) Performance testing of NO<sub>x</sub> emissions for emission units constructed on or before July 1, ~~20142011~~, and subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1). This subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system.
- b) Performance testing of NO<sub>x</sub> emissions for emission units for which construction or modification occurs after July 1, ~~20142011~~, and that are subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted within 60 days after achieving maximum operating rate but no later than 180 days after initial startup of the new or modified emission unit, in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1), this subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system, predictive emission monitoring system, or combustion tuning.
- c) Notification of the initial startup of an emission unit subject to subsection (b) of this Section must be provided to the Agency no later than 30 days after initial startup.

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- d) The owner or operator of an emission unit subject to subsection (a) or (b) of this Section must notify the Agency of the scheduled date for the performance testing in writing at least 30 days before such date and five days before such date.
- e) If demonstrating compliance through an emissions averaging plan, at least 30 days before changing the method of compliance, the owner or operator of an emission unit must submit a written notification to the Agency describing the new method of compliance, the reason for the change in the method of compliance, and the scheduled date for performance testing, if required. Upon changing the method of compliance, the owner or operator of an emission unit must submit to the Agency a revised compliance certification that meets the requirements of Section 217.155.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

**Section 217.157 Testing and Monitoring**

- a) Industrial Boilers and Process Heaters
  - 1) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with 40 CFR 75, as incorporated by reference in Section 217.104. However, the owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr that combusts blast furnace gas with up to 10% natural gas on an annual basis and located at a source that manufactures iron and steel is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on that industrial boiler, provided the heat input from natural gas does not exceed 10% on an annual basis and the owner or operator complies with the performance test requirements under this Section and demonstrates, during each performance test, that NO<sub>x</sub> emissions from the industrial boiler are less than 70% of the applicable emissions limitation under Section 217.164. In the event the owner or operator is unable to meet the requirements of this exception, a continuous emissions monitoring system is required within 12 months after that event, or by January 1, 2015~~December 31, 2012~~, whichever is later.

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- 2) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 100 mmBtu/hr but less than or equal to 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.
- 3) The owner or operator of a process heater subject to Subpart F of this Part with a rated heat input capacity greater than 100 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.
- 4) If demonstrating compliance through an emissions averaging plan, the owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr and not demonstrating compliance through a continuous emissions monitoring system must have an initial performance test conducted pursuant to subsection (a)(4)(B) of this Section and Section 217.154.
  - A) An owner or operator of an industrial boiler or process heater must have subsequent performance tests conducted pursuant to subsection (a)(4)(B) of this Section at least once every five years. When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.164 or 217.184, as applicable, the owner or operator of an industrial boiler or process heater must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
  - B) The owner or operator of an industrial boiler or process heater must have a performance test conducted using 40 CFR 60, subpart

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A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO<sub>x</sub> emissions must be measured while the industrial boiler is operating at maximum operating capacity or while the process heater is operating at normal maximum load. If the industrial boiler or process heater has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. If a combination of fuels is typically used, a performance test may be conducted, with Agency approval, on such combination of fuels typically used. Except as provided under subsection (e) of this Section, this subsection (a)(4)(B) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (a)(1), (a)(2), (a)(3), or (a)(5) of this Section.

- 5) Instead of complying with the requirements of subsection (a)(4) of this Section, an owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr may install and operate a continuous emissions monitoring system on such emission unit in accordance with the applicable requirements of 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.
- 6) Notwithstanding subsection (a)(2) of this Section, the owner or operator of an auxiliary boiler subject to Subpart E of this Part with a rated heat input capacity less than or equal to 250 mmBtu/hr and a capacity factor of less than or equal to 20% is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on such boiler for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere, but must comply with the performance test requirements under subsection (a)(4) of this Section.

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- b) Glass Melting Furnaces; Cement Kilns; Lime Kilns; Iron and Steel Reheat, Annealing, and Galvanizing Furnaces; and Aluminum Reverberatory and Crucible Furnaces
- 1) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO<sub>x</sub> in an amount equal to or greater than one ton per day must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.
  - 2) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO<sub>x</sub> in an amount less than one ton per day must have an initial performance test conducted pursuant to subsection (b)(4) of this Section and Section 217.154.
  - 3) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO<sub>x</sub> in an amount less than one ton per day must have subsequent performance tests conducted pursuant to subsection (b)(4) of this Section as follows:
    - A) For all glass melting furnaces subject to Subpart G of this Part, cement kilns or lime kilns subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnaces subject to Subpart I of this Part, including all such units included in an emissions averaging plan, at least once every five years; and

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- B) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.204, 217.224, or 217.244 of this Part, as applicable, the owner or operator of a glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
- 4) The owner or operator of a glass melting furnace, cement kiln, or lime kiln must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Methods 1, 2, 3, 4, and 7E, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. The owner or operator of an iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO<sub>x</sub> emissions must be measured while the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace is operating at maximum operating capacity. If the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. Except as provided under subsection (e) of this Section, this subsection (b)(4) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (b)(1) or (b)(5) of this Section.
- 5) Instead of complying with the requirements of subsections (b)(2), (b)(3), and (b)(4) of this Section, an owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing

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furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO<sub>x</sub> in an amount less than one ton per day may install and operate a continuous emissions monitoring system on such emission unit in accordance with the applicable requirements of 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104 of this Part. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

- c) Fossil Fuel-Fired Stationary Boilers. The owner or operator of a fossil fuel-fired stationary boiler subject to Subpart M of this Part must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with 40 CFR 96, subpart H.
- d) Common Stacks. If two or more emission units subject to Subpart E, F, G, H, I, M, or Q of this Part are served by a common stack and the owner or operator of such emission units is operating a continuous emissions monitoring system, the owner or operator may, with written approval from the Agency, utilize a single continuous emissions monitoring system for the combination of emission units subject to Subpart E, F, G, H, I, M, or Q of this Part that share the common stack, provided such emission units are subject to an emissions averaging plan under this Part.
- e) Compliance with the continuous emissions monitoring system (CEMS) requirements by an owner or operator of an emission unit who is required to install, calibrate, maintain, and operate a CEMS on the emission unit under subsection (a)(1), (a)(2), (a)(3), or (b)(1) of this Section, or who has elected to comply with the CEMS requirements under subsection (a)(5) or (b)(5) of this Section, or who has elected to comply with the predictive emission monitoring system (PEMS) requirements under subsection (f) of this Section, is required by the applicable compliance date under Section 217.152 of this Subpart, following dates:
- 1) ~~For the owner or operator of an emission unit that is subject to a compliance date in calendar year 2012 under Section 217.152, compliance with the CEMS or PEMS requirements, as applicable, under this Section~~

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~~for such emission unit is required by December 31, 2012, provided that, during the time between the compliance date and December 31, 2012, the owner or operator must comply with the applicable performance test requirements under this Section and the applicable recordkeeping and reporting requirements under this Subpart. For the owner or operator of an emission unit that is in compliance with the CEMS or PEMS requirements, as applicable, under this Section on January 1, 2012, such owner or operator is not required to comply with the performance test requirements under this Section.~~

~~2) For the owner or operator of an emission unit that is subject to a compliance date in a calendar year other than calendar year 2012 under Section 217.152 of this Subpart, compliance with the CEMS or PEMS requirements, as applicable, under this Section for such emission unit is required by the applicable compliance date, and such owner or operator is not required to comply with the performance test requirements under this Section.~~

- f) As an alternative to complying with the requirements of this Section, other than the requirements under subsections (a)(1) and (c) of this Section, the owner or operator of an emission unit who is not otherwise required by any other statute, regulation, or enforceable order to install, calibrate, maintain, and operate a CEMS on the emission unit may comply with the specifications and test procedures for a predictive emission monitoring system (PEMS) on the emission unit for the measurement of NO<sub>x</sub> emissions discharged into the atmosphere in accordance with the requirements of 40 CFR 60, subpart A and appendix B, Performance Specification 16. The PEMS must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

**Section 217.158 Emissions Averaging Plans**

- a) Notwithstanding any other emissions averaging plan provisions under this Part, an owner or operator of a source with certain emission units subject to Subpart E, F, G, H, I, or M of this Part, or subject to Subpart Q of this Part that are located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii), may demonstrate compliance with the applicable Subpart through an emissions

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averaging plan. An emissions averaging plan can only address emission units that are located at one source and each unit may only be covered by one emissions averaging plan. Such emission units at the source are affected units and are subject to the requirements of this Section.

- 1) The following units may be included in an emissions averaging plan:
  - A) Units that commenced operation on or before January 1, 2002.
  - B) Units that the owner or operator may claim as exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, but does not claim exempt. For as long as such a unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emissions limitations, and testing, monitoring, recordkeeping and reporting requirements.
  - C) Units that commence operation after January 1, 2002, if the unit replaces a unit that commenced operation on or before January 1, 2002, or it replaces a unit that replaced a unit that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO<sub>x</sub> emissions on an annual basis than the actual NO<sub>x</sub> emissions of the unit or units that are replaced. Within 90 days after permanently shutting down a unit that is replaced, the owner or operator of such unit must submit a written request to withdraw or amend the applicable permit to reflect that the unit is no longer in service before the replacement unit may be included in an emissions averaging plan.
- 2) The following types of units may not be included in an emissions averaging plan:
  - A) Units that commence operation after January 1, 2002, except as provided by subsection (a)(1)(C) of this Section.
  - B) Units that the owner or operator is claiming are exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable.

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- C) Units that are required to meet emission limits or control requirements for NO<sub>x</sub> as provided for in an enforceable order, unless the order allows for emissions averaging. In the case of petroleum refineries, this subsection (a)(2)(C) does not prohibit including industrial boilers or process heaters, or both, in an emissions averaging plan when an enforceable order does not prohibit the reductions made under the order from also being used for compliance with any rules or regulations designed to address regional haze or the non-attainment status of any area.
- b) An owner or operator must submit an emissions averaging plan to the Agency by January 1, ~~2015~~<sup>2012</sup>. The plan must include, but is not limited to, the following:
- 1) The list of affected units included in the plan by unit identification number; and
  - 2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for the ozone season (May 1 through September 30) and calendar year (January 1 through December 31).
- c) An owner or operator may amend an emissions averaging plan only once per calendar year. Such an amended plan must be submitted to the Agency by January 1 of the applicable calendar year. If an amended plan is not received by the Agency by January 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.
- d) Notwithstanding subsection (c) of this Section:
- 1) If a unit that is listed in an emissions averaging plan is taken out of service, the owner or operator must submit to the Agency, within 30 days after such occurrence, an updated emissions averaging plan; or
  - 2) If a unit that was exempt from the requirements of Subpart E, F, G, H, I, or M of this Part pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, no longer qualifies for an exemption, the owner or operator may amend its existing averaging plan

## POLLUTION CONTROL BOARD

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to include such unit within 30 days after the unit no longer qualifies for the exemption.

- e) An owner or operator must:
- 1) Demonstrate compliance for the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b) of this Section, the monitoring data or test data determined pursuant to Section 217.157, and the actual hours of operation for the applicable averaging plan period; and
  - 2) Submit to the Agency, by March 1 following each calendar year, a compliance report containing the information required by Section 217.156(i).
- f) The total mass of actual NO<sub>x</sub> emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO<sub>x</sub> emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$N_{act} \leq N_{all}$$

Where:

$$N_{act} = \sum_{i=1}^n \sum_{j=1}^k EM_{act(i,j)}$$

$$N_{all} = \sum_{i=1}^n \sum_{j=1}^k EM_{all(i,j)}$$

$N_{act}$  = Total sum of the actual NO<sub>x</sub> mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

$N_{all}$  = Total sum of the allowable NO<sub>x</sub> mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

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- $EM_{act(i)}$  = Total mass of actual NO<sub>x</sub> emissions in tons for a unit as determined in subsection (f)(1) of this Section.
- i = Subscript denoting an individual unit.
- j = Subscript denoting the fuel type used.
- k = Number of different fuel types.
- n = Number of different units in the averaging plan.
- $EM_{all(i)}$  = Total mass of allowable NO<sub>x</sub> emissions in tons for a unit as determined in subsection (f)(2) of this Section.

For each unit in the averaging plan, and each fuel used by such unit, determine actual and allowable NO<sub>x</sub> emissions using the following equations:

- 1) Actual emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{act(i)} = E_{act(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{act(i)} = E_{act(i)} \times P_i / 2000$$

- 2) Allowable emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{all(i)} = E_{all(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{all(i)} = E_{all(i)} \times P_i / 2000$$

Where:

$$EM_{act(i)} = \text{Total mass of actual NO}_x \text{ emissions in tons for a unit.}$$

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- $EM_{all(i)}$  = Total mass of allowable NO<sub>x</sub> emissions in tons for a unit.
- $E_{act}$  = Actual NO<sub>x</sub> emission rate (lbs/mmBtu or lbs/ton of product) as determined by a performance test, a continuous emissions monitoring system, or an alternative method approved by the Agency.
- $E_{all}$  = Allowable NO<sub>x</sub> emission rate (lbs/mmBtu or lbs/ton of product) as provided in Section 217.164, 217.184, 217.204, 217.224, 217.244, or 217.344, as applicable. For an affected industrial boiler subject to Subpart E of this Part, or process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr demonstrating compliance through an emissions averaging plan, the allowable NO<sub>x</sub> emission rate is to be determined from a performance test after such boiler or heater has undergone combustion tuning. For all other units in an emissions averaging plan, an uncontrolled NO<sub>x</sub> emission rate from USEPA's AP-42, as incorporated by reference in Section 217.104, or an uncontrolled NO<sub>x</sub> emission rate as determined by an alternative method approved by the Agency, will be used.
- H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.
- P = weight in tons of processed product.

- g) An owner or operator of an emission unit subject to Subpart Q of this Part that is located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii) that is complying through an emissions averaging plan under this Section must comply with the applicable provisions for determining actual and allowable emissions under Section 217.390, the testing and monitoring requirements under Section 217.394, and the recordkeeping and reporting requirements under Section 217.396.
- h) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when an emission unit included in the emissions

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averaging plan is shut down for a maintenance turnaround, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the shutdown of the emission unit for the maintenance turnaround and the shutdown of the emission unit does not exceed 45 days per ozone season or calendar year and NO<sub>x</sub> pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

- i) The owner or operator of an emission unit that combusts a combination of coke oven gas and other gaseous fuels and that is located at a source that manufactures iron and steel who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when the coke oven gas desulfurization unit included in the emissions averaging plan is shut down for maintenance, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the shutdown of the coke oven gas desulfurization unit for maintenance and such shutdown does not exceed 35 days per ozone season or calendar year and NO<sub>x</sub> pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance period.
- j) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when NO<sub>x</sub> pollution control equipment that controls one or more emission units included in the emissions averaging plan is shut down for a maintenance turnaround, provided that:
  - 1) the owner or operator notify the Agency in writing, at least 30 days in advance of the shutdown, of the NO<sub>x</sub> pollution control equipment for the maintenance turnaround;
  - 2) the shutdown of the NO<sub>x</sub> pollution control equipment does not exceed 45 days per ozone season or calendar year; and
  - 3) except for those emission units vented to the NO<sub>x</sub> pollution control equipment undergoing the maintenance turnaround, NO<sub>x</sub> pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

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## SUBPART E: INDUSTRIAL BOILERS

**Section 217.164 Emissions Limitations**

- a) Except as provided for under Section 217.152, on and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any industrial boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No <sub>x</sub> Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Industrial boiler greater than 100	0.08
	Industrial boiler less than or equal to 100	Combustion tuning
Distillate Fuel Oil	Industrial boiler greater than 100	0.10
	Industrial boiler less than or equal to 100	Combustion tuning
Other Liquid Fuels	Industrial boiler greater than 100	0.15
	Industrial boiler less than or equal to 100	Combustion tuning
Solid Fuel	Industrial boiler greater than 100, circulating fluidized bed combustor	0.12

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Industrial boiler greater than 250	0.18
Industrial boiler greater than 100 but less than or equal to 250	0.25
Industrial boiler less than or equal to 100	Combustion tuning

- b) For an industrial boiler combusting a combination of natural gas, coke oven gas, and blast furnace gas, the NO<sub>x</sub> emissions limitation shall be calculated using the following equation:

$$\text{NO}_x \text{ emissions limitation for period in lb/mmBtu} = \frac{(NO_{x_{NG}} * Btu_{NG}) + (NO_{x_{COG}} * Btu_{COG}) + (NO_{x_{BFG}} * Btu_{BFG})}{Btu_{NG} + Btu_{COG} + Btu_{BFG}}$$

Where:

- $NO_{x_{NG}}$  = 0.084 lb/mmBtu for natural gas
- $Btu_{NG}$  = the heat input of natural gas in Btu over that period
- $NO_{x_{COG}}$  = 0.144 lb/mmBtu for coke oven gas
- $Btu_{COG}$  = the heat input of coke oven gas in Btu over that period
- $NO_{x_{BFG}}$  = 0.0288 lb/mmBtu for blast furnace gas
- $Btu_{BFG}$  = the heat input of blast furnace gas in Btu over that period

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## SUBPART F: PROCESS HEATERS

**Section 217.184 Emissions Limitations**

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Except as provided for under Section 217.152, on or after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any process heater to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No <sub>x</sub> Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Process heater greater than 100	0.08
	Process heater less than or equal to 100	Combustion tuning
Residual Fuel Oil	Process heater greater than 100, natural draft	0.10
	Process heater greater than 100, mechanical draft	0.15
	Process heater less than or equal to 100	Combustion tuning
Other Liquid Fuels	Process heater greater than 100, natural draft	0.05
	Process heater greater than 100, mechanical draft	0.08
	Process heater less than or equal to 100	Combustion tuning

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## SUBPART G: GLASS MELTING FURNACES

**Section 217.204 Emissions Limitations**

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- a) On and after January 1, ~~2015~~~~2012~~, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any glass melting furnace to exceed the following limitations. Compliance must be demonstrated with the emissions limitation on an ozone season and annual basis.

Product	Emission Unit Type	No <sub>x</sub> Emissions Limitation (lb/ton glass produced)
Container Glass	Glass melting furnace	5.0
Flat Glass	Glass melting furnace	7.9
Other Glass	Glass melting furnace	11.0

- b) The emissions during glass melting furnace startup (not to exceed 70 days) or furnace idling (operation at less than 35% of furnace capacity) shall be excluded from calculations for the purpose of demonstrating compliance with the seasonal and annual emissions limitations under this Section, provided that the owner or operator, at all times, including periods of startup and idling, to the extent practicable, maintain and operate any affected emission unit, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. The owner or operator of a glass melting furnace must maintain records that include the date, time, and duration of any startup or idling in the operation of the glass melting furnace.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## SUBPART H: CEMENT AND LIME KILNS

**Section 217.224 Emissions Limitations**

- a) On and after January 1, ~~2015~~~~2012~~, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any cement kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No <sub>x</sub> Emissions Limitation (lb/ton clinker produced)
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Long dry kiln	5.1
Short dry kiln	5.1
Preheater kiln	3.8
Preheater/precalciner kiln	2.8

- b) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any lime kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type	No <sub>x</sub> Emissions Limitation (lb/ton lime produced)
Gas	Rotary kiln	2.2
Coal	Rotary kiln	2.5

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

**Section 217.244 Emissions Limitations**

- a) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any reheat furnace, annealing furnace, or galvanizing furnace used in iron and steel making to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No <sub>x</sub> Emissions Limitation (lb/mmBtu)
Reheat furnace, regenerative	0.18
Reheat furnace, recuperative, combusting natural gas	0.09

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Reheat furnace, recuperative, combusting a combination of natural gas and coke oven gas	0.142
Reheat furnace, cold-air	0.03
Annealing furnace, regenerative	0.38
Annealing furnace, recuperative	0.16
Annealing furnace, cold-air	0.07
Galvanizing furnace, regenerative	0.46
Galvanizing furnace, recuperative	0.16
Galvanizing furnace, cold air	0.06

- b) On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any reverberatory furnace or crucible furnace used in aluminum melting to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

<u>Emission Unit Type</u>	<u>No<sub>x</sub> Emissions Limitation (lb/mmBtu)</u>
Reverberatory furnace	0.08
Crucible furnace	0.16

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## SUBPART M: ELECTRICAL GENERATING UNITS

**Section 217.344 Emissions Limitations**

On and after January 1, ~~2015~~2012, no person shall cause or allow emissions of NO<sub>x</sub> into the atmosphere from any fossil fuel-fired stationary boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

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Fuel	Emission Unit Type	No <sub>x</sub> Emissions Limitation (lb/mmBtu)
Solid	Boiler	0.12
Natural gas	Boiler	0.06
Liquid	Boiler that commenced operation before January 1, 2008	0.10
	Boiler that commenced operation on or after January 1, 2008	0.08

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

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**Section 217.APPENDIX H Compliance Dates for Certain Emission Units at Petroleum Refineries**~~ExxonMobil Oil Corporation (Facility ID 197800AAA)~~

<del>Point</del>	<del>Emission Unit Description</del>	<del>Compliance Date</del>
<del>0019</del>	<del>Crude Vacuum Heater (13-B-2)</del>	<del>December 31, 2014</del>
<del>0038</del>	<del>Alky Iso Strripper Reboiler (7-B-1)</del>	<del>December 31, 2014</del>
<del>0033</del>	<del>CHD Charge Heater (3-B-1)</del>	<del>December 31, 2014</del>
<del>0034</del>	<del>CHD Strripper Reboiler (3-B-2)</del>	<del>December 31, 2014</del>
<del>0021</del>	<del>Coker East Charge Heater (16-B-1A)</del>	<del>December 31, 2014</del>
<del>0021</del>	<del>Coker East Charge Heater (16-B-1B)</del>	<del>December 31, 2014</del>
<del>0018</del>	<del>Crude Atmospheric Heater (1-B-1A)</del>	<del>December 31, 2014</del>
<del>0018</del>	<del>Crude Atmospheric Heater (1-B-1B)</del>	<del>December 31, 2014</del>

## ConocoPhillips Company Wood River Refinery (Facility ID 119090AAA)

<del>Point</del>	<del>Emission Unit Description</del>	<del>Compliance Date</del>
<del>0017</del>	<del>BEU-HM-1</del>	<del>December 31, 2012</del>
<del>0018</del>	<del>BEU-HM-2</del>	<del>December 31, 2012</del>
<del>0004</del>	<del>CR-1 Feed Preheat, H-1</del>	<del>December 31, 2012</del>
<del>0005</del>	<del>CR-1 1<sup>st</sup> Interreactor Heater, H-2</del>	<del>December 31, 2012</del>
<del>0009</del>	<del>CR-1 3<sup>rd</sup> Interreactor Heater, H-7</del>	<del>December 31, 2012</del>
<del>0091</del>	<del>CR-3 Charge Heater</del>	<del>December 31, 2012</del>
<del>0092</del>	<del>CR-3 1<sup>st</sup> Reheat Heater, H-5</del>	<del>December 31, 2012</del>
<del>0082</del>	<del>Boiler 17</del>	<del>December 31, 2012</del>
<del>0080</del>	<del>Boiler 15</del>	<del>December 31, 2012</del>
<del>0073</del>	<del>Alky-HM-2 Heater</del>	<del>December 31, 2012</del>
<del>0662</del>	<del>VF-4 Charge Heater, H-28</del>	<del>December 31, 2012</del>
<del>0664</del>	<del>DU-4 Charge Heater, H-24</del>	<del>December 31, 2014</del>
<del>0617</del>	<del>DCU Charge Heater, J-20</del>	<del>December 31, 2014</del>
0014	HCU Fractionator Reboil, H-3	December 31, 2016
0024	DU-1 Primary Heater South, F-301	December 31, 2016

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0025	DU-1 Secondary Heater North, F-302	December 31, 2016
0081	Boiler 16	December 31, 2016
0083	Boiler 18	December 31, 2016
0095	DHT Charge Heater	December 31, 2016
0028	DU-2 Lube Crude Heater, F-200	December 31, 2016
0029	DU-2 Mixed Crude Heater West, F-202	December 31, 2016
0030	DU-2 Mixed Crude Heater East, F-203	December 31, 2016
0084	CR-2 North Heater	December 31, 2016
0661	CR-2 South Heater	December 31, 2016

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois
- 2) Code Citation: 74 Ill. Adm. Code 740
- 3) Section Number: 740.20                      Adopted Action: Amendment
- 4) Statutory Authority: Authorized by and implementing Section 17 of the State Treasurer Act [15 ILCS 505/17]
- 5) Effective Date of Rulemaking: August 17, 2011
- 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: 35 Ill. Reg. 8795; January 10, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: JCAR made numerous non-substantive editing changes that have been incorporated into the final version of the administrative rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes. A companion emergency rulemaking became effective on May 26, 2011 but was suspended by the Joint Committee on Administrative Rules, effective July 14, 2011. The Committee withdrew the Suspension, effective August 17, 2011, to coincide with adoption of this rulemaking.
- 14) Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking: The underlying administrative rule establishes an administrative fee floor of 5 basis points and requires notification to the participants of any changes in the administrative fee. The amendment removes the administrative fee floor of 5 basis points, which will allow the Treasurer to reduce the amount of administrative fees charged to program participants. The amendment also removes the notification requirement to program participants of any administrative rule changes; however, the Treasurer is still required to notify participants of any administrative fee that is above 5 basis points.

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

Bradley A. Rightnowar  
Assistant General Counsel  
Illinois State Treasurer Dan Rutherford  
1 West Old State Capitol Plaza  
Springfield, Illinois 62701

217/557-9360

[brightnowar@treasurer.state.il.us](mailto:brightnowar@treasurer.state.il.us)

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

## OFFICE OF THE TREASURER

## NOTICE OF ADOPTED AMENDMENT

TITLE 74: PUBLIC FINANCE  
CHAPTER V: TREASURER

## PART 740

ILLINOIS PUBLIC TREASURERS' INVESTMENT POOL FOR PUBLIC  
TREASURERS IN THE STATE OF ILLINOIS

## Section

740.5	Definitions
740.10	Eligibility Requirements
740.20	Participation Requirements
740.30	Custodial Account

**AUTHORITY:** Authorized by and implementing Section 17 of the State Treasurer Act [15 ILCS 505/17].

**SOURCE:** Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois, effective December 29, 1977; codified at 5 Ill. Reg. 11090; amended at 17 Ill. Reg. 6663, effective April 19, 1993; amended at 25 Ill. Reg. 14527, effective October 23, 2001; emergency amendment at 35 Ill. Reg. 8893, effective May 26, 2011, for a maximum of 150 days; emergency amendment suspended at 35 Ill. Reg. 12832, effective July 14, 2011; suspension withdrawn at 35 Ill. Reg. 14862, effective August 17, 2011; amended at 35 Ill. Reg. 14659, effective August 17, 2011.

**Section 740.20 Participation Requirements**

- a) Any funds on deposit with IPTIP's Money Market Fund may be withdrawn if a withdrawal notification is received by the custodian by 11:00 a.m. on the day on which the funds are to be withdrawn. If the withdrawal notification is received after 11:00 a.m., the funds must be available no later than the next business day. The administrator shall require that funds on deposit with IPTIP's Prime Fund be deposited for a minimum of 30 days and shall require a seven-day notice of withdrawal of funds from the Prime Fund. The administrator may assess penalties if the requirements are not met.
- b) Interest income will be computed daily, paid monthly and reinvested in the participant's account or distributed to the participant. Cash or wired funds received by 11:00 a.m. on any business day begin earning interest on that day. Checks representing good funds begin earning interest if received before 11:00

## OFFICE OF THE TREASURER

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a.m. on that day. Checks representing good funds that are received after 11:00 a.m. may not begin earning interest until the next business day after receipt.

- c) Administrative fees will be charged to the participants. ~~The~~~~Such~~ administrative fees will be determined by the State Treasurer and paid from earnings of IPTIP, and interest earnings in excess of ~~such~~ expenses shall be credited or paid to participants in a manner that equitably reflects the differing amounts of their respective investments in IPTIP and the differing periods of time for which ~~thosesuch~~ amounts were in the custody of IPTIP when ~~thesuch~~ surplus exceeds the projected administrative expenses for the following year. In determining the administrative fee, the Treasurer shall weigh the following factors:
- 1) the total asset size of the IPTIP Pool;
  - 2) projected cash flows; and
  - 3) anticipated administrative and management expenses. The Treasurer shall notify all participants of any ~~increase~~~~change~~ in the administrative fee above 5 basis points. In no event shall the administrative fee exceed 25 basis points ~~or be less than 5 basis points~~ (annualized), calculated on a daily basis. One basis point equals .01% - 1/100<sup>th</sup> of a percent.
- d) Minimum time for participation in the Money Market Fund is one day and the minimum time for participation in the Prime Fund is 30 days. Each deposit or withdrawal must be no less than \$1.00.
- e) Each participant will be permitted to invest in any or all investment accounts.
- f) The Treasurer shall have the authority, and the participant will agree in the application, that the proceeds from any account that has been inactive for a period of one year and during that period has not equalled or exceeded at any time \$1,000 shall be returned to the participant listed in the application after notice of the pending action has been provided by mail to the participant.

(Source: Amended at 35 Ill. Reg. 14659, effective August 17, 2011)

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## NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers</u> :	<u>Peremptory Action</u> :
25.11	Amendment
25.43	Amendment
25.45	Amendment
25.46	New Section
25.47	New Section
25.48	New Section
25.250	New Section
25.710	Amendment
25.805	Amendment
25.807	New Section
25.880	Amendment
25.APPENDIX C	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: 105 ILCS 5/21-28, as amended by P.A. 97-461, effective August 19, 2011, authorizes the State Board of Education to conduct peremptory rulemaking to put into the Illinois Administrative Code changes to Part 25 ordered by the federal court on August 15, 2001, February 27, 2001, and September 11, 2002, in the matter of *Corey H., et al. v. Board of Education of the City of Chicago, et al.*
- 5) Statutory Authority: 105 ILCS 5/21-28
- 6) Effective Date: August 22, 2011
- 7) A Complete Description of the Subjects and Issues Involved: The amendments to Part 25 place into the Illinois Administrative Code the policies and guidelines ordered by the federal court in the *Corey H.* lawsuit. Commonly referred to as the "transition rules", these policies and guidelines established a new system of certification for special education personnel. This system was implemented beginning in 2001, and the changes contained in this rulemaking represent the way in which special education staff is currently certified.

In the 10 years since the initial court order, Part 25 has undergone numerous revisions to conform it to Illinois law and to eliminate obsolete provisions. As a result, the "transition

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rules", in several areas, cannot be placed into Part 25 verbatim. Instead, nonsubstantive modifications have been made to the text of the "transition rules" so that they clearly express the policies and guidelines the court ordered to be implemented within the context of the current rules. Each of these modifications is briefly described below.

- P.A. 93-679, effective June 30, 2004, eliminated the requirement that each school district have a local professional development committee (LPDC), as well as the requirement for the LPDC to approve a teacher's plan for continuing professional development, and placed in statute (105 ILCS 5/21-14(e)(2)(E)) a key component of *Corey H.* policies and guidelines regarding the percentage of activities that both special education teachers and general education teachers must devote to special education topics during each five-year renewal cycle. (See Sections 25.805(a)(1) and (2), Section 25.807(b), and Section 25.807(c)(2) and (3). Also note that Section 25.815, which was part of the "transition rules", has been repealed.)
- P.A. 95-793, effective August 8, 2008, eliminated continuing education units (CEUs) from the choices available to teachers to meet continuing professional development requirements. (See Section 25.805(f).)
- Previous streamlining affected the way in which certain of the requirements of the "transition rules" have been placed in the introduction to Section 25.11, Section 25.11(a) and 25.880(a)(4).

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Code Division: August 22, 2011
- 10) A copy of the preemptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
25.11	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.70	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.100	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.115	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.145	Amendment	35 Ill. Reg. 8634; June 10, 2011

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25.155	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.275	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.315	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.335	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.337	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.427	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.485	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.710	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.720	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.840	Amendment	35 Ill. Reg. 8634; June 10, 2011
25.APPENDIX E	Amendment	35 Ill. Reg. 8634; June 10, 2011

13) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

14) Information and questions regarding these preemptory amendments shall be directed to:

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

217/557-6763

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

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## NOTICE OF PEREMPTORY AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 25

## CERTIFICATION

## SUBPART A: DEFINITIONS

## Section

25.10 Accredited Institution

## SUBPART B: CERTIFICATES

## Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates (Repealed)

25.20 Requirements for the Elementary Certificate (Repealed)

25.22 Requirements for the Elementary Certificate (2004) (Repealed)

25.25 Requirements for "Full" Certification

25.30 Endorsement in Teacher Leadership

25.32 Requirements for the Secondary Certificate (2004) (Repealed)

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)

25.37 Acquisition of Subsequent Teaching Certificates (2004)

25.40 Requirements for the Special Certificate (Repealed)

25.42 Requirements for the Special Certificate (2004) (Repealed)

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the ~~Initial Standard~~ Special Preschool-Age 12 Certificate – Speech and Language Impaired

25.46 Special Provisions for the Learning Behavior Specialist I Endorsement

25.47 Special Provisions for the Learning Behavior Specialist I Approval

25.48 Short-Term Emergency Certification in Special Education

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 Provisional Vocational Certificate

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- 25.72 Temporary Provisional Vocational Certificate
- 25.75 Part-time Provisional Certificates
- 25.80 Requirements for the Early Childhood Certificate (Repealed)
- 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
- 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
- 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
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- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates (Repealed)
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EDUCATORS IN THE STATE OF ILLINOIS

- Section
- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions and Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Accreditation Review of the Educational Unit (Repealed)
- 25.127 Review of Individual Programs (Repealed)
- 25.130 Interventions by the State Board of Education and State Teacher Certification Board
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for the Institution's Educational Unit Assessment Systems
- 25.142 Assessment Requirements for Individual Programs
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- 25.150 The Periodic Review Process (Repealed)

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- 25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit  
25.160 Notification of Recommendations; Decisions by State Board of Education  
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25.210 Requirements for the Certification of School Social Workers (Repealed)  
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25.220 Requirements for the Certification of Guidance Personnel (Repealed)  
25.225 Certification of School Counselors (2004)  
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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)  
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- 25.300 Relationship Among Credentials in Subpart E  
25.310 Definitions (Repealed)  
25.311 Administrative Certificate (Repealed)  
25.313 Alternative Route to Administrative Certification  
25.314 Alternative Route to Administrative Certification for Teacher Leaders  
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- 25.495 Approval of Out-of-State Institutions and Programs (Repealed)  
25.497 Supervisory Endorsements

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- 25.510 Paraprofessionals; Teacher Aides  
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- 25.905 Choices Available to Holders of Initial Certificates
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AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended

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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. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; preemptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011.

## SUBPART B: CERTIFICATES

**Section 25.11 New Certificates (February 15, 2000)**

Section 21-2 of the School Code [105 ILCS 5/21-2] established a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that were available as of that date is found in Appendix B to this Part. The transition to the new system affects certified individuals and candidates for certification as set forth in this Section. No certificate-holder shall be penalized in the exchange of certificates. That is, upon exchange, each individual shall receive all the credentials he or she held prior to that time. Each endorsement held by a certificate-holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this Section.

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- a) Special Education  
Except as provided in Sections 25.46, 25.47, and 25.48 of this Part, qualifications accepted for particular teaching assignments prior to February 15, 2000, shall continue to be acceptable for those assignments. Special provisions apply to the exchange of certificates by individuals who are special education teachers as defined in Section 25.807 of this Part or who hold credentials that qualify them to serve as special education teachers.
- 1) Any individual whose certificate is due to be exchanged as of July 1, 2002, shall have the option of making the exchange as of July 1, 2001.
  - 2) Any speech-language pathologist who exchanged a certificate pursuant to this subsection (a) prior to July 1, 2001, shall be permitted to exchange the standard certificates so received for a school service personnel certificate endorsed for non-teaching speech-language pathology, provided that he or she requests this exchange on or before June 30, 2002, to be effective July 1, 2002. No additional registration fee shall be owed for the exchange, and the certificate received shall be valid until the date on which the standard teaching certificates surrendered in the exchange would have expired.
  - 3) Any speech-language pathologist who exchanges a certificate pursuant to this subsection (a) on or after July 1, 2001, may choose to receive:
    - A) a standard special preschool-age 21 certificate endorsed for speech-language pathology;
    - B) both a standard elementary and a standard secondary certificate endorsed for speech-language pathology; or
    - C) a school service personnel certificate endorsed for non-teaching speech-language pathology.
  - 4) In the event that a certificate exchanged pursuant to subsection (a)(2) or (3) of this Section bears one or more other endorsements, it shall be re-issued minus the speech-language pathology endorsement.
  - 5) For purposes of this subsection (a), the term "speech-language pathologist" includes individuals holding endorsements or approvals for

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"speech correction" issued before 1980, as well as individuals holding endorsements for "speech and language impaired".

- ba)** Holders of certain Illinois teaching certificates received, or shall receive, corresponding standard teaching certificates. Certificates subject to exchange are listed in Appendix C to this Part; see also Sections 25.400 and 25.450 of this Part. Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection ~~(b)(3)(a)(3)~~ of this Section, those who receive initial certificates shall be subject to the requirements of subsection ~~(d)(e)~~ of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].
- 1) *Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States. (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])*
  - 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.
    - A) A recipient of an initial certificate pursuant to this subsection ~~(b)(2)(a)(2)~~ shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time taught outside Illinois.
    - B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part *shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching.* The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

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C) Beginning on July 1, 2003, to qualify for an initial teaching certificate endorsed in any of the special education areas established in 23 Ill. Adm. Code 28 (Standards for Certification in Special Education), the subject matter assessment shall be a valid and reliable examination based on mastery of the relevant standards set forth in that Part. The State Board of Education shall take all necessary steps to ensure that the examination for the Learning Behavior Specialist I endorsement shall be developed and available for use no later than January 1, 2003.

3) *The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state. (Section 21-2(b-5) of the School Code) A "second-tier certificate" is one that is issued after a teacher has:*

- A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and
- B) met specified additional requirements for professional development or induction to the profession of teaching.

4) Certificates will be endorsed in accordance with the provisions of Sections 25.100 and 25.425 of this Part.

cb) A candidate completing an approved Illinois teacher preparation program may qualify for an initial teaching certificate by passing the applicable examinations (see Section 25.720 of this Part).

de) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) *A holder of an initial certificate who has not completed four years of*

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*teaching within four years may renew and register the certificate for additional four-year periods without limitation.* (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)])

- 3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. *However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate.* (Section 21-14(b) of the School Code) No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection ~~(d)(3)(e)(3)~~.
  - 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
- ~~ed~~) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.37 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification. Once an individual has received a standard teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.
- ~~fe~~) "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching. To permit timely processing of applications for standard certificates, the State Superintendent of Education may accept applications from individuals who are at least midway through their final semester of required teaching experience, provided that each such individual submits a letter that otherwise meets the requirements of subsection ~~(g)(f)~~ of this Section but indicates that:

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- 1) the individual has completed 3½ years of teaching plus the required portion of the final semester; and
- 2) the representative of the employing entity knows of no reason why the individual will not complete four years of teaching experience during the then-current semester.

**gf)** "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school (or other employing entity, if applicable to the holder of an early childhood certificate) documenting the nature and duration of the candidate's teaching. A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured. Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which an early childhood certificate was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant). Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

**hg)** For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

**ih)** Upon application, a holder of certification issued by the National Board for Professional Teaching Standards (NBPTS) shall be issued a comparable Illinois master certificate. Endorsements comparable to those held by the individual shall appear on the master certificate. The State Board shall make available the list of NBPTS certifications for which Illinois master credentials are available and shall update that list as the NBPTS expands its areas of certification.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.43 Standards for Certification of Special Education Teachers**

- a) Beginning July 1, 2001, the Initial~~The Standard~~ Special Preschool-Age 21 Certificate shall be issued in the following special education areas to persons who hold a bachelor's degree from a recognized college or university and meet the

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requirements of Section 25.25 of this Part and the requirements of subsections (b) and (c) of this Section: Learning Behavior Specialist I (LBS I), Teacher of Students who are Blind or Visually Impaired, Teacher of Students who are Deaf or Hard of Hearing, and Speech-Language Pathologist (master's degree required). Until July 1, 2003, the LBS I endorsement shall be issued in conjunction with the endorsements that reflect the individual's preparation, and the required test of subject matter knowledge shall continue to be as specified in Section 25.710 of this Part~~general education, professional education and area of specialization requirements: educable mentally handicapped, learning disabilities, social/emotional disorders, trainable mentally handicapped, blind and partially seeing, deaf and hard of hearing, and physically handicapped.~~

- b) Area of Specialization: 32 semester hours, with work in each of the following areas:
- 1) Survey of characteristics, needs and education of ~~all types of exceptional~~ children with all types of disabilities.
  - 2) Measurement and evaluation of ~~all types of exceptional~~ children with all types of disabilities.
  - 3) Nature, needs and problems of children with particular ~~disablinghandicapping~~ conditions (physical, mental, social and educational), including history and philosophy.
  - 4) Other areas of exceptionality related to the particular ~~disablinghandicapping~~ condition.
  - 5) Curricular adjustments: methods and materials in educating the particular group of ~~handicapped~~ children with disabilities, including implications of theory and research.
  - 6) Laboratory and field experiences, including observation, demonstration, participation and student teaching in ~~areasthe-area~~ of special needsexceptionality.
- c) Coursework must be ~~completedoffered~~ in each of the above areas to total 32 or more semester hours. Completion of more than one course is required with respect to each of the areas identified in subsections (b)(4), (5), and (6) of this

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~~Section. One course in each area will generally suffice in meeting the requirements for paragraphs (b) (1), (2) and (3) above. Greater concentration of coursework is needed in paragraphs (b) (4), (5) and (6) above to properly prepare a Special Education teacher.~~

- d) Beginning on July 1, 2003, subsections (b) and (c) of this Section shall have no further effect, and an initial special preschool-age 21 certificate shall be issued only to an individual who completes an approved program and demonstrates that he or she meets the relevant standards by passing the examination required pursuant to Section 25.11(c) of this Part applicable to endorsement as:
- 1) Learning Behavior Specialist I (23 Ill. Adm. Code 28.200);
  - 2) Teacher of Students who are Blind or Visually Impaired (23 Ill. Adm. Code 28.210);
  - 3) Teacher of Students who are Deaf or Hard of Hearing (23 Ill. Adm. Code 28.220); and/or
  - 4) Speech-Language Pathologist (23 Ill. Adm. Code 28.230; also requires a master's degree).
- e) A holder of an LBS I endorsement on the special preschool-age 21 certificate shall not serve students in early childhood special education programs unless he or she has also acquired an early childhood special education approval pursuant to 23 Ill. Adm. Code 226.810(f) (Special Education Teaching Approval). This requirement shall not apply to teachers of students who are blind or visually impaired or deaf or hard of hearing or to speech-language pathologists.
- f) Beginning on July 1, 2003, an initial (or, if applicable, a standard) early childhood certificate endorsed for early childhood special education shall be issued to an individual who completes an approved program and demonstrates that he or she meets the standards set forth at 23 Ill. Adm. Code 28.240.
- g) Beginning July 1, 2003, an additional endorsement (Learning Behavior Specialist II) shall be available to holders of standard or master certificates only. This shall be an optional credential issued to candidates who complete approved programs and meet the standards applicable to one or more of the areas of specialization identified in 23 Ill. Adm. Code 28.310 through 28.370:

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- 1) LBS II/Transition Specialist;
- 2) LBS II/Technology Specialist;
- 3) LBS II/Bilingual Special Education Specialist;
- 4) LBS II/Deaf-Blind Specialist;
- 5) LBS II/Behavior Intervention Specialist;
- 6) LBS II/Curriculum Adaptation Specialist; and/or
- 7) LBS II/Multiple Disabilities Specialist.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.45 Standards for the Initial Standard-Special Preschool-Age 21 Certificate –  
Speech and Language Impaired**

The requirements of this Section apply through June 2003.

- a) The individual holding the teaching certificate in Speech and Language Impaired~~CERTIFICATE IN SPEECH AND LANGUAGE IMPAIRED~~ must have a master's degree and have completed a course of study in communicative disorders and related disciplines designed to develop academic and clinical competence in the areas identified below.
- b) The academic preparation as outlined requires a total of 66 to 75 semester hours of the designated areas of course credit, including up to six semester hours for the required practicum, distributed as suggested.
  - 1) Field of Specialization – Speech and Language Impaired
    - A) Knowledge and understanding of the normal development, use of speech, hearing, and language .....(16-18 Semester Hours).
    - i) Competencies specifically required include the ability to

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know anatomy and physiology of the speech and hearing mechanism and to know and professionally apply phonetics and the principles of speech and language development.

- ii) Additionally, the clinician should possess a broad and general spectrum of knowledge derived from the study of ~~such~~ fields ~~such~~ as acoustics, communication theory, psychology of speech and language, linguistics, semantics, and speech science.
- B) Understanding of the nature of communicative disorders and their etiologies as well as clinical competence in the evaluation and management of speech and language impairments, specifically including disorders of articulation, voice, fluency, structural and neuromuscular impairments of speech, and disorders of expressive and receptive language; and knowledge concerning ~~such~~ methodological details ~~such~~ as program development, ~~case finding~~~~ease finding~~ scheduling, referrals, record keeping, and reporting ..... (\*28-30 Semester Hours).
  - C) Understanding the fundamentals of hearing testing techniques, and their clinical applications, ability to interpret auditory tests, clinical competence in the administration of basic hearing tests and aural rehabilitation procedures ..... (7-9 Semester Hours).
- 2) Professional Education and Related Areas
- A) A general understanding of the public schools through the study of ~~such~~ areas ~~such~~ as history and philosophy of education, structure and function of the schools, procedures in directing learning; general knowledge about the procedures used for other educational handicaps ..... (6-9 Semester Hours).
  - B) Knowledge and competence in the application of psychological principles derived from the study of ~~such~~ areas ~~such~~ as general psychology, human growth and developmental processes, educational psychology, tests and measurements, abnormal psychology, and the psychology of learning ..... (9 Semester Hours).

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- 3) Clinical Practicum in Communicative Disorders. Clinical competence in the evaluation and management of communicative disorders, including specifically those listed below.
- A) Understanding, through at least 100 clock hours of supervised practicum involving diagnostic and therapeutic experience with children in school, of the specific problems, methods and procedures applicable in public education.
  - B) Competence in the evaluation and management of speech, language and auditory disorders in clinical settings other than the public schools, involving diagnostic and therapeutic experience with clients achieved through not less than 200 clock hours of supervised clinical practicum.
  - C) Ability to prepare histories, reports, letters, lesson plans, and other materials required in clinical management, and competence in counseling, interviewing and staffing through achieving an additional 100 clock hours of ~~this~~ activity under supervision both in the school setting and in other clinical settings.
  - D) The practicum described above should include experience with each of the following types of problems. There should be a reasonable distribution of clock hours among various age groups.
    - i) impairments of fluency.
    - ii) impairments of articulation.
    - iii) impairments of voice.
    - iv) speech and language impairments associated with structural and neuromuscular disabilities.
    - v) impairments of expressive and receptive language, and
    - vi) impairments of hearing.

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\*Not more than six ~~(6)~~ semester hours in this category may be earned in clinical practicum courses.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.46 Special Provisions for the Learning Behavior Specialist I Endorsement**

- a) As of July 1, 2001, all existing initial, standard, and master elementary, secondary, and special preschool-age 21 certificates that are endorsed for serving students who are educable mentally handicapped (EMH), trainable mentally handicapped (TMH), or physically handicapped (PH) or who have learning disabilities (LD) or social/emotional disorders (S/ED) shall automatically be reissued, endorsed as Learning Behavior Specialist I (LBS I). The period of validity of these certificates shall not be affected by the reissuance.
- b) The LBS I endorsement shall ultimately be "unlimited," i.e., valid for serving students with any of the disabilities (or any combination of the disabilities) enumerated in the Individuals with Disabilities Education Act [20 USC 1401 et seq.] and the rules of the State Board of Education for Special Education (23 Ill. Adm. Code 226), except those who are deaf or hard of hearing, blind or visually impaired, or speech- or language-impaired and except as limited by the provisions of Section 25.43(e) of this Part. However, an LBS I endorsement issued before July 1, 2003, shall be "unlimited" only if, at the time of receipt of the LBS I endorsement, the certificate-holder either:
- 1) held at least two endorsements (or another state's comparable credentials), one of which was valid for serving students with either learning disabilities or social/emotional disorders and the other of which was valid for serving trainable mentally handicapped, educable mentally handicapped, or physically handicapped students; or
  - 2) held a combination of endorsements, approvals (issued pursuant to the rules for special education at 23 Ill. Adm. Code 226.810), and authorizations for assignment (issued pursuant to 23 Ill. Adm. Code 226.820) that covers the areas required by subsection (b)(1) of this Section, provided that such a combination:

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- A) shall include at least one endorsement in an area required by subsection (b)(1) of this Section, and
- B) shall rely upon an authorization for assignment only if that authorization was issued without an expiration date (because the individual in question had completed the coursework required for a comparable teaching approval under 23 Ill. Adm. Code 226.810(b)).
- c) The LBS I endorsement of an individual to whom subsection (b) of this Section does not apply shall originally be considered "limited" according to the recipient's pre-existing endorsements. An individual with a limited LBS I endorsement may be assigned to teach only students with the disabilities covered by the pre-existing endorsements, except that the individual may serve students with one additional disability at the same time as he or she is serving students whose disabilities are reflected in the limitations on his or her LBS I endorsement. An individual who held a pre-existing endorsement for either EMH or TMH but not both shall be considered to be using the extra assignment capacity afforded by this subsection (c) if he or she is assigned to serve students with an expanded range of severity of mental retardation, and students with yet another disability beyond the pre-existing endorsements shall not be assigned to such an individual in that instance. (That is, a teacher holding an LBS I endorsement limited to mental retardation that was based on a pre-existing endorsement for EMH may be assigned to teach students with mental retardation ranging from mild to very severe. If such a teacher is so assigned, he or she may not also be assigned to teach students with any other disability. On the other hand, if such a teacher is assigned to students whose mental retardation is in the mild range only, students with an additional disability may also be assigned to that teacher.) Such an LBS I endorsement shall originally be stated in any of the following ways, or in combinations thereof.
- 1) LBS I/Limited – Learning Disabilities
  - 2) LBS I/Limited – Social/Emotional Disorders
  - 3) LBS I/Limited – Mental Retardation
  - 4) LBS I/Limited – Physically Handicapped

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- d) Each individual who exchanges his or her certificates in 2001 or 2002 pursuant to Section 25.11 of this Part shall receive any applicable LBS I endorsements.
- e) Each individual who receives an initial certificate before July 1, 2003, shall receive any applicable LBS I endorsements (see Section 25.43(a) of this Part).
- f) Each individual receiving a limited LBS I endorsement shall make a transition to an "unlimited" endorsement.
- 1) Standard and Master Certificates  
Once the holder of a standard or master certificate begins teaching on the LBS I endorsement, the limitations shall apply through the June 30 that concludes the third consecutive year of certification. That is, intermittent use of the certificate after July 1, 2001, shall not delay the expiration of the limitations. However, the limitations shall expire in any case no later than the June 30 that concludes the seventh year of certification as an LBS I.
- 2) Special Education Administrators  
The limitations on an LBS I endorsement held by an individual who is serving as an administrator in a special education program shall persist for three years after the issuance of that endorsement and shall expire on the June 30 that concludes the third year of certification, calculated from the date of issuance.
- 3) Initial Certificates  
The limitations on an LBS I endorsement shall be carried forward throughout the period of initial certification and shall automatically expire on the June 30 that concludes the third consecutive year of certification, calculated from the date when the individual begins teaching on the comparable standard certificate, but no later than the June 30 that concludes the seventh year of standard certification.
- 4) Individuals whose LBS I endorsements become unlimited shall thereupon be assignable to teach the groups of students referred to in subsection (b) of this Section.
- g) An individual who wishes to remove the limitations on a limited LBS I endorsement prior to the time of their automatic expiration may:

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- 1) complete the training sequence developed on or before November 1, 2001, by the State Board of Education or its contractual agent working in collaboration with a committee of administrators, master teachers, and teacher educators from across the State for this purpose, which shall be based upon the standards set forth in Sections 28.100 and 28.200 of the Board's rules at 23 Ill. Adm. Code 28 (Standards for Certification in Special Education); or
- 2) complete college coursework covering the characteristics of students with one of the disabilities referred to in subsection (b) of this Section that are not reflected in the individual's pre-existing endorsements, as well as methods appropriate for teaching students with that disability, such that the combination of the individual's endorsements, approvals, and coursework covers the combination of disability areas required for an unlimited endorsement as set forth in subsection (b)(1) of this Section; or
- 3) pass the test of subject matter knowledge relevant to one of the areas of disability not already encompassed by his or her pre-existing endorsements or approvals, such that the combination of the individual's endorsements, approvals, and examinations passed covers the combination of disability areas required for an unlimited endorsement as set forth in subsection (b)(1) of this Section; or
- 4) demonstrate that he or she qualifies for an additional endorsement or for approval under 23 Ill. Adm. Code 226.810(b) in one of the additional areas of disability and receive the additional endorsement or approval through the relevant application process, such that the resulting combination of the individual's endorsements and approvals complies with the specifications of subsection (b)(1) of this Section; or
- 5) demonstrate that he or she meets the standards for the LBS I endorsement referred to in subsection (g)(1) of this Section by passing the test of subject matter knowledge for that endorsement; or
- 6) demonstrate, by submitting a signed verification form supplied by the State Board of Education, that he or she meets the criteria established by the State Board and set forth on the verification form for experience in teaching students with one of the disabilities relevant to the combination

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discussed in subsection (b) of this Section but missing from the individual's pre-existing credentials; or

7) demonstrate, by submitting a signed verification form supplied by the State Board of Education, that he or she meets the criteria established by the State Board and set forth on the verification form for experience in teaching students with autism or traumatic brain injury.

h) An individual who has completed any of the options outlined in subsection (g) of this Section shall use a form provided by the State Board of Education to notify the State Superintendent of this fact and shall furnish any applicable transcripts or supporting documentation. The State Superintendent shall thereupon reissue the individual's certificate with an unlimited LBS I endorsement and notify the regional superintendent of schools to this effect. The certificate-holder shall be eligible for assignment as discussed in subsection (b) of this Section.

(Source: Added by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.47 Special Provisions for the Learning Behavior Specialist I Approval**

The provisions of this Section shall apply to individuals holding special education teaching approval pursuant to 23 Ill. Adm. Code 226.810.

a) Approvals Issued Before January 1, 2002

1) A certificate-holder who holds approval issued before July 1, 2001, for serving students who are educable mentally handicapped, trainable mentally handicapped, or physically handicapped or who have learning disabilities or social/emotional disorders shall automatically receive approval as an LBS I. This approval shall be limited or unlimited, as described in Section 25.46 of this Part for endorsements, and the individual's assignment shall respect any applicable limitation as set forth in Section 25.46(c) of this Part.

2) Each approval issued from July 1 through December 31, 2001, shall be for service as an LBS I. This approval shall be limited or unlimited, as described in Section 25.46 of this Part for endorsements, and the individual's assignment shall respect any applicable limitation.

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- 3) Each individual who holds a limited approval issued before January 1, 2002, shall make a transition to an "unlimited" LBS I approval valid for serving all the students described in Section 25.46(b) of this Part. The expiration of limitations on LBS I approvals shall be as set forth in Section 25.46(f) of this Part for endorsements. Unlimited LBS I approval received pursuant to this subsection (a) shall not expire.
  - 4) An individual who wishes to remove the limitations on a limited LBS I approval prior to the time of their automatic expiration may complete any of the options described in Section 25.46(g)(1) through (g)(4), (g)(6), and (g)(7) of this Part. Alternatively, an individual may receive an unlimited LBS I endorsement by passing the applicable test of subject matter knowledge.
  - 5) An individual who has completed any of the options set forth in subsection (a)(4) of this Section shall notify the State Superintendent of Education to this effect. The State Superintendent shall thereupon reissue the individual's certificate with an unlimited LBS I approval or endorsement, as applicable, and notify the regional superintendent of schools to this effect. The certificate-holder shall be eligible for assignment as discussed in Section 25.46(b) of this Part.
- b) Approvals Issued Beginning January 1, 2002  
Special education teaching approval issued on or after January 1, 2002, shall be valid for three years and shall be nonrenewable. Within that time, the certificate-holder shall be required to make a transition to an unlimited LBS I endorsement by passing the applicable test of subject matter knowledge. An individual who does not receive an unlimited endorsement shall thereafter not be eligible to serve as an LBS I.

(Source: Added by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.48 Short-Term Emergency Certification in Special Education**

Beginning January 1, 2002, no further authorizations to assign individuals to special education teaching positions shall be issued pursuant to 23 Ill. Adm. Code 226.820. As of that date, the provisions of this Section shall apply instead to school districts, special education cooperatives

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and joint agreements, regional superintendents of schools, and nonpublic special education facilities approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 (Nonpublic Special Education Facilities).

- a) An individual who wishes to receive short-term emergency certification shall:
- 1) hold an Illinois elementary, secondary, early childhood, special, or transitional bilingual certificate (which need not be valid for the grade levels to be taught under temporary emergency certification as otherwise required by Appendix A to 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision));
  - 2) present evidence of having completed college-level coursework encompassing a "survey of exceptional children" as well as any one of the three other areas required pursuant to 23 Ill. Adm. Code 226.810(b); and
  - 3) submit the required fee along with an application to the State Board of Education, on a form supplied by the Board, that:
    - A) includes a plan for the individual's acquisition of an unlimited LBS I approval by completing a supervised clinical experience that qualifies for college credit, as well as coursework covering:
      - i) diagnosis of, and the characteristics of children with, all the disabilities encompassed by the LBS I credential,
      - ii) methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential, and
      - iii) adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential; and
    - B) describes the supervision the individual will receive from an individual certified or approved to provide this supervision pursuant to 23 Ill. Adm. Code 226 (Special Education).

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- b) Each applicant's plan shall be validated by an authorized representative of the college or university that operates the approved teacher preparation program under whose auspices the applicant will complete necessary coursework.
- c) Each applicant's plan shall be validated by an authorized representative of the employing entity. In addition to verifying that the required supervision will be provided, this representative shall verify that the employing entity has been unable to secure the services of an individual who is appropriately certified or approved for the teaching position in question and shall describe the entity's recruitment efforts in this regard.
- d) Approval of an individual's application shall be specific to the teaching assignment and employer described therein but shall be transferrable to a new employer, provided that the conditions of subsection (c) of this Section are met by the new employer.
- e) Upon approval of an application by the State Superintendent of Education, the individual shall have three years, beginning with the next academic term, in which to complete the coursework described in subsection (a)(3)(A) of this Section and receive unlimited LBS I approval under 23 Ill. Adm. Code 226.810. This three-year period shall not include intervals during which any of the following circumstances apply:
- 1) serious illness or the onset or exacerbation of a disability;
  - 2) care of an immediate family member during serious illness or disability;
  - 3) destruction of the certificate-holder's dwelling; or
  - 4) other circumstances that cause the time the individual could otherwise devote to acquiring additional credentials to be taken up with other responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).
- f) An individual who experiences any of the circumstances discussed in subsection (e) of this Section may submit information to the State Superintendent of Education describing the situation. This information shall be accompanied by relevant evidence such as a physician's statement, insurance claim, or other

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applicable documentation of the facts. The State Superintendent shall issue a response indicating the period of time for which the three-year deadline shall toll, which shall take into account the relationship of the academic term to the individual's circumstances.

- g) Short-term emergency certification shall not be renewed.
  - 1) An individual who does not obtain the unlimited LBS I approval within the time allotted shall not be assigned to a special education teaching position.
  - 2) An individual who does obtain the unlimited LBS I approval shall thereupon become subject to the provisions of Section 25.47 of this Part.

(Source: Added by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

## SUBPART D: SCHOOL SERVICE PERSONNEL

**Section 25.250 Standards for Non-Teaching Speech-Language Pathologists**

Beginning July 1, 2001, endorsement as a Non-Teaching Speech-Language Pathologist shall be available to holders of the school service personnel certificate who demonstrate that they meet the standards set forth at 23 Ill. Adm. Code 28.230 by completing an approved program and passing the relevant examination. These individuals shall not be required to meet the Illinois Professional Teaching Standards set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24) or the Common Core of Standards for All Special Educators (23 Ill. Adm. Code 28.100).

- a) An individual who holds a non-teaching speech-language pathologist's credential may serve as part of a team that includes a certified teacher and may provide instructional support to that teacher or to students in regard to academic subjects. However, he or she shall not be the educator responsible for the academic instruction of students in a class or the sole teacher in a classroom.
- b) An individual who holds a non-teaching speech-language pathologist's credential may provide any service that constitutes speech-language therapy, regardless of the setting in which the service is delivered. That is, the non-teaching speech-

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language pathologist may provide therapeutic services as the sole professional in an individual or group setting.

(Source: Added by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

## 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.

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"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test that measures specific content, and, for any test administration for which scores are reported before September 30, 2010, the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, language arts, and mathematics.

"Test" or "Tests/Examination" or "Examinations" "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests/examinationtests of subject matter knowledge (or "content-area tests") for the Illinois Certification Testing System. Through June 30, 2004, these tests/examinationtests 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 (required through June 30, 2003)
- Elementary/Middle Grades (K-9)
- English
- English as a Second Language

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English Language Proficiency

French

General Administrative

General Science

General Supervisory (available through June 30, 2003)

German

Guidance

Health

Health Occupations

Hebrew

History

Family and Consumer Sciences

Industrial Technology Education

Italian

Latin

Learning Disabilities (required through June 30, 2003)

Learning Behavior Specialist I (required beginning July 1, 2003)

Learning Behavior Specialist II/Behavior Intervention Specialist (available July 1, 2003)

Learning Behavior Specialist II/Bilingual Special Education Specialist (available July 1, 2003)

Learning Behavior Specialist II/Curriculum Adaptation Specialist (available July 1, 2003)

Learning Behavior Specialist II/Deaf/Blind Specialist (available July 1, 2003)

Learning Behavior Specialist II/Multiple Disabilities Specialist (available July 1, 2003)

Learning Behavior Specialist II/Technology Specialist (available July 1, 2003)

Learning Behavior Specialist II/Transition Specialist (available July 1, 2003)

Mathematics

Media

Music (K-12)

Music (6-12)

Physical Education (K-12)

Physical Education (6-12)

Physically Handicapped (required through June 30, 2003)

Physical Science

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Physics  
Reading  
Russian  
School Nurse  
School Psychology  
School Social Work  
Social/Emotional Disorders (required through June 30, 2003)  
Social Science  
Spanish  
Speech  
Speech-Language Pathologist: Nonteaching (available May 1, 2002)  
Speech-Language Pathologist: Teaching (available May 1, 2002)~~Speech  
and Language Impaired~~  
Superintendent  
Theatre Arts  
Trainable Mentally Handicapped (required through June 30, 2003)  
Transitional Bilingual Education  
Arabic  
Cantonese  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Spanish  
Urdu  
Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education. Beginning with score reports issued after September 30, 2010, "test" or "tests" will also refer to subtests (reading comprehension, writing, language arts, and mathematics) of the basic skills test.

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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  
    Arabic (available in September 2008)  
    Chinese (Cantonese or Mandarin)  
    French  
    German  
    Hebrew  
    Italian  
    Japanese  
    Korean  
    Latin  
    Russian  
    Spanish  
General Administrative  
Guidance (through June 30, 2005)  
Health Education  
Health Careers  
[Learning Behavior Specialist I](#)  
[Learning Behavior Specialist II/Behavior Intervention Specialist](#)  
[Learning Behavior Specialist II/Bilingual Special Education Specialist](#)  
[Learning Behavior Specialist II/Curriculum Adaptation Specialist](#)

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[Learning Behavior Specialist II/Deaf/Blind Specialist](#)

[Learning Behavior Specialist II/Multiple Disabilities Specialist](#)

[Learning Behavior Specialist II/Technology Specialist](#)

[Learning Behavior Specialist II/Transition Specialist](#)

Library Information Specialist

Mathematics

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

[Special Education General Curriculum \(available May 1, 2005\)](#)

[Speech-Language Pathologist: Nonteaching](#)

[Speech-Language Pathologist: Teaching](#)

Superintendent

Technology Education

Technology Specialist

Transitional Bilingual Education – Language Proficiency

Arabic

Assyrian

Bosnian

Bulgarian

Cantonese

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Filipino  
Greek  
Gujarati  
Hindi  
Japanese  
Korean  
Lao  
Mandarin  
Polish  
Russian  
Serbian  
Spanish  
Urdu  
Vietnamese  
Visual Arts

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

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

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

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

## SUBPART J: RENEWAL OF STANDARD AND MASTER TEACHING CERTIFICATES

**Section 25.805 Continuing Professional Development Options**

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- a)** Except as provided in subsections **(b)(a)** through **(h)(g)** of this Section, professional development activities shall generate credit for purposes of certificate renewal only if they address one or more of the purposes identified in Section 21-14(e)(2) of the School Code. The following proportions apply to the distribution of professional development activities devoted to the needs of serving students with disabilities, including adapting and modifying the curriculum related to the Illinois Learning Standards (23 Ill. Adm. Code 1. Appendix D) to meet the needs of students with disabilities and serving such students in the least restrictive environment (Section 21-14(e)(2)(E) of the School Code).
- 1) For special education teachers, as defined in Section 25.807(a) of this Part, 50 percent of the activities must be devoted to these purposes.
- 2) For teachers holding certificates other than those endorsed for special education, 20 percent of these activities must be devoted to these purposes.
- A)** Topics to be discussed shall include multi-modality instruction, applied techniques for teaching academic content, making adaptations and modifications to the curriculum, managing student behavior, and team teaching.
- B)** An identified portion of at least one activity shall address adapting and modifying curriculum related to the Illinois Learning Standards to meet the needs of students with disabilities.
- ba)** *Completion of an advanced degree from a regionally accredited institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)])*
- cb)** *Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in Section 21-14(e)(2)(A) of the School Code. (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14(e)(3)(B)])*

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- de** *Completion of all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D)]). The presence of an individual's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.*
- ed** *Receipt of a subsequent Illinois certificate or endorsement may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(K) of the School Code [105 ILCS 5/21-14(e)(3)(K)])*
- fe** *Becoming "highly qualified" in an additional teaching area may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(L) of the School Code [105 ILCS 5/21-14(e)(3)(L)]) The criteria applicable to Illinois teachers and the required evidence of completion shall be as set forth in Appendix D to this Part. Each individual using this option shall have completed at least some portion of the requirements in the additional field during the period of validity to which the professional development credit is attributed.*
- gf** *Successful completion of four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)] and Section 25.915 of this Part. (Section 21-14(e)(3)(M) of the School Code [105 ILCS 5/21-14(e)(3)(M)])*
- hg** *Successful completion of four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)] and Section 25.920 of this Part. (Section 21-14(e)(3)(N) of the School Code [105 ILCS 5/21-14(e)(3)(N)])*
- ih** Except as specified in Section 25.807 of this Part, completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, subject to the provisions of

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subsection (a) of this Section.

- j)** A certificate-holder may choose any combination of the types of activities described in subsections (b) and (h) of this Section, provided that the total effort represents the equivalent of 120 CPDUs. For purposes of calculating combinations from different categories, one semester hour of college credit shall be considered the equivalent of 15 CPDUs.
- k)** The provisions of subsections ~~(c)(h)~~, ~~(i)(h)~~, and ~~(j)(h)~~ of this Section shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt and shall also be subject to any applicable reductions provided in Section 21-2(c)(8) of the School Code for any individual whose application for certificate renewal is received or processed on or after July 1, 2004. (See Section 25.880 of this Part.)
- l)** A given professional development activity may be attributed to all of the purposes to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.
- m)** Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.807 Additional Specifications Related to Professional Development Activities of Special Education Teachers**

- a)** For purposes of this Subpart J, a "special education teacher" is any teacher who holds an Illinois standard or master certificate and provides services using that certificate to special education students pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 226 (Special Education), including those serving pursuant to 23 Ill. Adm. Code 226.810 and 226.820; those serving pursuant to Section 25.48 of this Part when applicable; and those substitute teaching in

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special education programs for more than 90 paid school days or 450 paid school hours in any one district in any one school term.

- b) Special provisions apply to special education teachers' compliance with the required distribution of credits stated in Section 25.805(i) of this Part. That is, not only must at least half the number of credits needed by each special education teacher be earned with respect to activities that address the purposes described in Section 25.805(a) of this Part, but also:
- 1) if a teacher's activities are based upon an assignment for which the LBS I endorsement or approval is required, and if the individual holds a limited credential, the activities used to address Section 21-14(e)(2)(A) of the School Code (areas of certification) [105 ILCS 5/21-14(e)(2)(A)] shall either:
    - A) relate to the needs of students with disabling conditions other than the conditions reflected by the individual's pre-existing endorsements or approvals; or
    - B) be designed to broaden the teacher's preparation to serve students with all the disabilities encompassed by the LBS I credential, with reference to specific standards among those set forth in 23 Ill. Adm. Code 28.200; and
  - 2) except as provided in subsection (d) of this Section, at least the amount of credit each special education teacher needs to devote to Purpose B (the State priorities) in order to reach the 50 percent threshold in combination with the credits attributed to Purpose A shall be devoted to the State priority of special education; and
  - 3) some portion of the activities used by each special education teacher to fulfill Purpose A or B shall address adapting and modifying curriculum related to the Illinois Learning Standards (see Public Schools Evaluation, Recognition and Supervision, 23 Ill. Adm. Code 1, Appendix D) to meet the needs of students receiving special education; and
  - 4) a special education teacher whose activities provide exclusively for semester hours of college credit shall devote the portion that is required to address the purpose set forth in Section 21-14(e)(2)(A) to the study of

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content area standards in special education, i.e., any of the standards set forth in 23 Ill. Adm. Code 28.200 through 28.370.

- c) A teacher who becomes a special education teacher for one or more semesters during his or her certificate's period of validity shall be subject to the requirements of this Section in proportion to that period of time.
- 1) An individual shall be considered a special education teacher for any semester during which he or she meets the definition set forth in subsection (a) of this Section for at least 45 school days.
  - 2) In compliance with Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)] and Section 25.830 of this Part, the individual shall submit his or her statement of assurance attesting to the completion of the professional development activities required under this Subpart J to the regional office of education or the local professional development committee (LPDC), as applicable.
  - 3) The regional office of education or LPDC, as applicable, shall maintain a record of the semesters during which any certificate-holder for whom it is responsible is a special education teacher.
- d) An individual who was a special education teacher for purposes of this Subpart J before July 1, 2001 shall be subject to the provisions of this subsection (d).
- 1) If an individual has fulfilled the requirements of an approved plan prior to July 1, 2001, the requirement of subsection (b)(2) of this Section shall be reduced to 25 percent. The individual shall not be required to revise his or her plan for continuing professional development, even if such a revision would otherwise be needed in order to encompass additional activities related to special education.
  - 2) Other special education teachers whose standard certificates expire in 2004 or 2005 shall be subject to the requirements of subsection (b)(2) of this Section for only the second half of the current period of their certificates' validity. That is, the requirement of subsection (b)(2) of this Section shall equal 25 percent unless further reduced pursuant to the provisions of Section 25.880 of this Part.

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(Source: Added by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

**Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching**

- a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which a certificate is maintained as valid and exempt.
  - 1) Each certificate-holder shall notify the regional superintendent of schools of any semester that he or she believes qualifies as a period of exemption. The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester. The regional superintendent shall verify the certificate-holder's employment status and shall, as applicable:
    - A) enter the period of exemption into the centralized registry; or
    - B) return the notification form to the certificate-holder with an indication as to why the period in question does not qualify as a period of exemption.
  - 2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development (for holders of standard certificates) or a five-percent reduction in the requirement (for holders of master certificates).
  - 3) When applying for renewal of his or her ~~certificates~~certificate(s), each certificate-holder shall identify the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development.
  - 4) Completion of professional development activities during a period of exemption shall not affect the proportionate reduction in the total number

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of units required for a certificate-holder other than an individual who is a special education teacher (see subsection (a)(5) of this Section).

5) In the case of a special education teacher, if proportionate reduction in the requirements for continuing professional development results in a conflict between the total number of units of credit earned and the distribution of those units, the individual shall be required to accumulate 50 percent of the reduced number of credits required in activities attributable to the purposes set forth in Section 25.807(b) of this Part.

- b) The requirement for continuing professional development shall be reduced by 20 percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.
- c) *The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school term. (Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)])*
- d) The reduced requirements for continuing professional development that apply under Section 21-2(c)(8) of the School Code to certificate-holders who have acquired master's degrees, education specialists, doctorates, or master certificates and whose applications for certificate renewal are received or processed on or after July 1, 2004, shall also be subject to proportionate reduction if applicable under this Section.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

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**Section 25.APPENDIX C Exchange of Certificates**

Existing Certificate	Description	Exchanged for:
02 Early Childhood	To Age 6 excluding K	Standard Early Childhood (0 to 6, excluding K)
04 Early Childhood	Age 0-Grade 3	Standard Early Childhood (0 to grade 3)
06 Kindergarten-Primary	K-3	Standard Early Childhood (K-3)
45 Life Kindergarten	K-3	Standard Early Childhood (K-3)
Elementary Certificates:		
03 Standard Elementary	K-9	Standard Elementary
42 Life Elementary	1-8	Standard Elementary
High School Certificates:		
09 Standard High School	6-12	Standard Secondary
11 Vocational	7-12 Field Endorsed	Standard Secondary
14 Junior College	9-14 Field Endorsed	Standard Secondary
47 Life High School	6-12	Standard Secondary
49 Life Junior College	9-14 Field Endorsed	Standard Secondary
Special Certificates:		
10 Standard Special	K-12 Field Endorsed	Standard Special <u>or</u> <u>Standard Special</u> <u>Preschool-Age 21</u> ; <u>or</u> both Standard Elementary and Standard Secondary ( <u>Speech-</u> <u>Language Pathologists</u> <u>also may choose School</u> <u>Service Personnel</u> )
17 Special Exceptional Children	K-14 Field Endorsed	Standard Special <u>Preschool-Age 21</u> <u>or</u> both Standard Elementary and

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48	Life Special	K-14 Field Endorsed	Standard Secondary Standard Special <u>or</u> <u>Standard Special</u> <u>Preschool-Age 21</u> ; or both Standard Elementary and Standard Secondary
50	Life School Librarian	K-14 Library	Standard Special or both Standard Elementary and Standard Secondary

Individuals who receive Standard Special, Elementary and/or Secondary certificates will receive on those certificates the same endorsements they currently hold.

Holders of Standard Special Certificates may exchange them for either a Standard Special or both a Standard Elementary and Standard Secondary. If they choose the Standard Elementary and Standard Secondary Certificates, they will receive on those certificates only the endorsements they hold. That is, they will not be qualified to teach self-contained general education classrooms unless they have also completed an approved program for the elementary certificate and have passed the elementary/middle grades content-area test. (For example, a holder of a special certificate endorsed for a particular subject area may teach only in that subject area, ~~and a holder of a certificate endorsed for serving students with a specific disability may serve only in a classroom serving such students.~~) They will have the option of adding onto the elementary and secondary certificates any other endorsements for which they qualify.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14663, effective August 22, 2011)

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- 1) Heading of the Part: Standards for Certification in Special Education
- 2) Code Citation: 23 Ill. Adm. Code 28
- 3) 

<u>Section Numbers</u> :	<u>Peremptory Action</u> :
28.10	New Section
28.100	New Section
28.200	New Section
28.210	New Section
28.220	New Section
28.230	New Section
28.240	New Section
28.300	New Section
28.310	New Section
28.320	New Section
28.330	New Section
28.340	New Section
28.350	New Section
28.360	New Section
28.370	New Section
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: 105 ILCS 5/21-28, as amended by P.A. 97-461, effective August 19, 2011, authorizes the State Board of Education to conduct peremptory rulemaking to put into the Illinois Administrative Code new rules governing the standards for special education personnel ordered by the federal court on February 27, 2001, in the matter of *Corey H., et al. v. Board of Education of the City of Chicago, et al.*
- 5) Statutory Authority: 105 ILCS 5/21-28
- 6) Effective Date: August 22, 2011
- 7) A Complete Description of the Subjects and Issues Involved: This Part establishes standards for all special educators and for each type of endorsement for which a special educator may apply. The standards are to be incorporated into preparation programs that prepare special education personnel, and beginning on January 1, 2003 (or another date as stated in the rules), reflected in the content of examinations that candidates must pass in order to receive a particular special education endorsement. These standards already have been implemented in all approved Illinois educator preparation programs, beginning

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in 2002, as per the federal court order, so no further modifications in these programs will be needed as a result of this rulemaking.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Code Division: August 22, 2011
- 10) A copy of the preemptory rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 14) Information and questions regarding these preemptory rules shall be directed to:

Vicki Phillips, Interim Division Administrator  
Illinois State Board of Education  
100 North First Street, S-306  
Springfield, Illinois 62777

217/782-2948

The full text of the Preemptory Rules 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 28

## STANDARDS FOR CERTIFICATION IN SPECIAL EDUCATION

## Section

28.10	Purpose and Effective Dates
28.100	A Common Core of Standards for All Special Educators
28.200	Standards for the Learning Behavior Specialist I (LBS I)
28.210	Standards for the Teacher of Students who are Blind or Visually Impaired
28.220	Standards for the Teacher of Students who are Deaf or Hard of Hearing
28.230	Standards for the Speech-Language Pathologist
28.240	Standards for the Early Childhood Special Education Teacher
28.300	Standards for the Learning Behavior Specialist II (LBS II)
28.310	Standards for the LBS II/Transition Specialist
28.320	Standards for the LBS II/Technology Specialist
28.330	Standards for the LBS II/Bilingual Special Education Specialist
28.340	Standards for the LBS II/Deaf-Blind Specialist
28.350	Standards for the LBS II/Behavior Intervention Specialist
28.360	Standards for the LBS II/Curriculum Adaptation Specialist
28.370	Standards for the LBS II/Multiple Disabilities Specialist

**AUTHORITY:** Implementing Article 21 and authorized by Sections 2-3.6 and 21-28 of the School Code [105 ILCS 5/Art. 21, 2-3.6 and 21-28].

**SOURCE:** Peremptory rules adopted at 24 Ill. Reg. 16738, effective October 26, 2000; peremptory rule suspended at 25 Ill. Reg. 1860, effective January 9, 2001; suspension continued by joint resolution of the General Assembly, and peremptory rule repealed pursuant to Section 5-125(c) of the Illinois Administrative Procedure Act, effective May 31, 2001; peremptory rules adopted at 35 Ill. Reg. 14709, effective August 22, 2011.

**Section 28.10 Purpose and Effective Dates**

This Part establishes the standards that shall apply to the issuance of various credentials in the field of special education pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The

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standards set forth in this Part shall apply both to candidates for the respective credentials and to the programs that prepare them. That is:

- a) beginning on the date identified as applicable for a particular endorsement, the examinations required for issuance of that endorsement shall be based on the relevant standards identified in this Part; and
- b) beginning on the date identified as applicable, approval of any teacher preparation program or course of study pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the relevant standards identified in this Part.

**Section 28.100 A Common Core of Standards for All Special Educators**

Beginning July 31, 2002, no teacher preparation program or course of study leading to the issuance of any teaching credential in the field of special education shall be approved unless it includes content that will enable candidates to meet the standards set forth in this Section and the other applicable standards set forth in this Part, in addition to the standards set forth at 23 Ill. Adm. Code 24.100 or 24.130, as applicable (the "Illinois Professional Teaching Standards"). Beginning January 1, 2003, any examination required for issuance of a teaching credential in special education shall assess candidates' competence in relation to these standards.

- a) Foundations – The competent special education teacher understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent special education teacher understands:
    - A) historical perspectives, legislative and litigative history, models, theories, and philosophies that provide the basis for special education practice;
    - B) current legislation, regulations, policies, litigation, and ethical issues related to the provision of educational services, including least restrictive environment, due process, assessment, discipline, transition, supplemental services and supports, specialized health care and assistive technology, to individuals with all types of disabilities across the age range;

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- C) variations in beliefs, traditions, and values across cultures within society and the effects of the relationship among child, family and schooling;
  - D) issues and trends in special education across the life span, early childhood through adult services;
  - E) issues in definition and identification procedures for individuals with disabilities, including those associated with individuals from culturally and/or linguistically diverse backgrounds; and
  - F) the rights and responsibilities of parents, students, teachers, and other professionals and schools as they relate to an individual's learning needs and educational programs.
- 2) Performance – The competent special education teacher:
- A) articulates a personal philosophy of special education, including its relationship to the general curriculum and the concepts of least restrictive environment;
  - B) conducts the professional activities of assessment, diagnosis, and instruction consistent with the requirements of law, rules and regulations, and local district policies and procedures; and
  - C) considers the continuum of placement and services within the context of least restrictive environment when making educational recommendations for students.
- b) Characteristics of Learners – The competent special education teacher understands the impact that disabilities have on the cognitive, physical, emotional, social and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge – The competent special education teacher understands:
- A) the cognitive processes associated with various kinds of learning and how these processes can be stimulated and developed;

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- B) the similarities and differences among the cognitive, physical, sensory, cultural, social and emotional development and needs of individuals with and without disabilities;
- C) communication theory, language development, and the role of language in learning as well as communication modes and patterns of individuals with and without disabilities;
- D) the social, intellectual, and political influences on language;
- E) typical and atypical motor development;
- F) major genetic and environmental etiologies of cognitive, sensory, emotional, and physical disabilities;
- G) medical conditions affecting individuals with disabilities and the effects of various medications on their educational, cognitive, physical, sensory, social, and emotional behaviors;
- H) basic functions of the body's systems in relation to common medical conditions and health impairments;
- I) specialized health care needs at school (e.g., gastrostomies, colostomies, urinary catheterization, tracheotomies, ventilator-assisted breathing, blood glucose testing, seizure management);
- J) differential characteristics of individuals with disabilities across the age range, including levels of severity and multiple disabilities and their influence on development, behavior and learning;
- K) the effects of dysfunctional behavior on learning and the differences between behavioral and emotional disorders;
- L) effects of the cultural and environmental milieu of the child and the family on behavior and learning;
- M) the effects of second language acquisition on communication patterns;

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- N) the impact of sensory disabilities on development, learning and behavior; and
  - O) effects of sensory input on the development of language and cognition of students with sensory impairments, including the impact on cultural development and familial structures.
- 2) Performance – The competent special education teacher:
- A) accesses information on exceptional conditions when planning educational or transitional programs;
  - B) uses knowledge of a student's cognitive, communication, physical, cultural, social, and emotional characteristics in planning and delivering instruction and in transition planning; and
  - C) recommends referrals to appropriate specialists when more in-depth information about a child's needs is required for making educational decisions.
- c) Assessment – The competent special education teacher understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge – The competent special education teacher understands:
- A) assessment as an educational process;
  - B) terminology used in assessments;
  - C) legal provisions, regulations, and guidelines regarding assessment of individuals with disabilities;
  - D) how to interpret information obtained from standardized tests, including age and grade scores, standard scores, percentile ranks, stanines, measures of central tendency, standard deviations, and standard error of measurement;

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- E) strategies for modifying and adapting formal tests;
  - F) strengths and limitations of various assessment tools;
  - G) influences of disabilities, culture, and language on the assessment process;
  - H) a variety of procedures for identifying students' learning characteristics and needs, monitoring student progress, and evaluating learning strategies and instructional approaches; and
  - I) accommodations and modification of national, State and local assessments and the Illinois Alternative Assessment.
- 2) Performance – The competent special education teacher:
- A) matches appropriate assessment procedures to purposes of assessment;
  - B) gathers background information regarding academic history;
  - C) collaborates with families and other professionals in conducting individual assessment and reporting of assessment results;
  - D) interprets information from formal and informal assessment instruments and procedures;
  - E) develops individualized assessment strategies for instruction and uses appropriate procedures for evaluating results of that instruction;
  - F) uses performance data and information from teachers, other professionals, individuals with disabilities, and parents collaboratively to make or suggest appropriate modifications in learning environments, curriculum and/or instructional strategies;
  - G) evaluates learning environments and matches necessary supports to individual learners' needs; and

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- H) creates and maintains accurate records.
- d) Planning for Instruction – The competent special education teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent special education teacher understands:
    - A) the scope and sequence of the general curriculum;
    - B) the concepts of language arts;
    - C) the concepts of math, including numeration, geometry, measurement, statistics/probability, and algebra;
    - D) general curriculum practices and materials;
    - E) the components of an effective social skills curriculum;
    - F) the components of an effective transitional and vocational curriculum;
    - G) strategies for facilitating maintenance and generalization of skills across learning environments;
    - H) sources of specialized materials, equipment, and assistive technology for individuals with disabilities;
    - I) the principle of partial participation as it applies to students with disabilities;
    - J) the use of adaptive equipment for students with disabilities;
    - K) the concept of longitudinal transition plans;
    - L) short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory;

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- M) the process for inventorying instructional environments to meet a student's individual needs;
  - N) cultural perspectives related to effective instruction for students with disabilities;
  - O) physical adaptations to the environment to meet individual needs; and
  - P) integration of assistive and instructional technology to meet a student's individual needs.
- 2) Performance – The competent special education teacher:
- A) develops and/or selects relevant instructional content, materials, resources, and strategies that respond to cultural, linguistic, gender, and learning style differences;
  - B) selects and uses appropriate technologies to accomplish instructional objectives;
  - C) develops appropriate lesson plans that incorporate curriculum and instructional strategies with individualized education goals and benchmarks;
  - D) utilizes strategies for facilitating maintenance and generalization of skills across learning environments;
  - E) integrates related services into the instructional program;
  - F) evaluates general curricula and determines the scope and sequence of the academic content areas of language arts and math;
  - G) analyzes individual and group performance in order to design instruction that meets learners' current needs in the cognitive, social, emotional, and physical domains at the appropriate level of development in the least restrictive environment;

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- H) designs learning experiences to promote students' skills in the use of technologies;
  - I) evaluates teaching resources and curricular materials for comprehensiveness, accuracy, and usefulness;
  - J) utilizes resources and materials that are developmentally and functionally valid;
  - K) uses the principle of partial participation in planning for all students;
  - L) develops curricula relevant to life skills domains: domestic, recreation/leisure, vocational, and community; and
  - M) plans and implements transition programs appropriate to the age and skill level of the student.
- e) Learning Environment – The competent special education teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent special education teacher understands:
    - A) strategies for preparing individuals to live harmoniously and productively in a multi-class, multiethnic, multicultural, and multinational world;
    - B) basic classroom management theories and methods;
    - C) aspects of the physical setting, schedule, routines, and transitions that promote development and learning;
    - D) the effects of teacher attitudes and behaviors on all students;
    - E) laws, rules and regulations, procedural safeguards, and ethical considerations regarding management of behaviors of individuals with disabilities;

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- F) strategies for individual behavior management, crisis prevention, and intervention;
  - G) functional assessment of behavior and the components of behavior intervention plans;
  - H) approaches to adapting environments to meet the specific learning and developmental needs of individuals;
  - I) strategies for conflict resolution;
  - J) effective instructional strategies for social skills development;
  - K) issues, resources, and techniques related to the integration of students with disabilities into and out of special centers, psychiatric hospitals, and residential treatment centers;
  - L) how to identify realistic expectations for student behavior in various settings;
  - M) the characteristics of environments, including materials, equipment, and spatial arrangements, that facilitate development, learning, and interaction between and among students;
  - N) ways in which technology can assist with creating and managing the learning environment;
  - O) common environmental barriers that hinder accessibility;
  - P) personal attitudes and biases that affect acceptance of individuals with disabilities; and
  - Q) supervision of paraeducators.
- 2) Performance – The competent special education teacher:
- A) identifies, uses and evaluates appropriate reinforcers to enhance learning and motivation;

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- B) uses strategies and techniques to arrange and modify the learning environment to facilitate learning according to an individual's physical, sensory, and/or behavioral needs;
- C) designs, structures, and manages daily routines effectively, including transition time for groups and individuals;
- D) uses assistive technology, when applicable, to create, arrange, and maintain a positive environment that facilitates learning and interaction;
- E) monitors and analyzes changes in individual and group behavior and performance across settings, curricular areas, and activities;
- F) designs, implements, and evaluates instructional programs that enhance an individual's social participation in family, school, and community activities;
- G) develops, implements, and evaluates the effects of positive behavior intervention techniques and individual behavior intervention plans for individuals with disabilities;
- H) applies appropriate, non-aversive, least intrusive management procedures when presented with spontaneous behavioral problems;
- I) elects target behaviors to be changed and conducts a functional assessment of the target behavior;
- J) plans and directs the activities of classroom paraeducators, volunteers, and/or peer tutors;
- K) coordinates activities with related services personnel to maximize instruction and time;
- L) uses procedures to help individuals develop self-awareness, self-control, self-reliance, self-esteem, and self-determination and manage their own behavior;

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- M) uses transfers (floor to sitting, sitting to floor, chair to chair) correctly and identifies incorrect procedures for handling and positioning; and
  - N) facilitates mobility, including head and trunk control, sitting, crawling, standing, walking, and wheelchair use.
- f) Instructional Delivery – The competent special education teacher understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent special education teacher understands:
    - A) techniques for modifying instructional methods, curricular materials and the environment to meet learners' needs that are appropriate to those learners' ages and skill levels; and
    - B) how cultural and gender differences affect communication.
  - 2) Performance – The competent special education teacher:
    - A) uses a variety of explanations and multiple representations of concepts that capture key ideas to help students develop conceptual understandings;
    - B) stimulates student reflection on prior knowledge and links new ideas to already familiar ideas and experiences;
    - C) facilitates learning experiences that develop social skills;
    - D) uses instructional time effectively and efficiently;
    - E) chooses and implements instructional techniques and strategies that promote successful transitions for individuals with disabilities;
    - F) adapts materials according to the needs of individuals with disabilities;

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- G) facilitates a learning community in which individual differences are respected;
  - H) creates varied opportunities for all students to use effective written, verbal, nonverbal and visual communication;
  - I) uses research-supported instructional strategies and practices;
  - J) identifies ways to enhance a reinforcer's effectiveness in instruction;
  - K) uses chronologically age-appropriate instruction and materials; and
  - L) facilitates the integration of related services into the instructional program.
- g) Collaborative Relationships – The competent special education teacher uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent special education teacher understands:
    - A) factors that promote effective communication and collaboration with individuals, parents, families, and school and community personnel in a culturally responsive program;
    - B) roles of individuals with disabilities, parents, teachers, and other school and community personnel in planning an individualized program;
    - C) ethical practices for confidential communication to others about individuals with disabilities;
    - D) typical concerns of families of individuals with disabilities and appropriate strategies for collaborating with families in addressing these concerns (including families transitioning into and out of the special education system);

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- E) the effects of family and community on development, behavior and learning;
  - F) family systems theory and dynamics and differences in family structures and beliefs;
  - G) roles and responsibilities of school-based medical and related services personnel, professional groups, and community organizations in identifying, assessing, and providing services to individuals with disabilities;
  - H) information generally available from family, school officials, the legal system, and community service agencies;
  - I) early childhood settings and other agencies related to young children and families as organizations within the larger community context; and
  - J) resources, strategies, networks, organizations, and unique services that work with individuals with disabilities and their families (including career, vocational, and transition support), including possible funding agencies and financial sources for secondary aged students (local, State, and federal).
- 2) Performance – The competent special education teacher:
- A) collaborates with a team, including families, to develop and implement individual student programs (Individualized Education Programs (IEPs), Individualized Family Service Plans (IFSPs), transition plans, etc.);
  - B) encourages and supports families in their student's programs and in becoming active participants in the educational team;
  - C) plans and conducts collaborative conferences with families or primary caregivers;

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- D) collaborates with parents and educators in the use of specific academic or behavior management strategies and counseling techniques;
  - E) initiates collaboration with others and creates situations where that collaboration will enhance student learning;
  - F) collaborates with classroom teachers, parents, paraeducators, and other school and community personnel in integrating individuals with disabilities into various social and learning environments;
  - G) communicates with general educators, administrators, paraeducators, and other school personnel about characteristics and needs of individuals with disabilities;
  - H) assists students, in collaboration with parents and other professionals, in planning for transition to adulthood, including employment and community and daily life, with maximum opportunities for decision-making and full participation in the community;
  - I) demonstrates the ability to train, monitor, evaluate, and provide feedback to paraeducators; and
  - J) works with colleagues to develop an effective learning climate within the school.
- h) Professional Conduct and Leadership – The competent special education teacher understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) Knowledge – The competent special education teacher understands:
    - A) personal and cultural biases and differences that affect one's teaching and interactions with others;
    - B) the importance of the teacher serving as a role model and advocate for all students;

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- C) schools as organizations within the larger community context;
  - D) consumer and professional organizations, publications, and journals relevant to individuals with disabilities; and
  - E) rights to privacy, confidentiality, and respect for differences among all persons interacting with individuals with disabilities.
- 2) Performance – The competent special education teacher:
- A) demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities;
  - B) demonstrates positive regard for the culture, religion, gender, and sexual orientation of individual students and their families;
  - C) promotes and maintains a high level of integrity in the practice of the profession in accordance with the professional ethical standards set forth in "What Every Special Educator Must Know: Ethics, Standards, and Guidelines" (2009) published by the Council for Exceptional Children, 2900 Crystal Drive, Suite 1000, Arlington, Virginia 22202. (No later amendments to or editions of these standards are incorporated by this rule.);
  - D) exercises objective professional judgment in the practice of the profession;
  - E) engages in professional activities that benefit individuals with disabilities, their families, and/or colleagues, including participation in the activities of professional organizations relevant to individuals with disabilities;
  - F) recognizes signs of emotional distress, child abuse, and neglect and follows procedures for reporting known or suspected abuse or neglect to appropriate authorities;
  - G) maintains confidentiality of medical and academic records and respect for privacy of individuals with disabilities; and

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- H) maintains ethical responsibility to advocate for the least restrictive environment and appropriate services.
- i) Reflection and Professional Growth – The competent special education teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
  - 1) Knowledge – The competent special education teacher understands:
    - A) benefits and strategies of mentorship;
    - B) the continuum of lifelong professional development; and
    - C) central concepts and methods of inquiry for reflecting on practice and problem-solving.
  - 2) Performance – The competent special education teacher:
    - A) reflects on his or her practice to improve instruction and guide professional growth; and
    - B) ensures that his or her professional development plan includes activities to remain current regarding research-validated practice.

**Section 28.200 Standards for the Learning Behavior Specialist I (LBS I)**

The Learning Behavior Specialist I is a teacher of children and youth with one or more of the following documented disabilities as specified in the Individuals with Disabilities Education Act (20 USC 1400 et seq.): specific learning disabilities, emotional disturbance, mental retardation, autism, traumatic brain injury, orthopedic or other health impairment. Beginning July 31, 2002, a teacher preparation program or course of study leading to the issuance of the Learning Behavior Specialist I (LBS I) endorsement (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

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- a) Foundations – The competent learning behavior specialist understands the philosophical, historical, and legal foundations of special education; he or she meets the standards set forth in Section 28.100(a) of this Part.
- b) Characteristics of Learners – The competent learning behavior specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
  - 1) Knowledge – The competent learning behavior specialist understands:
    - A) the impact of language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, and physical (including sensory) disabilities on learning;
    - B) the impact of language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, and physical (including sensory) disabilities on behavior; and
    - C) the unique impact of multiple disabilities on learning and behavior.
  - 2) Performance – The competent learning behavior specialist provides information about students with language disorders, processing deficits, cognitive disorders, behavioral/emotional/social disorders, physical disabilities, and health impairments and their impact on learning to teachers, parents and employers as appropriate.
- c) Assessment – The competent learning behavior specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
  - 1) Knowledge – the competent learning behavior specialist understands:
    - A) strategies for assessing individual learning characteristics and modes of communication;
    - B) strategies for assessing students' skills within curricular areas, including academic, social and vocational;

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- C) strategies for assessing learning environments and conducting functional behavioral assessments within the environment;
  - D) a model of reading diagnosis that includes student proficiency with print conventions, phonemic awareness, word recognition, vocabulary, fluency, comprehension, and self-monitoring; and
  - E) the uses and limitations of informal and formal assessments.
- 2) Performance – The competent learning behavior specialist:
- A) adapts group academic and statewide assessments for students with disabilities;
  - B) assesses the extent and quality of an individual's access to the general curriculum;
  - C) monitors a student's progress through the general curriculum;
  - D) designs and implements functional assessment procedures;
  - E) assesses reliable methods of response in individuals who lack typical communication and performance abilities;
  - F) adapts formal assessment devices to accommodate a student's mode of communication and response;
  - G) identifies students' educational priorities by developing and conducting an individualized inventory of the student's home, community, social, and vocational environments and integrated curriculum needs;
  - H) identifies a hierarchy of reinforcers and empirically evaluates their effectiveness for an individual with moderate, severe, and multiple disabilities;
  - I) determines strengths and needs of individual students in the area of reading;

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- J) determines students' independent, instructional, and frustrational reading levels to inform instruction; and
  - K) interprets and explains reading diagnostic information for classroom teachers, parents, and other specialists to plan instructional programs.
- d) Planning for Instruction – The competent learning behavior specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The learning behavior specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.
- 1) Knowledge – The competent learning behavior specialist understands:
    - A) the Illinois Learning Standards (see 23 Ill. Adm. Code 1. Appendix D) and effective instructional strategies and resources for teaching the scope and sequence in the academic, social, and vocational curricular domains;
    - B) effective instructional strategies for adapting the general curriculum to meet the needs of individual students;
    - C) the use of appropriate reading intervention strategies and support systems for meeting the needs of diverse learners;
    - D) the differences between reading skills and strategies, and the role each plays in reading development;
    - E) importance and strategies for teaching emerging literacy skills (concept of print, phonemic awareness, fluency, and comprehension) to success in reading achievement;
    - F) the strategies to develop a longitudinal, outcome-based curriculum with the identification of priorities, including social, language, academic and vocational skills across life skill domains (i.e., domestic, recreation/leisure, vocational, and community);

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- G) adaptive equipment to facilitate eating, dressing, grooming, bowel and bladder management, independent living, and mobility;
  - H) guidelines for the selection and use of augmentative or assistive technology devices (e.g., sign language, electronic devices, picture and symbol systems, and language boards);
  - I) effective strategies for teaching study skills;
  - J) the skills necessary for student success in community settings;
  - K) community vocational options, including supported employment and competitive employment models;
  - L) the rationale for career development and vocational programming across the preschool to postsecondary age span; and
  - M) the principles of partial participation.
- 2) Performance – The competent learning behavior specialist:
- A) integrates knowledge of the characteristics of the learner, Illinois Learning Standards, general curriculum and adaptation strategies appropriately into an effective individualized education program;
  - B) selects appropriate instructional strategies based on the curricular content and the age and skill level of the student;
  - C) evaluates, selects, develops, and adapts curricular materials and technology appropriate for individuals with disabilities;
  - D) applies the use of appropriate reading intervention strategies and support systems for meeting the needs of diverse learners;
  - E) adjusts reading instruction to meet the learning needs of diverse learners;
  - F) assesses the entrance level skill requirements of a potential site for vocational placement;

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- G) prioritizes skills and chooses chronologically age-appropriate materials, emphasizing functionality, instruction in natural settings, and interactions between students with and without disabilities;
  - H) develops longitudinal, outcome-based curricula for individual students;
  - I) identifies and prioritizes objectives for community skill training;
  - J) identifies available community recreational/leisure activities; and
  - K) identifies vocational and community placements appropriate to the age and skill level of the student.
- e) Learning Environment – The competent learning behavior specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent learning behavior specialist understands:
    - A) rationale for selecting specific management techniques; and
    - B) theories and positive approaches for managing significant behavior problems, including self-stimulation and self-abuse.
  - 2) Performance – The competent learning behavior specialist:
    - A) uses appropriate strategies for managing significant behavioral episodes and crisis intervention;
    - B) coordinates activities of related services personnel to maximize direct instruction time for individuals with disabilities and to ensure that related services are integrated into individuals' daily activities and schedule;
    - C) uses appropriate strategies for decreasing self-abusive behaviors; and

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- D) plans and implements instructional programs and behavioral interventions designed to facilitate the acquisition of adaptive social skills.
- f) Instructional Delivery – The competent learning behavior specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent learning behavior specialist understands:
    - A) effective instructional strategies for basic sequences of skills in the academic, social, and vocational curricular areas;
    - B) traditional, improved traditional, and rapid procedures for helping individuals achieve bowel and bladder control;
    - C) language intervention strategies and appropriate uses across age and skill levels;
    - D) instructional procedures for increasing communication use, spontaneity, and to promote generalization of communication; and
    - E) instructional procedures for facilitating errorless learning, including teacher delivered prompts and discrimination learning.
  - 2) Performance – The competent learning behavior specialist:
    - A) plans, organizes, and implements educational programs appropriate to the cognitive, linguistic, and physical needs of individuals in the least restrictive environment;
    - B) integrates academic instruction, affective education, and behavior management for individual learners and groups of learners in the least restrictive environment;
    - C) uses strategies to enhance the thinking process;

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- D) uses effective instructional strategies to assist individuals with disabilities to develop and self-monitor academic and social skills;
- E) provides community-referenced instruction;
- F) interprets sensory, mobility, reflex, and perceptual information to create appropriate lessons;
- G) integrates study skills curriculum with delivery of academic instruction;
- H) participates in the selection and implementation of augmentative or alternative communication devices and systems for use with students with disabilities;
- I) matches individual needs with appropriate community placements, including supported employment and competitive employment models;
- J) applies principles of instruction for generalized language arts or math skills to teaching domestic, community, school, recreational, or vocational skills that require language arts or math;
- K) designs and implements instructional programs for teaching eating, dressing, grooming, and toileting skills;
- L) uses language intervention strategies and appropriate usage across age and skill levels;
- M) uses instructional procedures for facilitating errorless learning, including teacher delivered prompts and discrimination learning;
- N) plans and implements individualized systematic instructional programs to teach priority skills;
- O) uses instructional procedures for increasing communication use and spontaneity, and to promote generalization of communication;

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- P) plans and implements instructional programs directed toward objectives established for recreation/leisure skills, domestic skills, community skills, and career development and vocational training emphasizing positive self-concepts and realistic goals; and
  - Q) plans and implements programs for students transitioning from school to adult life.
- g) Collaborative Relationships – the competent learning behavior specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraeducators, and students.
- 1) Knowledge – The competent learning behavior specialist understands collaborative and consultative roles of special educators in the integration of individuals with disabilities into the general curriculum, and educational and alternative settings (including community).
  - 2) Performance – The competent learning behavior specialist collaborates with parents, general educators, other professionals (including community) and paraeducators in the integration of individuals with disabilities into the general curriculum, and educational and alternative settings.
- h) Professional Conduct and Leadership – The competent learning behavior specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) Knowledge – The competent learning behavior specialist understands the scope of his or her practice and seeks additional resources and assistance as needed to meet the individualized needs of students.
  - 2) Performance – The competent learning behavior specialist:
    - A) practices within his or her own scope of practice and seeks additional resources and assistance as needed to meet the individualized needs of students;

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- B) demonstrates an ethical responsibility to advocate for the least restrictive environment and appropriate services; and
  - C) engages in professional activities that benefit students with disabilities.
- i) Reflection and Professional Growth – The competent learning behavior specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent learning behavior specialist:
- 1) conducts self-evaluation, making ongoing adjustments to assessment and intervention techniques as needed to improve services to students; and
  - 2) reflects on one's own practice to improve instruction and guide professional growth.

**Section 28.210 Standards for the Teacher of Students who are Blind or Visually Impaired**

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Teacher of Students who are Blind or Visually Impaired (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

- a) Foundations – The competent teacher of students who are blind or visually impaired understands the philosophical, historical, and legal foundations of special education and is able to incorporate this knowledge within the context of the educational system.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands:
    - A) federal entitlements (e.g., American Printing House for the Blind quota funds) that relate to the provision of specialized equipment and materials for learners with visual impairments;

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- B) historical foundations for education of children with visual impairments, including the array of service options; and
  - C) current educational definitions, identification criteria, labeling issues, and current incidence and prevalence figures for students with visual impairments, including those with multiple disabilities.
- 2) Performance – The competent teacher of students who are blind or visually impaired articulates the pros and cons of current issues and trends in special education for students who are visually impaired;
- b) Characteristics of Learners – The competent teacher of students who are blind or visually impaired understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and creates opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands:
- A) the normal development of the human visual system;
  - B) basic terminology related to the structure and function of the human visual system;
  - C) basic terminology related to diseases and disorders of the human visual system;
  - D) the development of secondary senses (hearing, touch, taste, and smell) when the primary sense is impaired;
  - E) the effects of a visual impairment on early development (motor system, cognition, social/emotional interactions, self-help, and language);
  - F) the effects of a visual impairment on social behaviors and independence;
  - G) the effects of a visual impairment on language and communication;

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- H) the effects of a visual impairment on the individual's family and the reciprocal impact on the individual's self-esteem;
  - I) the psychosocial aspects of a visual impairment;
  - J) the effects of medication on the visual system; and
  - K) the impact of additional exceptionalities on students with visual impairments.
- 2) Performance – The competent teacher of students who are blind or visually impaired develops individual programs based on general development and academic, social, career and functional characteristics of students with visual impairments, including those with multiple disabilities.
- c) Assessment, Diagnosis, and Evaluation – The competent teacher of students who are blind or visually impaired understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands:
    - A) the impact of visual disorders and additional disabilities on learning and experience;
    - B) specialized terminology used in assessing students with visual impairments, both as it relates to the visual system and in areas of importance;
    - C) the ethical considerations and legal provisions, regulations, and guidelines (federal, State, and local) related to assessment of students with visual impairments (including the legal versus functional definitions of blindness and low vision);
    - D) specialized policies regarding referral and placement procedures for students with visual impairments;

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- E) procedures used for screening, pre-referral, referral, and classifications, including vision screening methods, functional vision evaluation, and learning media assessment of students with visual impairments, including those with multiple disabilities;
  - F) alternative assessment techniques for students with visual impairments, including those with multiple disabilities;
  - G) appropriate interpretation and application and other evaluative information of scores obtained as a result of assessing students with visual impairments, including those with multiple disabilities; and
  - H) relationships among assessment, IEP development, and placement as they affect vision-related services.
- 2) Performance – The competent teacher of students who are blind or visually impaired:
- A) interprets eye reports and other vision-related diagnostic information;
  - B) uses disability-specific assessment instruments appropriately;
  - C) adapts and uses a variety of assessment procedures appropriately when evaluating students with visual impairments, including those with multiple disabilities;
  - D) creates and maintains disability-related records for students with visual impairments, including those with multiple disabilities;
  - E) gathers background information about academic, medical, and family history as it relates to the student's visual status for students with visual impairments, including those with multiple disabilities; and
  - F) uses assessment data to develop individualized instructional strategies to enhance instruction, including modifications of the

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environment, adaptations of materials, and disability-specific methodologies for students with visual impairments, including those with multiple disabilities.

- d) Instructional Content and Practice – The competent teacher of students who are blind or visually impaired understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands:
- A) Grade 2 Braille and Nemeth code;
  - B) Braille codes and resources for foreign language and music;
  - C) methods of developing modified communication skills for students with visual impairments, including:
    - i) low-vision modifications for print reading and writing,
    - ii) listening skills and compensatory auditory skills,
    - iii) written communication skills including handwriting,
    - iv) use of a broad range of assistive technology for individuals with visual impairments, and
    - v) awareness of augmentative communication used by students with multiple disabilities;
  - D) methods for developing visual efficiency, including:
    - i) use of visual skills,
    - ii) use of optical and other adaptive devices,
    - iii) modification of the environment, and

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- iv) functional application of these skills;
- E) methods for developing modified academic skills, including:
  - i) use of an abacus,
  - ii) use of a talking calculator,
  - iii) interpretation of tactile graphics (maps, charts, tables, etc.),  
and
  - iv) use of adapted science and math equipment;
- F) methods for developing alternative reasoning and decision-making skills in students with visual impairments;
- G) methods for developing alternative organization and study skills for students with visual impairments;
- H) methods for preparing students with visual impairments, including those with multiple disabilities, for structured pre-cane orientation and mobility assessment and instruction;
- I) methods for developing tactual perceptual skills for students who are or will be primarily tactual learners;
- J) methods of teaching human sexuality to students with visual impairments, using tactual models that are anatomically accurate;
- K) methods for developing adapted physical and recreation skills for students with visual impairments;
- L) methods for developing social and daily living skills that are normally learned or reinforced by visual means;
- M) preschool-specific concepts and methods of teaching those concepts to young children with visual impairments;

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- N) strategies for developing career awareness in and providing vocational counseling for students with visual impairments;
  - O) strategies for promoting self-advocacy in students with visual impairments;
  - P) functional life skills instruction relevant to independent, community, and personal living and employment for individuals with visual impairments, including:
    - i) methods for accessing printed public information,
    - ii) methods for accessing public transportation,
    - iii) methods for accessing community resources, and
    - iv) methods for acquiring practical skills (e.g., keeping personal records, time management, personal banking, emergency procedures);
  - Q) sources of specialized materials for students with visual impairments, including those with multiple disabilities; and
  - R) techniques for modifying instructional methods and materials for students with visual impairments, including those with multiple disabilities, and assisting classroom teachers in implementing these modifications.
- 2) Performance – The competent teacher of students who are blind or visually impaired:
- A) interprets and uses unique assessment data, including learning media assessment, for instructional planning with students with visual impairments, including those with multiple disabilities;
  - B) develops individualized instructional strategies to enhance instruction, including modifications of the environment, adaptations of materials, and disability-specific methodologies for

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students with visual impairments, including those with multiple disabilities;

- C) chooses and uses appropriate technologies to accomplish instructional objectives for students with visual impairments and integrates the technologies appropriately into the instructional process;
  - D) sequences, implements, and evaluates individual disability-related learning objectives for students with visual impairments;
  - E) uses strategies for facilitating the maintenance and generalization of disability-related skills across learning environments for students with visual impairments; and
  - F) teaches students with visual impairments to use thinking, problem-solving, and other cognitive strategies to meet individual learning and vision needs.
- e) Planning and Managing the Teaching and Learning Environment – The competent teacher of students who are blind or visually impaired uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands:
    - A) a variety of input and output enhancements to computer technology that address the specific access needs of students with visual impairments in a variety of environments; and
    - B) model programs, including career-vocational and transition that have been effective for students with visual impairments.
  - 2) Performance – The competent teacher of students who are blind or visually impaired:

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- A) prepares modified special materials (e.g., in Braille, enlarged, outlined, and highlighted) for students with visual impairments;
  - B) obtains and organizes special materials to implement instructional goals for students with visual impairments;
  - C) designs learning environments that are multi-sensory and encourage active participation by students with visual impairments in a variety of group and individual learning activities;
  - D) creates a learning environment that encourages self-advocacy and independence for students with visual impairments;
  - E) formats, transcribes, proofreads, and interlines materials in Grade 2 Braille and Nemeth code; and
  - F) uses the Braille writer, slate and stylus, and computer technology to produce Braille materials.
- f) Managing Student Behavior and Social Interaction Skills – The competent teacher of students who are blind or visually impaired understands that attitudes and behaviors can affect student behavior and prepares students to deal with a variety of attitudes and behaviors in social situations.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired understands that teachers' attitudes and behaviors affect the behaviors of students with visual impairments.
  - 2) Performance – The competent teacher of students who are blind or visually impaired:
    - A) prepares students with progressive eye conditions to achieve a positive transition to alternative skills;
    - B) prepares students with visual impairments to access information and services from the community at large; and

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- C) prepares students with visual impairments to respond to societal attitudes and actions with positive behavior, self-advocacy, and a sense of humor.
- g) Communication and Collaborative Partnerships – The competent teacher of students who are blind or visually impaired uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent teacher of students who are blind or visually impaired knows:
    - A) strategies for assisting parents and other professionals in planning appropriate transitions for students with visual impairments;
    - B) sources of unique services, networks, and organizations for students with visual impairments;
    - C) the roles of paraprofessionals who work directly with students with visual impairments (e.g., sighted readers, transcribers, aides) or who provide special materials to them; and
    - D) the need for role models who have visual impairments and are successful.
  - 2) Performance – The competent teacher of students who are blind or visually impaired:
    - A) helps parents and other professionals understand the impact of a visual impairment on learning and experience;
    - B) reports disability-related results of evaluations to students with visual impairments, their parents, administrators, and other professionals in clear, concise, and understandable terms;
    - C) manages and directs the activities of paraprofessionals or peer tutors who work with students with visual impairments; and

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- D) uses communication styles that are appropriate for students with visual impairments.
- h) Professionalism and Ethical Practices – The competent teacher of students who are blind or visually impaired understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
  - 1) Knowledge – The competent teacher of students who are blind or visually impaired understands consumer and professional organizations, publications, and journals relevant to the field of visual impairment.
  - 2) Performance – The competent teacher of students who are blind or visually impaired participates in the activities of professional organizations relevant to the education of students who are blind or visually impaired.

**Section 28.220 Standards for the Teacher of Students who are Deaf or Hard of Hearing**

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Teacher of Students who are Deaf or Hard of Hearing (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

- a) Foundations – The competent teacher of students who are deaf or hard of hearing understands the philosophical, historical, and legal foundations of special education for individuals who are deaf or hard of hearing and is able to incorporate this knowledge within the context of the educational system.
  - 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
    - A) current educational definitions of students with hearing loss, including identification criteria, labeling issues, and current incidence and prevalence figures;

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- B) models, theories, and philosophies (e.g., bilingual-bicultural, total communication, oral/aural) that provide the basis for educational practices for students who are deaf or hard of hearing, as consistent with program philosophy;
  - C) variations in beliefs, traditions, and values across cultures and within society, and the effect of the relationships among children who are deaf or hard of hearing, their families, and schooling;
  - D) issues in definitions and identification procedures for individuals who are deaf or hard of hearing (e.g., cultural versus medical perspective);
  - E) rights and responsibilities of parents, students, teachers, and schools as they relate to students who are deaf or hard of hearing; and
  - F) the impact of various educational placement options (from the perspective of the needs of any given child who is deaf or hard of hearing and consistent with program philosophy) with regard to cultural identity and linguistic, academic, and social-emotional development.
- 2) Performance – The competent teacher of students who are deaf or hard of hearing:
- A) applies understanding of theory, philosophy, and models of practice to the education of students who are deaf or hard of hearing;
  - B) articulates pros and cons of current issues and trends in special education and the field of education of children who are deaf or hard of hearing; and
  - C) identifies the major contributors to the growth and improvement of knowledge and practice in the field of education of children who are deaf or hard of hearing.

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- b) Characteristics of Learners – The competent teacher of students who are deaf or hard of hearing understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and creates opportunities that support the communication, intellectual, social, and personal development of all students.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
- A) communication features (visual, spatial, tactile, and/or auditory) salient to the learner who is deaf or hard of hearing that are necessary to enhance cognitive, emotional, and social development;
  - B) research in cognition related to children who are deaf or hard of hearing;
  - C) cultural dimensions that being deaf or hard of hearing may add to the life of a child;
  - D) various etiologies of hearing loss that can result in additional sensory, motor, and/or learning differences in students who are deaf or hard of hearing;
  - E) the effects of families and/or primary caregivers on the overall development of children who are deaf or hard of hearing;
  - F) the effects that onset of loss, age of identification, and provision of services have on the development of the child who is deaf or hard of hearing;
  - G) the impact of early comprehensible communication on the academic, linguistic, and social/emotional development of the child who is deaf or hard of hearing;
  - H) that deafness or hearing loss alone does not necessarily preclude normal academic development, cognitive development, or communication ability;

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- I) differences in quality and quantity of incidental language/learning experiences that children who are deaf or hard of hearing may experience;
  - J) the effects of sensory input on the development of language and cognition of children who are deaf or hard of hearing; and
  - K) the structure and function of auditory systems, audiological assessments, and auditory interventions, including but not limited to hearing aids, cochlear implants, assistive technology, and auditory training.
- 2) Performance – The competent teacher of students who are deaf or hard of hearing develops a descriptive profile of a student who is deaf or hard of hearing.
- c) Assessment, Diagnosis, and Evaluation – The competent teacher of students who are deaf or hard of hearing understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
    - A) specialized terminology used in assessment of children who are deaf or hard of hearing;
    - B) the components of an adequate evaluation for eligibility, placement, and program planning (e.g., interpreters, special tests) decisions for students who are deaf or hard of hearing;
    - C) the legal provisions, regulations, and guidelines regarding unbiased diagnostic assessment and use of instructional assessment measures with students who are deaf or hard of hearing; and
    - D) the special policies regarding referral and placement procedures (i.e., Federal Policy Guidance, October 30, 1993) for students who are deaf or hard of hearing.

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- 2) Performance – The competent teacher of students who are deaf or hard of hearing:
  - A) administers appropriate assessment tools using the natural/native/preferred language of the student who is deaf or hard of hearing;
  - B) gathers and analyzes communication samples from students who are deaf or hard of hearing, including nonverbal as well as linguistic acts; and
  - C) uses exceptionality-specific assessment instruments (e.g., SAT-HI, TERA-DHH, FSST) appropriate for students who are deaf or hard of hearing.
- d) Instructional Content and Practice – The competent teacher of students who are deaf or hard of hearing understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The teacher understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
  - 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
    - A) sources of specialized materials for students who are deaf or hard of hearing;
    - B) components of the nonlinguistic and linguistic communication that students who are deaf or hard of hearing use;
    - C) the procedures and technologies required to educate students who are deaf or hard of hearing under one or more of the existing modes or philosophies;
    - D) information related to American Sign Language (ASL) and existing communication modes or philosophies (consistent with program philosophy);

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- E) current theories of how language (e.g., ASL and English) develop in both children who are hearing and those who are deaf or hard of hearing;
  - F) subject matter and practice used in general education across content areas;
  - G) ways to facilitate cognitive and communicative development in students who are deaf or hard of hearing (e.g., visual saliency) consistent with program philosophy;
  - H) techniques of stimulation and use of residual hearing, based upon interpretation of audiological evaluation, in students who are deaf or hard of hearing;
  - I) research-supported instructional strategies and practices for teaching students who are deaf or hard of hearing;
  - J) techniques/methods to develop speech skills for children who are deaf or hard of hearing; and
  - K) techniques/methods to address the unique needs of children who are deaf or hard of hearing and have additional needs (e.g., behavioral concerns, autism) or disabilities (e.g., cognitive delay, autism).
- 2) Performance – the competent teacher of students who are deaf or hard of hearing:
- A) demonstrates proficiency in the languages used for instructing students who are deaf or hard of hearing;
  - B) demonstrates the basic characteristics of various existing communication modes used with students who are deaf or hard of hearing;
  - C) selects, designs, produces, and utilizes media, materials, and resources required to educate students who are deaf or hard of

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hearing under one or more of the existing modes or philosophies (e.g., bilingual-bicultural, total communication, aural/oral);

- D) infuses speech skills into academic areas as consistent with the mode or philosophy espoused and the ability of the student who is deaf or hard of hearing;
  - E) modifies the instructional process and classroom environment to meet the physical, cognitive, cultural, and communication needs of the child who is deaf or hard of hearing (e.g., teacher's style, acoustic environment, and availability of support services and appropriate technologies);
  - F) facilitates independent communication behavior in children who are deaf or hard of hearing;
  - G) applies first and second language teaching strategies (i.e., English through ASL or ESL) appropriate to the needs of the individual student who is deaf or hard of hearing and consistent with program philosophy;
  - H) demonstrates the ability to modify incidental language experiences to fit the visual and other sensory needs of children who are deaf or hard of hearing; and
  - I) designs and implements appropriate strategies and activities to maximize literacy skills in children who are deaf or hard of hearing.
- e) Planning and Managing the Teaching and Learning Environment – The competent teacher of students who are deaf or hard of hearing uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:

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- A) deaf cultural factors that may influence classroom management of students who are deaf or hard of hearing; and
  - B) model programs, including career-vocational and transition that have been effective for students with hearing losses.
- 2) Performance – The competent teacher of students who are deaf or hard of hearing:
- A) manages assistive/augmentative devices appropriate for students who are deaf or hard of hearing in learning environments;
  - B) selects, adapts, and implements classroom management strategies for students who are deaf or hard of hearing that reflect understanding of each child's cultural needs, including a primarily visual deaf culture where appropriate;
  - C) designs a classroom environment that maximizes opportunities for visually oriented and/or auditory learning in students who are deaf or hard of hearing; and
  - D) plans and implements instruction for students who are deaf or hard of hearing and who have multiple disabilities and special needs.
- f) Managing Student Social Interaction Skills – The competent teacher of students who are deaf or hard of hearing understands processes and opportunities for interaction and prepares students to interact in a variety of communication situations.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
- A) processes for establishing ongoing interactions of students who are deaf or hard of hearing with peers and role models who are deaf or hard of hearing; and
  - B) opportunities for interaction with communities of individuals who are deaf or hard of hearing on the local, State, and national levels.

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- 2) Performance – The competent teacher of students who are deaf or hard of hearing teaches students who are deaf or hard of hearing to use interpreters appropriately in social situations.
- g) Communication and Collaborative Partnerships – The competent teacher of students who are deaf or hard of hearing uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
    - A) available resources to help parents of children who are deaf or hard of hearing deal with their concerns regarding educational options and communication modes/philosophies for their children;
    - B) the roles and responsibilities of teachers and support personnel in educational practice for students who are deaf or hard of hearing (e.g., educational interpreters, tutors, and note-takers);
    - C) the effects of communication on the development of family relationships and strategies used to facilitate communication in families with children who are deaf or hard of hearing; and
    - D) services provided by governmental and non-governmental agencies or individuals in the ongoing management of children who are deaf or hard of hearing.
  - 2) Performance – The competent teacher of students who are deaf or hard of hearing:
    - A) teaches students who are deaf or hard of hearing to use support personnel effectively (e.g., educational interpreters, tutors, and note-takers);
    - B) facilitates communication between the child who is deaf or hard of hearing and his or her family and/or other caregivers; and

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- C) facilitates coordination of support personnel (e.g., interpreters) to meet the diverse communication needs of the student who is deaf or hard of hearing and his or her primary caregivers.
- h) Professionalism and Ethical Practices – The competent teacher of students who are deaf or hard of hearing understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge – The competent teacher of students who are deaf or hard of hearing understands:
    - A) the process for acquiring the needed skills in modes/philosophies of education of students who are deaf or hard of hearing in which an individual was not prepared; and
    - B) consumer and professional organizations, publications, and journals relevant to the field of education of students who are deaf or hard of hearing.
  - 2) Performance – The competent teacher of students who are deaf or hard of hearing:
    - A) seeks interaction with adults in the deaf community to maintain/improve ASL, English signs, or cues as consistent with program philosophy;
    - B) demonstrates the ability to interact with a variety of individuals who are deaf or hard of hearing on an adult-to-adult level;
    - C) provides families with the knowledge and skills to make appropriate choices needed to enhance the development and transition of their children who are deaf or hard of hearing; and
    - D) participates in the activities of professional organizations relevant to the education of students who are deaf or hard of hearing.

**Section 28.230 Standards for the Speech-Language Pathologist**

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Beginning January 1, 2002, an individual who completes an approved program and elects to receive the speech-language pathologist's endorsement on a school service personnel certificate rather than on a teaching certificate shall be subject to the standards set forth in this Section but not to those set forth in Section 28.100 of this Part or to those set forth at 23 Ill. Adm. Code 24.100 or 24.130, as applicable. Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as a Speech-Language Pathologist (either on the special preschool-age 21 certificate or on both an elementary and a secondary certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of either of these credentials shall be based upon these standards. Each speech-language pathologist shall hold a master's degree.

- a) Content Knowledge – The competent speech-language pathologist understands the philosophical, historical, and legal foundations of speech-language pathology and is able to incorporate this knowledge within the context of the educational system.
  - 1) Knowledge – The competent speech-language pathologist understands:
    - A) various types of communication disorders, their classifications, and their manifestations;
    - B) anatomic and physiologic bases of speech, language, hearing, and oropharyngeal function;
    - C) linguistic and psycholinguistic variables related to the normal development of speech, language, and hearing;
    - D) physical and psychophysical bases and processes of the production and perception of speech, language, and hearing;
    - E) the nature, prevention, evaluation, and treatment of speech, language, and hearing disorders; and
    - F) the relationship of knowledge within the discipline to education and life/career applications.
  - 2) Performance – The competent speech-language pathologist:

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- A) provides screening, identification, assessment, diagnosis, treatment, intervention, and follow-up services for disorders of:
    - i) speech, including articulation, fluency, and voice;
    - ii) language, including phonology, morphology, syntax, semantics, and pragmatics, and disorders of receptive and expressive communication in oral, written, graphic, and manual modalities;
    - iii) oral and pharyngeal functions, including disorders of swallowing and feeding;
    - iv) cognitive aspects of communication; and
    - v) social aspects of communication;
  - B) uses research results to determine effective diagnostic and treatment procedures; and
  - C) measures outcomes of treatment and conducts continuing evaluation of the efficacy of practices and programs to maintain and improve quality of services.
- b) Human Development and Learning – The competent speech-language pathologist understands the cognitive, physical, emotional, social, and communication development of an individual and creates opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) child and adolescent growth and development and the ranges of individual variation; and
    - B) that learning is influenced by students' physical, social, emotional, ethical, and cognitive development.
  - 2) Performance – The competent speech-language pathologist:

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- A) considers student development factors when interpreting evaluative data and designing interventions; and
  - B) introduces concepts and principles at different levels of complexity so that they are meaningful to students at varying levels of development and to students with diverse learning needs and styles.
- c) Diversity – The competent speech-language pathologist understands and is tolerant of individual differences and provides services that demonstrate sensitivity to such differences.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) differences in race, culture, religion, national origin, gender, sexual orientation, and disabling condition;
    - B) the process of second language acquisition and strategies to support student learning; and
    - C) areas of exceptionality in learning as defined in the federal and State statutes and regulations (i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Individuals with Disabilities Education Act (20 USC 1400), Americans with Disabilities Act of 1990 (42 USC 12101), the School Code [105 ILCS 5/1-1], and State rules Governing Special Education (23 Ill. Adm. Code 226)) and the impact these have on students, families and school programs.
  - 2) Performance – The competent speech-language pathologist:
    - A) provides services that demonstrate multicultural sensitivity to students and families;
    - B) designs assessments and intervention strategies appropriate to students' gender, culture, stages of development, learning styles, exceptionalities, strengths, and needs; and

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- C) considers students' abilities in their primary and secondary languages and the effects of second language learning when designing assessments and planning intervention.
- d) Planning and Intervention – The competent speech-language pathologist uses an understanding of assessment and intervention to create plans for the prevention and habilitation of communication disorders.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) strategies and activities designed to prevent communication disorders;
    - B) principles and techniques of various interventions utilized in the management and treatment of communication disorders; and
    - C) evaluation and management procedures that do not pertain specifically to speech disorders or language disorders and are within the "Scope of Practice for Speech-Language Pathology" (2007) published by the American Speech-Language-Hearing Association, 2200 Research Boulevard, Rockville, Maryland 20850. No later amendments to or editions of this document are incorporated by this rule.
  - 2) Performance – The competent speech-language pathologist:
    - A) plans activities for the prevention of communication disorders;
    - B) uses and interprets assessment data in making appropriate intervention decisions;
    - C) contributes to the development of a comprehensive, longitudinal individualized program for each student;
    - D) creates goals and benchmarks or short-term objectives to enable students to meet expectations for learning;

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- E) creates and adapts effective learning materials and learning experiences based on curriculum, students' prior knowledge, and students' needs;
  - F) interprets and uses assessment data for the purpose of making appropriate modifications in the learning environment and planning effective interventions; and
  - G) accesses and employs a wide range of information and technology to enhance student learning.
- e) Learning Environment – The competent speech-language pathologist uses an understanding of learning approaches to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) how school systems are organized and how they operate in relation to general and special education; and
    - B) how individuals differ in their approaches to learning and how to create opportunities adapted to diverse learners.
  - 2) Performance – The competent speech-language pathologist:
    - A) maximizes the use of therapeutic intervention time by creating an environment that is conducive to learning and achieving individualized communication goals; and
    - B) uses strategies that encourage students to assume responsibility, participate in decision-making, work independently, and collaborate in learning activities.
- f) Service Delivery – The competent speech-language pathologist understands a continuum of services and service delivery options and provides services based upon the needs of individual students.

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- 1) Knowledge – The competent speech-language pathologist understands and is familiar with a continuum of services and service delivery options.
- 2) Performance – The competent speech-language pathologist:
  - A) assists in determining the least restrictive environment to provide services based upon the needs of individual students;
  - B) selects and uses instructional content, materials, resources, and strategies based upon age, ability, cultural, linguistic, and gender differences of the student;
  - C) monitors and adjusts strategies in response to student feedback and ongoing performance data; and
  - D) teaches students with special learning needs to use thinking, problem-solving, and other cognitive strategies to meet individual needs.
- g) Communication – The competent speech-language pathologist uses knowledge of effective written, verbal, nonverbal, and visual communication technique to effectively communicate with his or her audience.
  - 1) Knowledge – The competent speech-language pathologist understands:
    - A) and is familiar with the components and terminology of professional report writing; and
    - B) the importance of audience and purpose when selecting ways to communicate.
  - 2) Performance – The competent speech-language pathologist:
    - A) uses a variety of communication modes to effectively communicate with a diverse student population, parents, and other professionals;
    - B) speaks and writes effectively using language appropriate to the situation and the audience; and

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- C) practices effective listening and provides students with constructive feedback.
- h) Assessment and Evaluation – The competent speech-language pathologist understands the educational assessment process and utilizes various assessment strategies to support the continuous development of all students.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) procedures, techniques and instrumentation used to evaluate communication disorders;
    - B) various formal and informal assessment and evaluation theories, techniques, and strategies; and
    - C) evaluation procedures that do not pertain specifically to speech disorders or language disorders and are within the American Speech-Language-Hearing Association's Scope of Practice for Speech-Language Pathology.
  - 2) Performance – The competent speech-language pathologist:
    - A) uses a variety of appropriate formal and informal assessment tools and procedures;
    - B) uses nondiscriminatory evaluation procedures in order to obtain a valid understanding of how a student is functioning and what the student is capable of accomplishing; and
    - C) maintains useful and accurate records and communicates information, such as legal rights and evaluation results, knowledgeably and responsibly to parents/guardians and others involved in meeting the needs of the student.
- i) Collaborative Relationships – The competent speech-language pathologist understands collaborative relationships and fosters collaboration and supportive interaction among professionals, parents, paraprofessionals, and students.

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- 1) Knowledge – The competent speech-language pathologist understands:
    - A) the collaborative process; and
    - B) the benefits, barriers, and techniques involved in collaboration.
  - 2) Performance – The competent speech-language pathologist:
    - A) works with colleagues and parents to develop and maintain a positive learning environment; and
    - B) facilitates collaborative relationships between general and special education.
- j) Professional Growth and Self-Evaluation – The competent speech-language pathologist continually evaluates how choices and actions affect students, parents, and other professionals and actively seeks opportunities to grow professionally.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) that self-evaluation is an integral part of professional growth and improvement;
    - B) the necessity of continuing education for professional development; and
    - C) is familiar with resources available for professional development.
  - 2) Performance – The competent speech-language pathologist:
    - A) identifies and engages in appropriate continuing education opportunities to support personal development as a learner and educator;
    - B) actively seeks out, participates in, and shares relevant instructional materials and ideas with colleagues; and

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- C) engages in self-evaluation, making ongoing adjustments to assessment and intervention techniques as needed to improve services to students.
- k) Professional Conduct and Ethics – The competent speech-language pathologist understands and abides by applicable laws, regulations, policies, procedures, codes of conduct, and practice guidelines.
- 1) Knowledge – The competent speech-language pathologist understands:
    - A) professional associations' codes of conduct and ethical practice guidelines;
    - B) federal and State laws and regulations as they pertain to professional practice;
    - C) parameters of the profession's scope of practice; and
    - D) school policies and procedures.
  - 2) Performance – The competent speech-language pathologist:
    - A) follows codes of professional conduct and ethical practice guidelines of the profession;
    - B) abides by federal and State laws and regulations as they pertain to professional practice;
    - C) follows the profession's scope of practice;
    - D) follows school policies and procedures; and
    - E) promotes and maintains a high level of competence in the practice of the profession.
- l) Facilitation and Advocacy – The competent speech-language pathologist understands his or her advocacy role and assists individuals in accessing educational resources and services.

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- 1) Knowledge – The competent speech-language pathologist understands:
  - A) the educator's advocacy role;
  - B) programs and services available in the school environment; and
  - C) how to access and make appropriate referrals for services provided by district, community, and State resources.
- 2) Performance – The competent speech-language pathologist:
  - A) identifies areas of need and makes referrals as appropriate;
  - B) assists parents/students in accessing community and school resources and services;
  - C) provides consultation to parents/guardians, school staff, community agencies, and relevant others in understanding the scope of speech-language services in the school setting; and
  - D) advocates for appropriate student services and supports as needed.

**Section 28.240 Standards for the Early Childhood Special Education Teacher**

Beginning July 31, 2002, a teacher preparation program or course of study leading to endorsement as an Early Childhood Special Education Teacher (on the early childhood certificate) shall be approved only if it includes content that will enable candidates to meet the standards set forth in this Section. Beginning January 1, 2003, the examination required for issuance of this credential shall be based upon these standards.

- a) Content Knowledge – The competent early childhood special education (ECSE) teacher understands the central concepts, tools of inquiry, and structures of developmental, functional, and learning curriculum areas appropriate to young children and creates and provides integrated experiences that develop each child's competence across curriculum areas.
  - 1) Knowledge – The competent ECSE teacher understands:

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- A) major concepts, assumptions, debates, principles, theories, and processes of inquiry that are central to early childhood special education and its related fields and to its own history, legislation, and research;
  - B) how current development, knowledge, beliefs, and dispositional frameworks influence attitudes and frameworks for further learning and development;
  - C) the central concepts and tools of inquiry in academic content areas, including language and literacy, mathematics, science, social studies, art, music, drama, and movement;
  - D) developmental curriculum areas, including social, emotional, cognitive, language, and physical development;
  - E) functional/adaptive curriculum areas, including health, safety, nutrition, and life skills; and
  - F) the structure of curriculum areas within the multiple teaching settings included in early childhood special education from birth through grade three, and the relationship of this structure to other areas of knowledge and to life-long development and learning.
- 2) Performance – The competent ECSE teacher:
- A) develops and implements an integrated curriculum that focuses on children's needs and interests and takes into account culturally valued content and children's home experiences;
  - B) evaluates teaching resources and curriculum materials in academic, developmental, and functional/adaptive curriculum areas for their comprehensiveness, accuracy, and usefulness in fostering developmental and learning processes and outcomes;
  - C) matches different ways of knowing and methods of instruction to different academic, developmental, and functional/adaptive goals and outcomes;

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- D) promotes children's skills in using technologies to support learning across content and developmental areas, including technologies that provide access to the general education curriculum and to participation in natural environments for children with disabilities; and
  - E) organizes content and experiences to support children's understanding and learning, and engages children in generating and examining their own emerging knowledge.
- b) Human Development and Learning – The competent ECSE teacher understands how individuals grow, develop, and learn, as well as the implications of disabilities and other special needs and circumstances for development, and provides developmental and learning opportunities that ameliorate or remediate the effects of these conditions on the intellectual, social, emotional, and physical development of young children with disabilities from birth through grade three.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) different theories of human development and learning, including emerging knowledge of early neural development, ranges of individual variation within domains, and transactional influences between and among arenas of biological function and environmental conditions during pre-, peri-, and post-natal development;
    - B) the characteristics and sequences of normal development in cognitive, emotional, social, language, and motor domains, as well as interactions and influences among domains;
    - C) the characteristics of, and influences of life situations on, children's construction of cognitive, emotional, social and aesthetic understandings, language, mental health, and adaptive and motor skills, including developmental consequences of stress and trauma as well as protective factors and resilience;
    - D) the educational implications of different disabilities, as well as their potential effects on development and life experiences in early childhood and over time;

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- E) how children's physical, social, emotional, cognitive and ethical development influence learning approaches and outcomes;
  - F) how developmental and learning factors, including factors related to individual differences stemming from various disabling conditions, influence instructional decisions; and
  - G) the effects of various medications on the educational, cognitive, physical, social, and emotional behavior of children with disabilities.
- 2) Performance – The competent ECSE teacher:
- A) applies theories of typical and atypical child development to instructional situations in school, community, and home environments;
  - B) applies knowledge of typical and atypical child development and the interrelationships among developmental domains and learning to interpreting behavior and making instructional decisions in academic, developmental, and functional/adaptive domains;
  - C) applies knowledge of development and learning to designing instructional experiences that ameliorate the effects of disabilities on the acquisition of new information and skills;
  - D) outlines structures for instruction that link new ideas and experiences to current understandings and abilities and to already familiar ideas and experiences;
  - E) incorporates goals and expectations of varying levels of complexity into instruction so that instructional activities are engaging and meaningful to children at different levels of development and with diverse learning needs;
  - F) supports and facilitates family/child interactions and environments as primary contexts for learning and development; and

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- G) accesses information on various cognitive, communication, physical, cultural, social, and emotional conditions of individuals with exceptional learning needs.
- c) Diversity – The competent ECSE teacher understands how children and families differ in their perspectives and approaches to development, learning, and disability and provides curriculum and instructional environments within the context of family, classroom, and community that honor the families' and communities' beliefs, values, and practices.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) the characteristics and etiologies of common disabilities and conditions in young children, including typical developmental patterns related to conditions such as prematurity and low birth weight, and describes specific implications for development and learning;
    - B) the significance of familial, cultural and societal contexts, as well as of individual abilities, experiences, talents, dispositions, prior learning, and individual needs, for children's development and learning;
    - C) the significance of familial, cultural, and social contexts for interpretation of disability and the role of the young child with disabilities within the family and community;
    - D) the process of second language acquisition and strategies to support the learning of children whose first language is not English; and
    - E) normal individual variation in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes, and how these differences interact with individual differences related to disabilities and other individual differences such as culture and language.
  - 2) Performance – The competent ECSE teacher:

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- A) develops and selects learning experiences and strategies that affirm and respect family, cultural, and societal diversity, including language differences, as well as differences related to disability;
  - B) makes appropriate modifications in circumstances of work, expected outcomes, and teaching approaches, including technologies, to address and respect individual differences in learning needs, developmental levels, and preferences; and
  - C) seeks information about and incorporates knowledge of children's experiences, cultures, and community resources into teaching, using a well-grounded framework to guide understanding and practice.
- d) Planning for Instruction – The competent ECSE teacher understands and employs a range of curriculum and instructional approaches for fostering individual abilities and meeting the individual learning needs within the contexts of group and individualized instruction in a variety of classrooms, communities, and home environments and develops individual long-term and short-term educational and service plans based on knowledge of children, families, communities, content areas, and early childhood curriculum goals, as well as knowledge of individual children's abilities and needs and families' goals, priorities, and concerns for their children.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) the Illinois Learning Standards and their relation to the content and structure of academic, developmental, and functional/adaptive curriculum in early childhood education, birth through grade three;
    - B) the rationale for and rules and regulations governing the development of Individualized Education Plans (IEPs) and Individualized Family Service Plans (IFSPs);
    - C) short-term and long-term teaching plans consistent with curriculum goals, learning theory, and individual differences, including personal and experiential differences related to disability;

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- D) the array of school, community, and home settings available to young children with disabilities and criteria for determining the extent to which the settings provide support and access to an appropriate early childhood curriculum;
  - E) a variety of instructional strategies for fostering an array of learning and developmental outcomes within the context of individual abilities, dispositions, and needs, including those related to disabilities;
  - F) the rationale for and practices underlying developmentally appropriate methods that include play, small group projects, open-ended questioning, problem-solving, cooperative learning, and inquiry experiences to help young children develop intellectual curiosity, solve problems, and make decisions;
  - G) the appropriate use of technology with young children, including assistive technology for use with children with disabilities;
  - H) when and how to adjust plans based on children's responses to instruction; and
  - I) how to use various technological tools to access and manage information.
- 2) Performance – The competent ECSE teacher:
- A) develops and implements short-term and long-term curriculum and instructional practices in academic, developmental, and functional/adaptive curriculum areas, based on knowledge of individual children, the family, and the community;
  - B) sets goals for children's learning and outlines the scope and sequence of content and education to achieve those goals at the group and individual levels, consistent with the scope and sequence of academic, developmental, and functional/adaptive early childhood curriculum, birth through grade three;

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- C) develops an IFSP or IEP in partnership with family members and other professionals, incorporating both child and family needs, priorities, and preferences;
- D) evaluates and selects intervention curricula, methods, and materials, including instructional technologies, that incorporate knowledge of curriculum content and respect individual variation in children's learning styles and performance modes, as well as variation in characteristics and ability in children with motor, sensory, health, social-emotional and/or cognitive disabilities;
- E) develops a range of approaches for presenting concepts in order to promote children's understanding of diverse perspectives;
- F) embeds multiple opportunities for addressing IEP and IFSP goals and outcomes into the daily routines and planned instructional activities of school, community, and home environments;
- G) makes specific adaptations in goals and teaching methods, including technological adaptations, for the special needs of children who have unique talents, learning and developmental needs, or specific disabilities;
- H) incorporates information and strategies from multiple disciplines and content areas into the design of intervention strategies;
- I) outlines strategies and techniques for facilitating the functional integration of children with exceptional needs within various settings;
- J) integrates benchmarks and other outcomes into daily activities and routines across multiple developmental and learning environments, and uses strategies to facilitate maintenance and generalization of skills across learning and developmental environments;
- K) designs plans that integrate technology, including adaptive and assistive technology, into educational settings;

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- L) plans for and links current developmental and learning experiences and teaching strategies with those of the next educational setting, current life experiences, and future life and work experiences;
  - M) selects instructional practices that are pedagogically sound and legally defensible, choosing alternative strategies and materials to achieve different educational purposes and meet different children's needs;
  - N) enables the full engagement of children with disabilities in learning opportunities planned for all children by using strategies that match children's abilities with outcomes based on the scope and sequence of early childhood academic, developmental, and functional/adaptive curriculum areas;
  - O) develops learning opportunities, birth through grade three, that foster understanding of curriculum content and processes that are the foundation of the general education curriculum (e.g., literacy, numeracy, science); and
  - P) integrates literacy and numeracy experiences throughout intervention plans, and develops learning opportunities designed to foster particular literacy and numeracy outcomes, to promote children's abilities as they apply, interpret, and construct new understandings and skills.
- e) Learning Environment – The competent ECSE teacher uses an understanding of young children's social and emotional development to create group and individual environments and learning opportunities based on and supportive of positive social interaction, active engagement in learning, intrinsic motivation, and self-esteem.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) how to help children work cooperatively and productively in groups, using knowledge of how individuals influence groups and how groups function in society;

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- B) factors that influence motivation and engagement, including teacher attitudes and behaviors as well as child factors, such as temperament, mental health, and disability, and knows a variety of approaches for helping children become self-motivated;
  - C) aspects of the physical setting, schedule, routines, and transitions that promote children's development and learning;
  - D) approaches to adapting environments to meet specific learning and developmental needs related to individual differences in development, learning, dispositions, and talents;
  - E) a variety of preventive and remedial approaches for promoting self-regulation and discipline in groups and individuals; and
  - F) ethical and legal considerations inherent in behavior management.
- 2) Performance – The competent ECSE teacher:
- A) selects, develops, adapts, and evaluates developmentally and functionally appropriate materials, equipment, and spatial arrangements that facilitate developmental and learning goals in young children, including those with disabilities;
  - B) uses individual and group guidance and problem-solving techniques to develop positive and supportive relationships with children, to encourage positive social interaction among children, to promote positive strategies of conflict resolution, and to develop personal self-control, self-motivation, and self-esteem;
  - C) selects and implements methods of behavior support and management appropriate for young children, including a range of strategies from less directive, less structured methods to more directive, more structured methods;
  - D) establishes and maintains stimulus-rich indoor and outdoor environments that are physically and psychologically safe, healthy, and productive, including environmental and technological adaptations for children with disabilities;

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- E) teaches social skills needed for participating in educational and functional living environments of the school, community, and home;
  - F) organizes and oversees the activities of paraprofessionals, volunteers, and other professionals who are a part of the educational environment, including individuals providing various therapies to young children with disabilities; and
  - G) monitors individual and group learning activities for factors related to engagement and achievement motivation.
- f) Instructional Delivery – The competent ECSE teacher employs a variety of group and instructional opportunities and strategies, both planned and spontaneous, which encourage children's development and learning across developmental domains and content areas, are appropriate to those areas and to each child's individual abilities and learning needs with respect to those areas, are matched to individually appropriate outcomes and goals, and are deliverable in a variety of individual and group learning environments, including inclusive classrooms, community, and homes.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) the cognitive processes associated with various kinds of learning and how these processes can be stimulated; and
    - B) principles and techniques associated with various teaching strategies, including their advantages and limitations for achieving different purposes.
  - 2) Performance – The competent ECSE teacher:
    - A) implements developmentally and functionally appropriate individual and group activities using a variety of formats, including play, environmental routines, family-mediated activities, small group projects, cooperative learning, inquiry experiences, and systematic instruction;

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- B) manages space, time, materials, peers, and adults to maximize children's progress in a variety of group, community, and home settings, and monitors and adjusts strategies in response to children's engagement and learning;
  - C) incorporates knowledge and strategies contributed by professionals from the disciplines (e.g., occupational therapy) into instructional delivery;
  - D) demonstrates appropriate use of a variety of technologies, including adaptive and assistive technologies, to enhance children's development and learning;
  - E) assumes instructional roles of instructor, facilitator, coach, or audience in relation to the context, content, purposes of the instructional setting, needs and interests of children, and priorities and concerns of families with respect to their children's development;
  - F) monitors achievement of IEP and IFSP goals and outcomes within daily routines and planned instructional activities within school, community, and home environments and modifies instructional plans as needed;
  - G) implements basic health, nutrition, and safety management practices for young children and practices regarding childhood illness and communicable diseases, including specific procedures for infants and toddlers;
  - H) implements nutrition and feeding strategies for children with disabilities and special health care needs; and
  - I) implements aspects of medical care appropriate to the instructional setting, including methods for maintaining technology-dependent young children.
- g) Communication – The competent ECSE teacher uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in a variety of individual and

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group learning environments, including inclusive classrooms, community, and home.

- 1) Knowledge – The competent ECSE teacher understands:
  - A) the interrelationships among culture, language, thought and expression, and the function of the home language in the development of young children;
  - B) communication theory, language development, and the role of language in learning;
  - C) the social, intellectual, and political implications of language use and how they influence meaning; and
  - D) ethical practices for confidential information and communication, including ethical practices implied by collaborating with families in early development and learning.
- 2) Performance – The competent ECSE teacher:
  - A) models accurate, effective communication when conveying ideas and information and when asking questions and responding to children and other adults;
  - B) employs communication skills that encourage sharing of information and ideas, including reflective listening, reframing, and constructive feedback;
  - C) selects and employs written, verbal, nonverbal and visual language modes and styles that are responsive to audience and purpose and respectful of individual differences due to culture, language, or disability;
  - D) creates opportunities for all children to use effective written, verbal, nonverbal, and visual communication;
  - E) establishes and maintains positive, collaborative relationships with families and other professionals, recognizing and using the

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dynamics of team roles, interaction, communication, team building, problem-solving, and conflict resolution; and

- F) establishes effective lines of communication with other professionals in the school and in community agencies concerned with children and families.
- h) Assessment – The competent ECSE teacher uses an array of formal and informal assessment sources and approaches to gather information needed for making decisions about individual and group developmental and learning curriculum goals and instructional approaches that are appropriate and responsive to young children and their families.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) typical procedures used at different points in the special education process in relation to the decisions being made, including decisions related to screening, pre-referral, referral, classification, and instructional planning and progress evaluation;
    - B) informal instruments and approaches for making placement and instructional decisions with respect to young children with disabilities, including those from culturally and/or linguistically diverse backgrounds; and
    - C) measurement theory and assessment-related issues, such as validity, reliability, bias, and scoring, including their applicability in evaluating assessments as applied to young children.
  - 2) Performance – The competent ECSE teacher:
    - A) gathers background information regarding medical, developmental, educational, and family history;
    - B) assesses children's cognitive, social-emotional, communication, motor, adaptive, and aesthetic development, as well as curriculum-related learning, as appropriate;

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- C) uses a variety of informal and formal assessment instruments and procedures to make decisions about children's learning and development and to develop and monitor instructional approaches;
- D) bases instructional decisions on a variety of culturally unbiased assessment instruments and procedures;
- E) selects, adapts, constructs and administers assessment instruments and procedures based on the purpose of the assessment being conducted and in compliance with established criteria and standards;
- F) evaluates the supports needed by children with a variety of disabilities and characteristics for inclusion within various program placements;
- G) develops and uses authentic, performance-based assessments of children's learning to assist in planning, to communicate with children and families, and to engage children in self-assessment;
- H) adapts assessment for children with specific sensory and motor disabilities;
- I) develops and uses formative and summative program evaluation to reflect on and modify individual and group instruction;
- J) involves family members as active participants in the assessment process;
- K) participates and collaborates with other professionals as a team member in conducting assessments that respond to and respect families' priorities, concerns, and characteristics;
- L) communicates assessment results and integrates assessment results from others in the development and implementation of an IEP or IFSP; and
- M) monitors, summarizes, and evaluates the attainment of child and family outcomes as outlined on the IEP or IFSP, using appropriate

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technologies to monitor and maintain records that convey meaningful information to families and to other professionals.

- i) Collaborative Relationships – The competent ECSE teacher develops and maintains productive, collaborative relationships with families, communities, and professionals across the range of services and service systems needed to meet the developmental, learning, and service goals and priorities of young children with disabilities and their families.
  - 1) Knowledge – The competent ECSE teacher understands:
    - A) early childhood settings and other agencies related to young children and families as organizations within the larger community context;
    - B) situated learning and the need for collaboration with families, business organizations, and other interested citizen groups;
    - C) the structures and skills necessary to establish collaborative relationships with families, other professionals, and other community agencies;
    - D) the array of community resources, including when and how to access appropriate early childhood settings and community resources to assist children and families;
    - E) various models of consultation and their application in school, community, and home settings;
    - F) family systems theory and the dynamics, roles, and relationships within families;
    - G) differences in family structures and in family beliefs and practices related to social and cultural backgrounds;
    - H) the typical concerns of families of children with exceptional needs and appropriate strategies for collaborating with families in addressing these concerns;

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- I) the roles of children, families, teachers, and personnel of community agencies in other early childhood settings in planning an individualized program; and
  - J) structures supporting interagency collaboration, including interagency agreements, referrals, and consultation.
- 2) Performance – The competent ECSE teacher:
- A) establishes and maintains positive, collaborative relationships with families and with other professionals in school and community settings to support children's development, learning, and well-being;
  - B) conducts collaborative conferences with families to identify their priorities, concerns, and resources with respect to their children's development and learning;
  - C) links families with a range of family-oriented services based on identified priorities, resources, and concerns;
  - D) respects families' choices and goals for their children and communicates effectively with families about curriculum and children's progress;
  - E) involves families in assessing and planning for individual children, including children with disabilities;
  - F) implements a range of family-oriented services based on family-identified resources, priorities, and concerns;
  - G) supports families in making decisions related to their children's development and learning;
  - H) communicates options for programs and services and assists families in planning for transition;

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- D) collaborates with school and community personnel and with families to include children with disabilities in various instructional environments in the school and community;
  - J) provides supervision, consultation and training to adults in diverse settings in areas specific to services for children and families and organization/development of programs, using principles of adult learning and collaborative consultation;
  - K) fulfills functions of teams as determined by mandates and service delivery needs of children and families;
  - L) engages in a variety of roles and interaction strategies to achieve effective functioning among members of the instructional team, including teaching assistants, therapists, family members, community child care teachers, and volunteers;
  - M) identifies, evaluates, and designs processes and strategies that support transition between hospital, infant/toddler, preprimary, and primary programs; and
  - N) collaborates with families and other professionals to evaluate services to young children with disabilities and their families.
- j) Reflection and Professional Growth – The competent ECSE teacher is a reflective practitioner who continually evaluates how choices and actions affect children, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
- 1) Knowledge – The competent ECSE teacher understands:
    - A) that reflection is an integral part of professional growth and improvement;
    - B) methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice; and
    - C) major areas of research on the learning process and resources that are available for professional development.

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- 2) Performance – The competent ECSE teacher:
  - A) articulates a philosophy and rationale for decisions and continually self-assesses and evaluates the effects of choices and actions on others (e.g., children, families, other professionals) as a basis for program planning and modification and continuing professional development;
  - B) uses self-observation, information about children, pedagogical knowledge, and resources as sources for active reflection, evaluation, and revision of practice;
  - C) collaborates with other professionals and families as resources for problem-solving, generating new ideas, sharing experiences, and seeking and giving feedback;
  - D) participates actively in professional organizations and engages in professional dialogue to support his/her own development; and
  - E) reads and critically applies research and recommended practices.
- k) Professional Conduct – The competent ECSE teacher understands education as a profession, both in general and as it is manifested within the educational community and the social service and family settings in which young children develop and learn, maintains standards of professional conduct, and provides appropriate leadership within these settings to improve children's learning and well-being.
  - 1) Knowledge – The competent ECSE teacher understands:
    - A) trends, issues and debates in ECSE, early childhood education, special education, and related fields, including legislation, policy, and program practices related to young children and the early childhood profession;
    - B) the field of early childhood special education, its multiple historical, philosophical, and social foundations, and how these foundations influence current thought and practice;

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- C) the basic principles of administration, organization, and operation of a variety of early childhood programs and agencies, including their role in the community;
  - D) federal, State, and local social policies and procedures applicable to and influential in school programs;
  - E) assurances and due process rights and procedures related to assessment, eligibility, and placement, including rights and responsibilities of families, students, teachers and other professionals, and early childhood settings as they relate to individual learning needs; and
  - F) cultural biases and differences that affect teaching.
- 2) Performance – The competent ECSE teacher:
- A) uses appropriate health appraisal procedures and recommends referral to appropriate community health and social service organizations;
  - B) recognizes signs of emotional distress, child abuse, and neglect in young children and follows procedures for reporting known or suspected abuse or neglect to appropriate authorities;
  - C) implements family services consistent with due process safeguards;
  - D) articulates the historical, philosophical, and legal basis of services for young children both with and without disabilities and other special needs;
  - E) identifies ethical and policy issues related to educational, social, and medical services for young children and their families;
  - F) identifies legislation that affects children, families, and programs for children;

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- G) follows policy and procedures of school or agency, respecting boundaries of families;
- H) serves as an advocate on behalf of young children and their families for improved quality of programs and services for young children and enhanced professional status and working conditions for early childhood special educators;
- I) initiates and develops new projects and programs to support the development and learning of young children;
- J) participates in the life of the school or agency through activities such as policy development, curriculum development, staff development, and family support;
- K) contributes knowledge and expertise about teaching and learning to the profession;
- L) articulates a personal philosophy of early childhood special education, including its relationship with general and special education;
- M) conducts instructional, monitoring, evaluation, and other professional activities consistent with the requirements of local, State, and federal law, rules and regulations, and policies and procedures;
- N) serves as a model for children by demonstrating moral and ethical behavior, an inquisitive attitude toward learning, and respect for individual differences, including differences related to disability and to culture and language;
- O) demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities;
- P) demonstrates positive regard for the culture, religion, gender, and sexual orientation of other individuals; and

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- Q) practices within the codes of ethics, standards and policies of the education profession and of professional organizations.

**Section 28.300 Standards for the Learning Behavior Specialist II (LBS II)**

The "Learning Behavior Specialist II" ("LBS II") is an optional, advanced credential that shall be available beginning January 1, 2003, to holders of standard or master certificates endorsed in any of the areas addressed by Sections 28.200 through 28.230 of this Part. To qualify as an LBS II, an individual shall be required to meet the standards for one or more of the areas of specialization delineated in Sections 28.310 through 28.370 of this Part by completing an approved program.

- a) Beginning July 31, 2002, a teacher preparation program or course of study leading to the issuance of a credential in any of these areas shall be approved only if the content of that program or course of study includes material that will enable candidates to meet the applicable standards set forth in Sections 28.310 through 28.370 of this Part.
- b) Some Learning Behavior Specialist II endorsements relate to meeting the needs of students with specified disabilities. However, no such endorsement shall prohibit a certificate-holder from providing services to students outside the area of specialization encompassed by that endorsement.

**Section 28.310 Standards for the LBS II/Transition Specialist**

- a) Foundations – The competent transition specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent transition specialist understands:
    - A) theoretical and applied models of transition;
    - B) transition-related legislation in the fields of special and vocational education, rehabilitation, labor, and civil rights;
    - C) the roles of federal, State, and local legislation and implications for providing transition services at the local level;
    - D) history of national transition initiatives; and

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- E) research on student outcomes and effective transition practices.
- 2) Performance – The competent transition specialist meets the performance standards set forth in Section 28.100(a)(2) of this Part.
- b) Characteristics of Learners – The competent transition specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
  - 1) Knowledge – The competent transition specialist understands:
    - A) implications of student characteristics with respect to post-school outcomes, environments, and support needs; and
    - B) school and post-school services available to specific populations of individuals with disabilities.
  - 2) Performance – The competent transition specialist meets the performance standards set forth in Section 28.100(b)(2) of this Part.
- c) Assessment – The competent transition specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
  - 1) Knowledge – The competent transition specialist understands:
    - A) formal and informal career and vocational assessment approaches; and
    - B) formal and informal approaches for identifying students' interests and preferences related to post-school goals and educational experiences.
  - 2) Performance – The competent transition specialist:

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- A) matches skills and interests of the student to skills and demands required by vocational or employment settings, community residential situation, and other community participation options;
  - B) interprets results of career and vocational assessment for individuals, families, and professionals;
  - C) in collaboration with individuals with disabilities and agencies, designs, implements, and uses program evaluation procedures to assess and improve the effectiveness of transition education and services, including evaluation of students' post-school outcomes; and
  - D) uses a variety of formal and informal career, transition, and vocational assessment procedures.
- d) Planning for Instruction – The competent transition specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent transition specialist understands:
    - A) job-seeking and job retention skills identified by employers as essential for successful employment;
    - B) vocational education methods and curricula;
    - C) the range of post-school options within specific outcome areas; and
    - D) transition planning strategies that facilitate information collection and input from appropriate participants.
  - 2) Performance – The competent transition specialist:
    - A) identifies a variety of outcomes and instructional options specific to the community for each post-school outcome area;

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- B) assists teachers to identify, in conjunction with the student, appropriate educational program planning team members;
  - C) evaluates students' educational programs with respect to measurable post-school goals and alignment of those goals with instructional activities;
  - D) monitors student, family, and agency participation in transition planning and implementation; and
  - E) demonstrates procedures to ensure the inclusion of specific transition-related goals in the educational program plan.
- e) Learning Environment – The competent transition specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent transition specialist understands:
    - A) methods for providing work-based and other community-based education for individuals with disabilities; and
    - B) methods for linking appropriate academic content to transition-related goals.
  - 2) Performance – The competent transition specialist:
    - A) identifies and facilitates appropriate modifications within work, residential, vocational training, and other community environments;
    - B) assesses and develops natural support systems to facilitate transition to specific post-school environments; and
    - C) develops residential, work-based, and other community-based educational programs for individuals with exceptional learning needs.

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- f) Collaborative Relationships – The competent transition specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent transition specialist understands:
    - A) methods and strategies for increasing families' knowledge and skills about transition-related issues and topics, including transition-focused educational program development;
    - B) procedures and requirements for referring students to community service agencies;
    - C) methods for increasing collaborative transition service delivery through interagency agreements and collaborative funding; and
    - D) strategies for involving individuals with disabilities in all levels of collaborative transition program planning and evaluation.
  - 2) Performance – The competent transition specialist:
    - A) systematically identifies family service needs related to transition outcomes and assists families to connect with support networks;
    - B) involves individuals with disabilities, families, and community agencies in establishing transition-related policy;
    - C) assesses and uses student support systems to facilitate the post-school transition of individuals with disabilities;
    - D) provides transition-focused technical assistance and professional development in collaboration with family members for educators, community agency personnel, and other relevant transition stakeholders;
    - E) collaborates with and participates in transition-focused interagency coordinating bodies;

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- F) develops coordinated interagency strategies to collect, share, and use student assessment data, with appropriate input and authorization of students and families;
  - G) uses strategies for resolving differences that may arise in the implementation of interagency agreements or the provision of transition services for individuals with disabilities; and
  - H) identifies future post-school service needs using transition planning documents in conjunction with relevant agencies.
- g) Professionalism and Ethical Practices – The competent transition specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge – The competent transition specialist understands:
    - A) the scope and role of a transition specialist; and
    - B) the scope and role of agency personnel related to transition-focused education and services.
  - 2) Performance – The competent transition specialist demonstrates positive regard for the capacity and operating constraints of community organizations involved in transition-focused education services.

**Section 28.320 Standards for the LBS II/Technology Specialist**

- a) Foundations – The competent technology specialist understands the philosophical, historical, and legal foundations of special education.
- 1) Knowledge – The competent technology specialist understands:
    - A) concepts and issues related to the use of technology in education and other aspects of our society; and
    - B) issues in diversity and assistive technology.
  - 2) Performance – The competent technology specialist:

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- A) articulates a personal philosophy and goals for using technology in special education;
  - B) uses technology-related terminology appropriately in written and oral communication; and
  - C) describes legislative mandates and governmental regulations and their implications for technology in special education.
- b) Characteristics of Learners – The competent technology specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
- 1) Knowledge – The competent technology specialist understands the impact of technology at all stages of development on individuals with exceptional learning needs.
  - 2) Performance – The competent technology specialist:
    - A) matches characteristics of individuals with exceptional learning needs with technology product or software features; and
    - B) identifies the demands placed on the user by computers, software, and related technology materials.
- c) Assessment – The competent technology specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
- 1) Knowledge – The competent technology specialist understands the use of technology in the assessment, diagnosis, and evaluation of individuals with disabilities.
  - 2) Performance – The competent technology specialist:

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- A) uses technology to collect, analyze, summarize, and report student performance data to aid instructional decision-making;
  - B) identifies functional needs, screens for functional limitations, and determines if the need for a comprehensive assistive or instructional technology evaluation exists;
  - C) monitors outcomes of technology-based interventions and re-evaluates and adjusts the system as needed;
  - D) assists individuals with disabilities in clarifying and prioritizing functional intervention goals regarding technology-based evaluation results;
  - E) works with team members to identify assistive and instructional technologies that can help individuals meet the demands placed upon them in their environments;
  - F) identifies placement of devices and positioning of the individual to optimize the use of assistive or instructional technology;
  - G) examines alternative solutions and trial periods with potential assistive or instructional technologies prior to making a purchase decision; and
  - H) makes technology decisions based on a continuum of options ranging from no technology to high technology.
- d) Planning for Instruction – The competent technology specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent technology specialist understands procedures for evaluating computer software and other technology materials for their potential application in special education.
  - 2) Performance – The competent technology specialist:

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- A) identifies elements of the curriculum for which technology applications are appropriate and ways they can be implemented;
  - B) identifies and operates software that meets educational objectives for individuals with disabilities' learning needs in a variety of educational environments;
  - C) identifies and operates instructional and assistive hardware, software, and peripherals;
  - D) designs, fabricates, and installs assistive technology materials and devices to meet the needs of individuals with disabilities;
  - E) provides consistent structured training, according to individuals with disabilities' needs to operate instructional and adaptive equipment and software, until mastery is achieved;
  - F) verifies proper implementation of mechanical and electrical safety practices in the assembly and integration of the technology to meet the needs of individuals with disabilities;
  - G) instructs others in the operation, maintenance, and warranties of the technology and trouble-shooting techniques that may be needed;
  - H) uses communication technologies to access information and resources electronically; and
  - I) develops and implements contingency plans in the event that assistive or instructional technology devices fail.
- e) Learning Environment – The competent technology specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent technology specialist understands:

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- A) funding sources and processes for the acquisition of assistive technology devices and services;
  - B) national and State prekindergarten through grade 12 technology standards;
  - C) procedures for the organization, management, and security of technology; and
  - D) ergonomic principles to facilitate the use of technology.
- 2) Performance – The competent technology specialist:
- A) evaluates features of technology systems;
  - B) develops clear specifications and/or drawings necessary for technology acquisitions;
  - C) writes proposals to obtain funds for technology hardware and software; and
  - D) provides technology support to students who are receiving instruction in general education classrooms.
- f) Collaborative Relationships – The competent technology specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent technology specialist understands:
- A) the importance of collaboration with teachers, administrators, pupil personnel services personnel, parents, and others in a culturally responsive program; and
  - B) when to refer individuals with disabilities' needs to another professional regarding technology.
- 2) Performance – The competent technology specialist:

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- A) conducts inservice training in applications of technology in special education;
  - B) refers team members and families to assistive and instructional technology resources; and
  - C) collaborates with other team members in planning and implementing the use of assistive and adaptive devices.
- g) Professionalism and Ethical Practices – The competent technology specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge – The competent technology specialist understands equity, ethical, legal, and human issues related to technology in special education.
  - 2) Performance – The competent technology specialist:
    - A) maintains ongoing professional development to acquire knowledge and skills about new developments in technology;
    - B) adheres to copyright laws about duplication and distribution of software and other copyrighted technology materials; and
    - C) advocates for assistive or instructional technology on individual and system change levels.

**Section 28.330 Standards for the LBS II/Bilingual Special Education Specialist**

- a) Foundations – The competent bilingual special education specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent bilingual special education specialist understands:
    - A) cross-cultural patterns, practices or attitudes, and their effect on cognitive, affective, behavioral, and motivational development;

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- B) current theories and practices of bilingual education, bilingual special education, and English as a second language (ESL); and
  - C) legislation, litigation, funding, and current research relative to special education services for linguistically and culturally diverse (LCD) students.
- 2) Performance – The competent bilingual special education specialist:
- A) understands and speaks proficiently in the primary language spoken by students and parents (i.e., home language) and in English;
  - B) reads, comprehends, and writes proficiently in the home language and in English;
  - C) facilitates the development of cross-cultural competencies in students;
  - D) incorporates contributions and content material from diverse cultural groups into educational programming; and
  - E) articulates a rationale for bilingual special education and for use of ESL strategies in special education.
- b) Characteristics of Learners – The competent bilingual special education specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students (ages 3-21).
- 1) Knowledge – The competent bilingual special education specialist understands theories of first and second language acquisition.
- 2) Performance – The competent bilingual special education specialist:
- A) identifies structural differences between the student's first and second languages and the interaction between the two languages; and

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- B) effectively discriminates between characteristics of a language disorder and English acquisition processes.
- c) Assessment – The competent bilingual special education specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
- 1) Knowledge – The competent bilingual special education specialist:
    - A) can analyze the student's receptive and expressive languages at the phonological, syntactical, morphological, semantic, and pragmatic levels in the home language and in English (English only for ESL); and
    - B) understands assessment procedures and instruments, both standardized and authentic, to evaluate LCD students' language proficiency, language dominance, language development, and achievement.
  - 2) Performance – The competent bilingual special education specialist:
    - A) recognizes potential linguistic and cultural biases of standardized and authentic assessments and adapts procedures for LCD students;
    - B) assesses in both the home language and English and is able to interpret results, including implications for instruction (English only for ESL); and
    - C) designs and implements formative and summative evaluations relative to educational interventions and programming for LCD students with disabilities.
- d) Planning for Instruction – The competent bilingual special education specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.

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- 1) Knowledge – The competent bilingual special education specialist:
    - A) knows sources for materials appropriate for LCD students with disabilities; and
    - B) knows theories and practices of transition from the home language to English in literacy instruction.
  - 2) Performance – The competent bilingual special education specialist develops instructional goals based on the identified levels of language proficiency in the home language and English acquisition for students with disabilities.
- e) Learning Environment – The competent bilingual special education specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent bilingual special education specialist meets the standards set forth in Section 28.100(e)(1) of this Part.
  - 2) Performance – The competent bilingual special education specialist creates a learning environment that fosters successful social and academic experiences through knowledge related to the English acquisition and acculturation processes.
- f) Instructional Delivery – The competent bilingual special education specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent bilingual special education specialist meets the standards set forth in Section 28.100(f)(1) of this Part.
  - 2) The competent bilingual special education specialist:

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- A) utilizes assessment and other relevant data to adapt instructional programs appropriate for bilingual, non-English and limited-English proficient students with disabilities;
  - B) evaluates the effectiveness of instructional strategies and methods and modifies them to meet the unique linguistic and academic needs of LCD students with disabilities;
  - C) uses bilingual paraeducators effectively for assistance in instruction and evaluation purposes;
  - D) implements varied teaching techniques appropriate for LCD students (e.g., mediated learning, holistic approaches to literacy development, and natural language approach);
  - E) provides instruction in the home language and English to implement the IEP; and
  - F) provides instruction using ESL approaches.
- g) Collaborative Relationships – The competent bilingual special education specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent bilingual special education specialist meets the standards set forth in Section 28.100(g)(1) of this Part.
  - 2) Performance – The competent bilingual special education specialist:
    - A) serves as a consultant to general educators who serve LCD students with disabilities;
    - B) facilitates communication among parents, guardians, child advocates and other educational personnel involved in the educational program of the LCD students;

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- C) contributes instructional recommendations as a member of IEP teams responsible for the design and implementation of the instructional program for LCD students with disabilities;
  - D) communicates with the parents concerning the educational needs of their children and facilitates active participation of the parents and guardians in the development of the IEP; and
  - E) translates content materials, instructions, letters, etc., to parents and community members into their primary language.
- h) Professional Conduct and Leadership – The competent bilingual special education specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being. The competent bilingual special education specialist meets the standards set forth in Section 28.100(h) of this Part.
- i) Reflection and Professional Growth – The competent bilingual special education specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent bilingual special education specialist meets the standards set forth in Section 28.100(i) of this Part.

**Section 28.340 Standards for the LBS II/Deaf-Blind Specialist**

Beginning January 1, 2003, an individual seeking this endorsement shall be required to pass an examination based on the standards set forth in this Section in addition to completing an approved program.

- a) Foundations – The competent deaf-blind specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent deaf-blind specialist understands:
    - A) communication and language theories, approaches, and research that are applicable to teaching learners who are deaf-blind;

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- B) the history of the practices, people, and events that have had or currently do have an impact on the lives of people who are deaf-blind and their possible relevance to current educational practices;
  - C) specialized roles of educators and learners who are deaf-blind; and
  - D) clinical, functional, and legal definitions of deaf-blindness, blindness/visual impairment, and deafness/hearing loss.
- 2) Performance – The competent deaf-blind specialist accesses and evaluates current related research and practices in communication for their possible relevance in teaching the learner.
- b) Characteristics of Learners – The competent deaf-blind specialist understands how disabilities impact the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge – The competent deaf-blind specialist understands:
    - A) the critical roles of vision and hearing in all learning;
    - B) the complex and unique effects of combined vision and hearing losses upon all learners who are deaf-blind;
    - C) the diversity within the population of learners who are deaf-blind;
    - D) the potential isolating effects of combined hearing and vision losses upon the learner who is deaf-blind;
    - E) the potential impact of the combined effects of hearing and vision losses upon the learner's opportunities for incidental learning;
    - F) the potential emotional implications of combined hearing and vision losses upon the learner who is deaf-blind;
    - G) the potential impact of the combined effects of hearing and vision losses upon the learner's personal relationships with others;

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- H) the potential and complex effects of additional disabilities upon learners who are deaf-blind;
  - I) the potential effects of the age of onset, degrees and/or progressions of hearing and vision losses upon learners who are deaf-blind;
  - J) the major etiologies of deaf-blindness and the possible implications of etiologies in teaching the learner who is deaf-blind;
  - K) the potential impact of the combined effects of vision and hearing losses upon the development of concrete and abstract concepts;
  - L) linguistic forms/modes of communication used by learners who are deaf-blind;
  - M) the structure and function of auditory and visual systems and how they interrelate in the learning process;
  - N) impairments in the structure and the function of the auditory and visual systems; and
  - O) the influence of vision and hearing in motor development.
- 2) Performance – The competent deaf-blind specialist uses definitions of deaf-blindness, blindness/visual impairment, and deafness/hearing impairment to access services, materials, and assistance for the learner.
- c) Assessment – The competent deaf-blind specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge – The competent deaf-blind specialist understands:
    - A) non-linguistic forms/modes used by learners who are deaf-blind;
    - B) informal and formal communication assessment procedures that are appropriate for learners who are deaf-blind;

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- C) functional and clinical assessments of vision and hearing; and
  - D) clinical assessments of vision and hearing that are used by learners who are deaf-blind.
- 2) Performance – The competent deaf-blind specialist:
- A) assesses and adapts to learners' pace/timing of communication;
  - B) assesses how choice of color, textures, and patterns of clothing enhances or detracts from social interaction;
  - C) assesses non-linguistic forms of communication;
  - D) assesses and interprets behaviors as intentional or non-intentional;
  - E) assesses and interprets the meaning of the learner's use of objects;
  - F) assesses and interprets the meaning of the learner's intentional use of signals to communicate;
  - G) assesses and interprets the meaning of the learner's natural gestures to communicate;
  - H) assesses and responds to the communicative functions of positive and challenging behaviors/forms;
  - I) assesses contexts (physical environments, people, things, and events) in which the learner who is deaf-blind communicates;
  - J) assesses the communication opportunities and demands in specific contexts;
  - K) gathers and maintains descriptive records/portfolios of the learner's communication repertoire across all settings to assess strengths, challenges, progress;
  - L) assesses activities for the learner's communications opportunities and implements appropriate strategies;

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- M) assesses how the learner processes auditory and visual information;
  - N) assesses situations and environments in which the learner can benefit from use of FM (frequency modulation) systems (based upon the recommendations of the audiologist and other team members);
  - O) assesses, describes, and explains the effects of vision and hearing losses upon the learner's movements;
  - P) assesses the proprioceptive and kinesthetic variables in the environment;
  - Q) assesses the visual variables in the environment that influence the learner's effective use of vision;
  - R) assesses variables within specific environments that influence the learner's use of hearing;
  - S) assesses the tactile variables within the environment;
  - T) assesses and explains educational implications of visual and auditory impairments upon the learner;
  - U) identifies, adapts, or develops strategies to assess the learner's functional use of vision and hearing; and
  - V) recommends the learner for additional visual and auditory evaluations/assessments when necessary.
- d) Planning for Instruction – The competent deaf-blind specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, student, community, and curriculum goals.
- 1) Knowledge – The competent deaf-blind specialist understands:

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- A) the development of communication partnerships between learners who are deaf-blind and others;
  - B) the possible communicative functions of behaviors of learners who are deaf-blind;
  - C) the development of vocabulary (content) in learners who are deaf-blind, based upon their forms and functions of communication;
  - D) the need for learners who are deaf-blind to have communication embedded/incorporated in all activities and settings;
  - E) assistive listening, low vision and vibro-tactile devices that enhance auditory and visual functioning;
  - F) technology to enhance orientation and mobility skills;
  - G) visual, auditory, tactile, and olfactory information in various environments that influence learning;
  - H) technological devices and appliances for independent living; and
  - I) visual, auditory, and tactile characteristics of materials needed by learners who are deaf-blind.
- 2) Performance – The competent deaf-blind specialist:
- A) provides opportunities for the learner to develop basic concepts through participation in meaningful and motivating real-life experiences;
  - B) provides opportunities for the learner to actively explore and experience common objects that learners with vision and hearing learn about incidentally;
  - C) tactually models for the learner the functional use of objects;
  - D) provides opportunities for the learner to understand and express abstract concepts;

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- E) creates opportunities for turn-taking;
  - F) provides objects for the learner to anticipate activities, adjust to change within activities, and to terminate activities;
  - G) selects, adapts, and/or creates tools and procedures appropriate for the communication assessment of a learner who is deaf-blind;
  - H) accesses resources for alternative and augmentative communications assessment and communication devices;
  - I) accesses sources of devices and appliances that will enhance the learner's ability to live as independently as possible;
  - J) operates and maintains hearing aids, FM systems and vibro-tactile devices;
  - K) checks and maintains glasses, contact lenses, and low vision devices; and
  - L) teaches the learner to use appropriate optical aids.
- e) Learning Environment – The competent deaf-blind specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent deaf-blind specialist understands the development of the learner's personal identity and relationships to another person or a group.
  - 2) Performance – The competent deaf-blind specialist:
    - A) establishes a trusting relationship with the learner who is deaf-blind by providing nurturance and consistency in people, interactions, and routines;

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- B) uses personalized visual, auditory, and tactile forms to identify the person who is initiating the interaction with the learner;
  - C) provides opportunities for the learner to recognize himself/herself and others by name;
  - D) makes appropriate adaptations to enhance the learner's auditory functioning in a variety of physical environments;
  - E) uses contrasting tactile cues or adaptations to assist the learner in gaining information about the environment; and
  - F) draws the attention of the learner to the sources of naturally occurring vibrations and smells in the environment.
- f) Instructional Delivery – The competent deaf-blind specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent deaf-blind specialist understands:
    - A) the development of body image in learners who are deaf-blind;
    - B) the development of positive self-esteem in the learner who is deaf-blind;
    - C) visual, auditory, and tactile adaptations that enhance social/communicative interactions between the learner who is deaf-blind and others;
    - D) communication devices and technology that are appropriate for learners who are deaf-blind;
    - E) the development of literacy in learners who are deaf-blind;
    - F) the basic principles of orientation and mobility for learners who are deaf-blind; and

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- G) curricula specific to or adapted for learners who are deaf-blind.
- 2) Performance – The competent deaf-blind specialist:
- A) moves together (co-actively) with the learner in daily routines to establish body awareness and awareness of another person;
  - B) uses touch to make the learner aware of his/her body and another's throughout functional and play activities;
  - C) provides opportunities for the learner to learn the functions of body parts;
  - D) provides opportunities for the learner's increased proprioceptive (feedback through muscles and body position) and kinesthetic (feedback through body movement) awareness during daily routines and planned activities;
  - E) provides opportunities for the learner to develop confidence by making choices;
  - F) provides the learner with opportunities for self-advocacy;
  - G) provides opportunities for the learner to learn from naturally occurring successes and failures;
  - H) creates opportunities for the learner to initiate conversations with or without words around topics of interest;
  - I) uses appropriate distance between the learner and the communication partner;
  - J) determines optimal position of the learner in relation to others that will enhance participation in group activities;
  - K) maintains interaction at eye level of the learner who is deaf-blind or makes adjustments to accommodate for specific visual conditions;

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- L) uses touch cues to initiate and terminate interactions;
- M) interprets for the learner information about other interactions and events taking place around him/her;
- N) reduces or eliminates unnecessary visual, auditory and tactile clutter;
- O) develops object communication systems for the learner to use receptively and expressively;
- P) uses formal sign language systems, both visually and tactually;
- Q) uses alphabet systems, both tactually and visually;
- R) uses the Tadoma method of speech reading;
- S) selects and prioritizes receptive and expressive vocabulary that is meaningful and motivating to the learner;
- T) responds to the learner's non-linguistic forms of communication while fostering opportunities to move to linguistic levels;
- U) develops strategies to encourage the learner to use multiple non-linguistic and linguistic modes/forms of communications depending upon the environment and communications partners;
- V) selects and prioritizes receptive and expressive vocabulary that is meaningful and motivating to the learner;
- W) models the use of vocabulary words that are meaningful and motivating to the learner;
- X) provides vocabulary for the learner to understand and express abstract concepts;
- Y) provides opportunities to use and expand vocabulary through frequent and natural conversations;

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- Z) organizes vocabulary into syntax;
- AA) modifies existing reading materials to adjust for the learner's language level and reading media;
- BB) designs and makes non-technological communication devices that are appropriate to the learner's needs;
- CC) selects and/or adapts assistive technological devices as tools for communication;
- DD) provides opportunities for the learner to use augmentative communication devices in a variety of environments and with a variety of communication partners;
- EE) provides opportunities and means for the learner to communicate within and about activities and places;
- FF) uses naturally occurring events for the learner to use and practice communication skills;
- GG) recommends appropriate positions to optimize visual functioning;
- HH) recommends appropriate positions to optimize auditory functioning;
- II) implements strategies to accommodate for and to improve the learner's visual and auditory functioning based upon assessment results;
- JJ) assists the learner in organizing information about space and objects within space;
- KK) models ways for the learner to move in and through space;
- LL) provides opportunities for the learner to move outward in progressively larger spaces;

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- MM) adapts orientation and mobility techniques according to the learner's communication skills and ability to use residual hearing and vision;
  - NN) provides opportunities for the learner who is deaf-blind and has physical disabilities to learn orientation and mobility skills;
  - OO) teaches the learner to attend to kinesthetic and proprioceptive variables to inform him/her about how his/her body relates to the environment;
  - PP) makes appropriate visual adaptations to accommodate for specific visual impairments;
  - QQ) uses and adapts appropriate devices and appliances;
  - RR) based upon clinical and functional assessments, uses and creates materials that will maximize the learner's use of vision, hearing, and touch in specific situations to meet the learner's visual, auditory and tactile needs;
  - SS) incorporates literacy as part of the everyday activities according to the learner's experiences and interests; and
  - TT) uses touch to accommodate for lack or distortion of visual and auditory information.
- g) Collaborative Relationships – The competent deaf-blind specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent deaf-blind specialist understands:
    - A) the potential impact of deaf-blindness upon attachment/bonding between learners who are deaf-blind and their primary caregivers;

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- B) effective use of communication support personnel to assure that the learner who is deaf-blind has optimal access to opportunities for receptive and expressive communication;
  - C) resources that provide technical assistance at the local, State, and national levels related to the field of deaf-blindness; and
  - D) resources of support services for learners who are deaf-blind and their families.
- 2) Performance – The competent deaf-blind specialist:
- A) assesses and explains the effects of combined vision and hearing losses upon relationships between the learner and his/her primary caregiver;
  - B) provides opportunities for the learner to learn about family relationships and relationships to others;
  - C) provides opportunities for the learner to understand the role of him/herself and others in the contexts of specific groups;
  - D) provides opportunities for the learner to meet and establish relationships with other people who are deaf-blind;
  - E) exchanges information about the learner's communication style/abilities with others to ensure consistency of interpretation and use of the learner's communication repertoire;
  - F) teaches significant peers and adults to communicate effectively with the learner who is deaf-blind;
  - G) exchanges ongoing communication assessment findings with others to develop effective strategies that will enhance the learner's communication abilities;
  - H) identifies the responsibilities and the roles of the communication support personnel according to the needs of the learner and environments;

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- I) interprets for other team members clinical and functional information regarding the learner's vision and hearing;
  - J) recommends appropriate referrals to low-vision and hearing specialists in collaboration with other team members to assess the need for assistive devices;
  - K) collaborates with orientation and mobility specialists and other appropriate specialists in adapting strategies to encourage the learner to move safely and independently;
  - L) consults and collaborates with others who provide care, education, and adult services to people who are deaf-blind;
  - M) provides information and education to team members (including families) about the uniqueness of the disability of deaf-blindness; and
  - N) provides training to caregivers, school personnel, and peers that will improve the quality of their interactions/relationships with the learner who is deaf-blind.
- h) Professional Conduct and Leadership – The competent deaf-blind specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) Knowledge – The competent deaf-blind specialist meets the standards set forth in Section 28.100(h)(1) of this Part.
  - 2) Performance – The competent deaf-blind specialist advocates for learners who are deaf-blind and their families to obtain high-quality services ranging from early intervention to transition to adult services.
- i) Reflection and Professional Growth – The competent deaf-blind specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The competent deaf-blind specialist meets the standards set forth in Section 28.100(i) of this Part.

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**Section 28.350 Standards for the LBS II/Behavior Intervention Specialist**

- a) Foundations – The competent behavior intervention specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent behavior intervention specialist understands:
    - A) positive theoretical approaches and landmark research on behavior;
    - B) current State and federal laws, policies, and ethical principles regarding positive behavior management planning and implementation;
    - C) relationships among teacher attitudes, behavior, the learning environment, and individuals with exceptional learning needs;
    - D) crisis prevention and intervention research and issues;
    - E) the impact of cultural and linguistic diversity on student behavior and learning;
    - F) the impact of multiple disabilities on behavior and learning;
    - G) biophysical and environmental effects on behavior; and
    - H) relationships between individual school discipline policies and students with IEPs.
  - 2) Performance – The competent behavior intervention specialist:
    - A) articulates a personal philosophy of behavior management consistent with standards of the profession and State and federal laws; and
    - B) recognizes students' behaviors as age-appropriate based on observation and social validation.

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- b) Characteristics of Learners – The competent behavior intervention specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social, and personal development of all students.
- 1) Knowledge – The competent behavior intervention specialist understands:
- A) similarities and differences of behavior of individuals with and without disabilities;
  - B) the impact of varying disabilities on behavior;
  - C) the communicative aspects of behavior;
  - D) the effects of various medications on student behavior; and
  - E) the relationship between learners' behaviors and the intensity of service provision.
- 2) Performance – The competent behavior intervention specialist matches service provision to learners' academic and behavioral needs.
- c) Assessment – The competent behavior intervention specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge – The competent behavior intervention specialist understands:
- A) terminology used in functional and positive behavioral assessment;
  - B) State and federal laws and regulations and ethical considerations of functional and positive behavioral assessment;
  - C) the use and limitations of behavior rating scales, systematic recording procedures, authentic assessment, and/or functional assessment;

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- D) duration and intensity of behavior and the influence on learner performance on formal and informal assessments;
  - E) behavior as a form of communication; and
  - F) the relationship between determination of behavioral interventions and issues of screening, referral, and placement.
- 2) Performance – The competent behavior intervention specialist:
- A) uses systematic recording procedures, behavior rating scales, and authentic and/or functional assessment to identify a learner's behavioral needs;
  - B) interprets and uses results from behavior rating scales, systematic recording procedures, and authentic and/or functional assessment in determining positive behavioral intervention needs for individuals with disabilities;
  - C) communicates results of positive behavioral assessments to the learner and all stakeholders;
  - D) adapts and modifies formal and informal assessments to accommodate behavioral needs of the learner; and
  - E) identifies positive behavioral supports needed to facilitate integration of a learner with disabilities that provide access to the general curriculum.
- d) Planning for Instruction – The competent behavior intervention specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent behavior intervention specialist understands:
- A) behavioral demands of various learning environments;

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- B) the impact of learners' behaviors on instruction;
  - C) the impact of learners' behaviors on interpersonal relationships with teachers, other service providers, and peers;
  - D) positive behavioral intervention strategies;
  - E) positive behavior management plan guidelines and key components; and
  - F) the rationale for targeting specific behaviors and selecting positive behavior management techniques.
- 2) Performance – The competent behavior intervention specialist:
- A) develops positive behavior management plans with consideration of demands of the learning environment, assessment results, and input of relevant stakeholders;
  - B) implements positive behavior management plans;
  - C) facilitates implementation of positive behavior management plans through collaborative relationships with classroom teachers and related service personnel;
  - D) evaluates the effectiveness of positive behavior management plans and revises as needed; and
  - E) plans for effective transition and integration across settings.
- e) Learning Environment – The competent behavior intervention specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent behavior intervention specialist understands:
- A) reinforcement theories, techniques, and application;

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- B) ways to create and positively modify learning environments that respect and value diversity;
  - C) the continuum of placements and services, including alternative programs for individuals whose behavior is interfering with learning; and
  - D) issues, resources and strategies of integration and transition from most restrictive environments to least restrictive environments.
- 2) Performance – The competent behavior intervention specialist:
- A) uses strategies for facilitation, maintenance, and generalization of behaviors across learning environments;
  - B) teaches individuals to use problem-solving and self-regulation strategies to promote independence and successful transitions;
  - C) designs learning environments that provide behavioral feedback from peers, teachers, and related service personnel;
  - D) directs, observes, evaluates, and provides feedback to paraeducators and teachers in the implementation of positive behavioral interventions and management plans;
  - E) implements a range of positive strategies that promote positive behavior, including crisis intervention and family support and involvement, in varied learning environments;
  - F) monitors intra-group behavior changes across activities and learning environments; and
  - G) facilitates development and implementation of classroom routines, rules, and consequences in varied learning environments.
- f) Instructional Delivery – The competent behavior intervention specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking,

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problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).

- 1) Knowledge – The competent behavior intervention specialist understands:
  - A) classroom management theories and positive strategies for individuals with exceptional learning needs; and
  - B) research-based best practices for effective, positive management of teaching, learning, and behavior.
- 2) Performance – The competent behavior intervention specialist:
  - A) sequences, implements, and evaluates individualized behavioral objectives;
  - B) integrates positive behavioral supports with academic curricula;
  - C) uses varied positive, non-aversive techniques for managing targeted behavior;
  - D) implements positive behavior management plans using systematic recording procedures, establishments of time lines, hierarchies of interventions, and schedules of reinforcement;
  - E) designs, implements, and evaluates behavioral support programs to enhance learners' social and community participation; and
  - F) analyzes critical variables that have an impact on learners' behavior and designs and implements positive behavioral supports.
- g) Collaborative Relationships – The competent behavior intervention specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
  - 1) Knowledge – The competent behavior intervention specialist understands:

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- A) concerns of families of learners whose behavior is interfering with learning and positive strategies to address these concerns;
  - B) strategies of mentoring and collaboration with other behavior intervention specialists, related service personnel, other educators, and paraeducators in implementation of positive behavioral interventions;
  - C) parent education programs and behavior management guides that address positive behavior management and facilitate collaboration and consultation; and
  - D) collaboration and consultation issues in integration of individuals with significant behavioral problems transitioning into and out of alternative environments, including incarceration, psychiatric, and residential facilities.
- 2) Performance – The competent behavior intervention specialist:
- A) demonstrates skills of problem-solving and conflict resolution;
  - B) designs, implements, and evaluates inservice trainings for teachers, related service personnel, and para-educators that address positive behavioral intervention needs of learners;
  - C) synthesizes and communicates to stakeholders information available from family, school, the justice system, and referral agencies;
  - D) uses collaborative strategies and counseling techniques with families, learners, related service providers, and other professionals; and
  - E) provides parent education in the implementation of positive behavioral supports in the home environment.
- h) Professional Conduct and Leadership – The competent behavior intervention specialist understands teaching as a profession, maintains standards of

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professional conduct, and provides leadership to improve students' learning and well-being.

- 1) Knowledge – The competent behavior intervention specialist meets the standards set forth in Section 28.100(h)(1) of this Part.
- 2) Performance – The competent behavior intervention specialist:
  - A) uses positive behavioral interventions with consideration of learners' physical freedom and social interaction;
  - B) uses positive behavioral interventions with respect for human dignity and personal privacy;
  - C) serves as an advocate for individuals and their families; and
  - D) collaborates with appropriate agency individuals to reduce family stress and implement family support.
- i) Reflection and Professional Growth – The competent behavior intervention specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
  - 1) Knowledge – The competent behavior intervention specialist meets the standards set forth in Section 28.100(i)(1) of this Part.
  - 2) Performance – participates in professional development activities that assure that practice is consistent with the evolving behavioral research and literature.

**Section 28.360 Standards for the LBS II/Curriculum Adaptation Specialist**

- a) Foundations – The competent curriculum adaptation specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent curriculum adaptation specialist understands:
    - A) the general curriculum structure;

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- B) curricular issues and their associated implications for students with disabilities;
  - C) levels of influence affecting curriculum development and implementation (classroom, school, district, State, national);
  - D) State law related to the general curriculum;
  - E) processes for curriculum development; and
  - F) philosophical, sociological, and psychological perspectives or models that undergird curricular development and instructional approaches for students with disabilities.
- 2) Performance – The competent curriculum adaptation specialist meets the standards set forth in Section 28.100(a)(2) of this Part.
- b) Characteristics of Learners – The competent curriculum adaptation specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides opportunities that support the intellectual, social and personal development of all students.
- 1) Knowledge – The competent curriculum adaptation specialist understands:
    - A) learning research and implications for students with disabilities;
    - B) the impact of various disabilities, levels of disabilities, and combinations of disabilities on learning and skill development;
    - C) the impact of listening skills on the development of critical thinking, reading comprehension, and oral and written language; and
    - D) the impact of language development on the academic and social skills of individuals with disabilities.
  - 2) Performance – The competent curriculum adaptation specialist:

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- A) determines the appropriate curriculum for an individual based on the student's age, skills, learning strengths, and desired long-term outcomes; and
  - B) modifies and adapts curricula appropriate to the student's learning style.
- c) Assessment – The competent curriculum adaptation specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students (ages 3-21).
- 1) Knowledge – The competent curriculum adaptation specialist understands:
    - A) curriculum-based assessment and curriculum-based measurement as methods for determining instructional needs and monitoring student progress through curricula;
    - B) methods used for statewide assessment of student learning standards;
    - C) problem-solving models used to analyze curricular needs and learning characteristics of students;
    - D) alternative methods for assessing and grading student performance; and
    - E) varied test-taking strategies.
  - 2) Performance – The competent curriculum adaptation specialist:
    - A) uses varied assessment strategies to determine appropriate curricular modification and adaptations for students with disabilities;
    - B) modifies specific assessment devices and assessment procedures to match the individual needs and learning style of students;

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- C) systematically monitors student progress through general and modified curriculum;
  - D) systematically measures and evaluates the effectiveness of curricular adaptations and/or modifications in instructional strategies on student learning;
  - E) conducts student error analyses to identify needed instructional modifications;
  - F) adapts formal tests to accommodate students' disabilities and modes of communication; and
  - G) assesses reliable methods of response of individuals who lack communication and performance abilities.
- d) Planning for Instruction – The competent curriculum adaptation specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent curriculum adaptation specialist understands:
    - A) sources of specialized materials for individuals with disabilities;
    - B) a variety of approaches for modifying the general curriculum;
    - C) essential elements of social skills, life skills, study skills, and vocational and other alternative curricula; and
    - D) strategies for modifying materials, changing teaching procedures, altering task requirements, or selecting an alternative task based on students' learning styles and needs.
  - 2) Performance – The competent curriculum adaptation specialist:

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- A) modifies the general curriculum by analyzing what is taught, how it is taught, how the student will demonstrate proficiency, and the instructional setting needed by the student for successful learning;
  - B) utilizes the least intrusive intervention or adaptation first;
  - C) matches individual learning styles with appropriate curricular adaptations;
  - D) determines critical functional skills within the general curriculum; and
  - E) selects instructional materials which engage students in meaningful learning.
- e) Learning Environment – The competent curriculum adaptation specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent curriculum adaptation specialist understands:
    - A) reinforcement theory and its application to learning; and
    - B) the impact of the environment on student learning.
  - 2) Performance – The competent curriculum adaptation specialist modifies the learning environment based on a student's learning strengths, curricular needs, and appropriate instructional strategies.
- f) Instructional Delivery – The competent curriculum adaptation specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent curriculum adaptation specialist understands:

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- A) various methods for adapting content, instructional strategies, instructional settings, and materials to maximize learning;
  - B) various student learning strategies that increase capacity for learning;
  - C) study strategies to assist students in the completion of various tasks;
  - D) various methods for grouping students to maximize learning; and
  - E) how technology may be used to maximize learning.
- 2) Performance – The competent curriculum adaptation specialist:
- A) develops an individualized curriculum for all students in the least restrictive environment;
  - B) adapts content, materials, and instructional strategies in reading to meet individualized needs;
  - C) adapts content, materials, and instructional strategies in mathematics to meet individualized needs;
  - D) adapts content, materials, and instructional strategies in language arts to meet individualized needs;
  - E) adapts content, materials, and instructional strategies in academic content areas (e.g., science and social studies) to meet individualized needs;
  - F) adapts content, materials, and instructional strategies related to social skills, life skills, vocational skills, and study skills to meet individualized needs;
  - G) uses research-supported instructional strategies and practices;
  - H) uses adaptations and strategies for facilitating maintenance and generalization of skills across environments;

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- I) uses assistive technology devices to meet individualized needs and maximize learning; and
  - J) teaches students cognitive strategies which maximize learning.
- g) Collaborative Relationships – The competent curriculum adaptation specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent curriculum adaptation specialist understands models for co-teaching and consultation.
  - 2) Performance – The competent curriculum adaptation specialist:
    - A) collaborates with other educators concerning appropriate use of the different learning and instructional strategies for various students;
    - B) provides direct assistance, when needed, to general educators, other special educators, and related service personnel as adaptations are implemented; and
    - C) assists general educators, other special educators, and related service personnel in anticipating and accounting for potential problems related to adaptations.
- h) Professional Conduct and Leadership – The competent curriculum adaptation specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being. The specialist advocates for the use of curricular adaptations for all students which reflect the dignity of the learner and assure the integrity of the learning environment.
- i) Reflection and Professional Growth – The competent curriculum adaptation specialist is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally. The specialist reflects on

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curricular adaptations which promote student growth and modifies strategies to enhance learning.

**Section 28.370 Standards for the LBS II/Multiple Disabilities Specialist**

Beginning January 1, 2003, an individual seeking this endorsement shall be required to pass an examination based on the standards set forth in this Section in addition to completing an approved program.

- a) Foundations – The competent multiple disabilities specialist understands the philosophical, historical, and legal foundations of special education.
  - 1) Knowledge – The competent multiple disabilities specialist understands:
    - A) ethical issues regarding treatment of individuals with medically fragile conditions;
    - B) in-depth knowledge of legislation, policies, and litigation regarding rights of individual students to education, guardianship, and community supports; and
    - C) the process of policy change in advocating for individuals.
  - 2) Performance – The competent multiple disabilities specialist:
    - A) advocates for rights and services based on established legislation, policies, and litigation;
    - B) advocates for change in service delivery systems and policy;
    - C) demonstrates a commitment to the belief that all students can learn; and
    - D) demonstrates a commitment to the belief that all students can live, work, and recreate in inclusive community settings.
- b) Characteristics of Learners – The competent multiple disabilities specialist understands the impact that disabilities have on the cognitive, physical, emotional, social, and communication development of an individual and provides

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opportunities that support the intellectual, social, and personal development of all students (ages 3-21).

- 1) Knowledge – The competent multiple disabilities specialist understands:
  - A) the identification of problems related to physical and medical procedures;
  - B) the impact of terminal illness and its effect on individuals and families; and
  - C) the difference between physical disabilities and cognitive disabilities.
- 2) Performance – The competent multiple disabilities specialist:
  - A) monitors and communicates potential problems or concerns related to a student's physical or medical conditions to appropriate personnel (e.g., school nurse, parents); and
  - B) performs special health care procedures such as feeding, positioning, suctioning, etc., under supervision of appropriate medical personnel.
- c) Assessment – The competent multiple disabilities specialist understands the educational assessment process and uses various assessment strategies to support the continuous development of all students.
  - 1) Knowledge – The competent multiple disabilities specialist meets the standards set forth in Section 28.100(c)(1) of this Part.
  - 2) Performance – The competent multiple disabilities specialist:
    - A) designs and implements informal assessment procedures that distinguish physical and cognitive abilities in individuals with multiple disabilities across age groups and combinations of disabilities;

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- B) designs and implements informal assessment procedures that assess both physical and cognitive abilities in the context of priority skills across age groups and combinations of disabilities;
  - C) designs informal assessment procedures that incorporate principles of partial participation across age groups and combinations of disabilities;
  - D) develops and conducts informal assessments of assistive technology needs and services across age groups and combinations of disabilities; and
  - E) develops and conducts informal assessments focused on ongoing effectiveness of assistive technology.
- d) Planning for Instruction – The competent multiple disabilities specialist understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners. The specialist understands instructional planning and designs instruction based on knowledge of the discipline, students, community, and curriculum goals.
- 1) Knowledge – The competent multiple disabilities specialist understands research that supports treatment approaches for persons with multiple disabilities.
  - 2) Performance – The competent multiple disabilities specialist:
    - A) develops longitudinal, outcome-based curriculum for students with multiple disabilities using a top-down, ecological inventory-based approach across age groups and combinations of disabilities;
    - B) uses information about the student's strengths and needs and his/her desired educational outcomes to select appropriate scope and sequences in language arts and math (e.g., generalized, activity-specific);
    - C) utilizes community settings to instruct educational priorities across all curricular domains and age groups;

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- D) develops a community program (e.g., work sampling) designed to increase knowledge about vocational possibilities for students with multiple disabilities;
  - E) creates and implements a strategic, progressive series of experiences and learning opportunities that meet the complex needs of individuals with multiple disabilities in order to ensure long-term community-based employment outcomes;
  - F) develops programs that take into account preferences and choices for all ages of individuals with multiple disabilities, in the context of all instructional interactions and educational curricula;
  - G) develops scope and sequences that promote self-determination across all curricular areas; and
  - H) considers an individual's medical and physical characteristics and needs in developing a schedule to maximize active learning throughout the school day.
- e) Learning Environment – The competent multiple disabilities specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge – The competent multiple disabilities specialist understands:
    - A) knowledge of components of positive behavioral support plans; and
    - B) knowledge of strategies to socially validate target behaviors, interventions, and effects of behavior interventions.
  - 2) Performance – The competent multiple disabilities specialist:
    - A) conducts functional assessments and functional analysis of problem behavior of individuals with multiple disabilities across age groups;

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- B) identifies socially valid problem behaviors and interventions across age groups;
  - C) maintains ethical standards in selection of treatment interventions, considering the vulnerability of individuals with multiple disabilities; and
  - D) identifies behaviors that are functionally equivalent to problem behaviors when designing functional communication programs.
- f) Instructional Delivery – The competent multiple disabilities specialist understands the central concepts and methods of inquiry; uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills; and creates learning experiences that make content meaningful to all students (ages 3-21).
- 1) Knowledge – The competent multiple disabilities specialist meets the standards set forth in Section 28.100(f)(1) of this Part.
  - 2) Performance – The competent multiple disabilities specialist:
    - A) provides community-referenced and community-based instruction;
    - B) develops programs to facilitate mobility, including head and trunk control, sitting, crawling, standing, walking, and wheelchair use in the context of meaningful activities; and
    - C) uses individualized assistive devices to enhance learning outcomes across curricular areas for students with multiple disabilities.
- g) Collaborative Relationships – The competent multiple disabilities specialist uses knowledge of effective written, verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction among professionals, parents, paraprofessionals, and students.
- 1) Knowledge – The competent multiple disabilities specialist meets the standards set forth in Section 28.100(g)(1) of this Part.
  - 2) Performance – The competent multiple disabilities specialist:

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- A) teaches and supervises paraprofessional staff implementing physical and medical procedures for students with multiple disabilities;
  - B) collaborates with families, related service providers, and support personnel in identifying appropriate evaluation and intervention strategies;
  - C) initiates and assumes responsibility for coordinating multiple services provided to individual students with multiple disabilities;
  - D) identifies needs for equipment revision and/or new services and initiates contact with families and appropriate service providers;
  - E) collaborates with administrators and medical personnel in developing policies and procedures for meeting the physical and medical needs of individuals with multiple disabilities; and
  - F) collaborates with appropriate personnel and family members in developing a written, individualized plan to address special health care needs.
- h) Professionalism and Ethical Practices – The competent multiple disabilities specialist understands teaching as a profession, maintains standards of professional conduct, and provides leadership to improve student learning and well-being.
- 1) Knowledge – The competent multiple disabilities specialist has knowledge of consumer and professional organizations, publications, and journals relevant to individuals with multiple disabilities across all ages.
  - 2) Performance – The competent multiple disabilities specialist incorporates current information from professional literature into all teaching and related activities.
- i) Reflection and Professional Growth – The competent multiple disabilities specialist is a reflective practitioner who continually evaluates how choices and

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actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.

- 1) Knowledge – The competent multiple disabilities specialist meets the standards set forth in Section 28.100(i)(1) of this Part.
- 2) Performance – The competent multiple disabilities specialist participates in the activities of professional organizations relevant to individuals with multiple disabilities.

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## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) 

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
226.800	Amendment
226.810	Amendment
226.820	Amendment
226.840	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: 105 ILCS 5/21-28, as amended by P.A. 97-461, effective August 19, 2011, authorizes the State Board of Education to conduct peremptory rulemaking to put into the Illinois Administrative Code changes to Part 226 ordered by the federal court on August 15, 2001, in the matter of *Corey H., et al. v. Board of Education of the City of Chicago, et al.*
- 5) Statutory Authority: 105 ILCS 5/21-28
- 6) Effective Date: August 22, 2011
- 7) A Complete Description of the Subjects and Issues Involved: The changes align Part 226 to the system of certification for special education teachers that will be set forth in 23 Ill. Adm. Code 25 via peremptory rulemaking that is occurring concurrently with this rulemaking. The special education certification requirements have been in effect since 2001 under a federal court order. For this reason, those working in special education positions or individuals entering the special education field should experience no effect from the promulgation of these changes to Part 226.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Code Division: August 22, 2011
- 10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending on this Part? No

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13) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

14) Information and questions regarding these preemptory amendments shall be directed to:

David Andel, Division Administrator  
Illinois State Board of Education  
100 North First Street, N-253  
Springfield, Illinois 62777

217/782-5589

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

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## NOTICE OF PEREMPTORY AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

## PART 226

## SPECIAL EDUCATION

## SUBPART A: GENERAL

## Section

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

## SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

## Section

226.100	Child Find Responsibility
226.110	Evaluation Procedures
226.120	Reevaluations
226.130	Additional Procedures for Students Suspected of or Having a Specific Learning Disability
226.135	Additional Procedures for Students Suspected of or Having a Cognitive Disability
226.140	Modes of Communication and Cultural Identification
226.150	Evaluation to be Nondiscriminatory
226.160	Determination of Eligibility (Repealed)
226.170	Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
226.180	Independent Educational Evaluation
226.190	Reevaluation (Repealed)

## SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

## Section

226.200	General Requirements
226.210	IEP Team
226.220	Development, Review, and Revision of the IEP
226.230	Content of the IEP

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- 226.240 Determination of Placement
- 226.250 Child Aged Three Through Five
- 226.260 Child Reaching Age Three

## SUBPART D: PLACEMENT

- Section
- 226.300 Continuum of Placement Options
- 226.310 Related Services
- 226.320 Service to Students Living in Residential Care Facilities
- 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
- 226.340 Nonpublic Placements by Parents Where FAPE is at Issue
- 226.350 Service to Parentally-Placed Private School Students
- 226.360 Placement by School Districts in Remote Educational Programs

## SUBPART E: DISCIPLINE

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

## SUBPART F: PROCEDURAL SAFEGUARDS

- Section
- 226.500 Language of Notifications
- 226.510 Notification of Parents' Rights
- 226.520 Notification of District's Proposal
- 226.530 Parents' Participation
- 226.540 Consent
- 226.550 Surrogate Parents
- 226.560 Mediation
- 226.570 State Complaint Procedures

## SUBPART G: DUE PROCESS

Section

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226.600	Calculation of Timelines
226.605	Request for Hearing; Basis (Repealed)
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
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226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; preemptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011.

## SUBPART I: PERSONNEL

**Section 226.800 Personnel Required to be Qualified**

- a) General

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- 1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
  - 2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
  - 3) Reimbursement for personnel expenditures shall be made by the State Board with respect to only those individuals who are qualified, pursuant to this Subpart I, to *deliver services to students with IEPs* [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860 of this Part, or pursuant to 23 Ill. Adm. Code 25.48 (Short-Term Emergency Certification in Special Education) when applicable.
  - 4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.
- b) Professional Instructional Personnel  
Each individual employed in a professional instructional capacity shall ~~hold either:~~
- 1) hold a valid special preschool-age 21 certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
  - 2) hold another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part); or:
  - 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820 of this Part; or

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4) hold short-term emergency certification issued pursuant to 23 Ill. Adm. Code 25.48 (beginning January 1, 2002).

- c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
  - 2) holds either a special preschool-age 21 certificate or a high school certificate; and
  - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:
    - A) Survey of the exceptional child;
    - B) Characteristics of the mentally retarded student;
    - C) Characteristics of the socially and/or emotionally maladjusted student;
    - D) Vocational programming for students with disabilities;
    - E) Characteristics of other exceptionalities;
    - F) Methods course in special education;
    - G) Guidance and counseling;
    - H) Educational and psychological diagnosis;
    - I) Vocational and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:

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- 1) holds either a special preschool-age 21 certificate endorsed for the disability area of assignment or a high school certificate with special education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;
  - 2) has completed a course in vocational programming for students with disabilities; and
  - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or vocational and technical education.
- e) An individual assigned as a business manager's assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.
- f) **Qualified Bilingual Specialists**  
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they submit the required application and meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a special preschool-age 21 certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
    - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
    - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
    - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
  - 2) A holder of an early childhood, elementary, high school, or special certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully

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complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.

- 3) A holder of an early childhood, elementary, high school, or special certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:
  - A) Methods for teaching in the special education area of assignment;
  - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
  - C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
  
- 4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
  - A) Survey of children with all types of disabilities;
  - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
  - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
  - D) Methods for teaching in the special education area of assignment; and
  - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

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- 5) A holder of a school service personnel certificate endorsed for guidance, school social work, ~~or~~ school psychology, or speech-language pathology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) **Directors and Assistant Directors of Special Education**  
Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity. The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140.
- 1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in either 23 Ill. Adm. Code 25.365(b) or (c), as applicable.
- 2) Each individual who will function as a director or assistant director of special education shall submit an application for special education administrative approval on a form supplied by the State Board of Education.
- 3) Each school district, or the cooperative entity of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.
- h) **Supervisors**
- 1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.

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- 2) Each individual performing a supervisory function shall hold a master's degree, including at least 15 semester hours of coursework distributed among all the following areas:
    - A) Survey of exceptional children;
    - B) Characteristics courses in the areas to be supervised;
    - C) Methods courses in the areas to be supervised;
    - D) Educational and psychological diagnosis and remedial techniques; and
    - E) Supervision of programs for exceptional children.
  - 3) Each individual performing a supervisory function shall also hold either:
    - A) a valid special [preschool-age 21](#) certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
    - B) a valid school service personnel certificate endorsed for supervision and two years' experience in the area to be supervised; or
    - C) a valid administrative certificate and either a valid special [preschool-age 21](#) certificate endorsed for the area to be supervised or special education approval in that area.
- i) Chief Administrator of Special School  
The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.335 or 25.365 and either:
- 1) [an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired, or speech- and language-impaired](#)~~the qualifications required under 23 Ill. Adm. Code 25.43 in at least one disability area served by the school~~; or

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- 2) an endorsement as Learning Behavior Specialist I that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46); or
  - 3) approval as an LBS I issued by the State Board of Education pursuant to Section 226.810 of this Part that either is unlimited or specific to one of the disabilities prevalent in the students served by the school~~approval issued by the State Board of Education pursuant to Section 226.810 of this Part for at least one disability area served by the school.~~
- j) Other Professional Personnel  
Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:
- 1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
  - 2) a valid license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
  - 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).
- k) Noncertified Personnel
- 1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
  - 2) Each program assistant/aide, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.

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- 3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Training shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart F.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14836, effective August 22, 2011)

**Section 226.810 Special Education Teaching Approval**

Special education approval may be issued by the State Board of Education to an individual who does not hold a special preschool-age 21 certificate or who lacks some of the qualifications for one of the endorsements enumerated in 23 Ill. Adm. Code 25.43.

- a) Beginning July 1, 2001, special~~Special~~ education teaching approval will be issued for individuals to serve as Learning Behavior Specialist (LBS) I and may be limited to one or more of~~in~~ the following areas, as applicable (see 23 Ill. Adm. Code 25.47):
- 1) ~~Educable mentally handicapped;~~
  - 2) Learning disabilities;
  - 2)3) Social/emotional disorders;
  - 3)4) ~~Mental retardation~~Trainable mentally handicapped; and
  - 4)5) Physically handicapped.
- b) An individual who holds an early childhood, special, elementary, ~~or~~ high school, or transitional bilingual certificate shall receive approval to teach in a special education area listed in subsection (a) of this Section if he or she has successfully completed ~~at least one~~ college-level coursework addressing~~course in~~ each of the following areas:
- 1) Survey of exceptional children;
  - 2) Characteristics of special education students in the specific area of approval sought;

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- 3) Methods of teaching in the area of special education approval sought; and
  - 4) Psychological diagnosis for children with all types of disabilities.
- c) Except as provided in subsection (d) of this Section, an individual who wishes to receive special education teaching approval shall submit an application for a special certificate on a form supplied by the State Board of Education and shall comply with such other application procedures as the State Board may require.
- 1) If the individual qualifies for a special certificate, the State Board shall issue one and endorse it as warranted.
  - 2) If the individual does not qualify for a special certificate, the State Board shall evaluate the application for special education approval and either issue such approval or notify the applicant of any deficiencies.
- d) ~~The State Board shall issue early childhood special education approval to an individual who holds either an early childhood certificate or a special certificate in one of the areas of specialization enumerated at 23 Ill. Adm. Code 25.43, provided the individual makes application for such approval on a form supplied by the State Board demonstrating that he or she has successfully completed coursework in all the following areas:~~
- 1) ~~Survey of exceptional children;~~
  - 2) ~~The development of language in young children;~~
  - 3) ~~Early childhood assessment; and~~
  - 4) ~~Early childhood or elementary school curriculum and organization.~~
- e) Special education approval issued prior to January 1, 2002, shall not be limited with regard to time or district of employment but shall be valid only for the special education ~~areas~~area(s) indicated and the grade ~~levels~~level(s) to which the individual's certificate applies. Any approval issued on or after January 1, 2002, shall be valid for three years, after which time the holder shall no longer be assigned to a special education teaching position unless he or she has received an unlimited LBS I endorsement pursuant to 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval).

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- e) As of July 1, 2001, each teaching approval listed in subsection (a) of this Section shall automatically be reissued for service as an LBS I. An individual's pre-existing approvals shall result in receipt of either a limited or an unlimited LBS I approval (see 23 Ill. Adm. Code 25.47).
- f) Beginning January 1, 2002, the State Board shall issue early childhood special education approval to an individual who either holds an early childhood certificate or a special preschool-age 21 certificate with an LBS I endorsement, provided that the individual makes application for approval on a form supplied by the State Board demonstrating that he or she has successfully completed coursework in all the following areas:
- 1) Methods – Developmentally and individually appropriate methods for fostering the social, emotional, cognitive, communication, adaptive, and motor development and learning of young children with special needs in various settings, such as the home, the school, and the community.
  - 2) Assessment – Strategies, procedures, and formal and informal instruments for assessing young children's social, emotional, cognitive, communication, and motor skills; family concerns, priorities, and resources; and school, home, and community learning environments; and methods for conducting formative and summative individual and program evaluation.
  - 3) Language Development – Typical and atypical language development in young children; specific language disabilities; the relationship between communication delays and other areas of early learning and development; and alternative communication systems for young children with disabilities.
  - 4) Family and Community Relationships – Strategies in developing positive and supportive relationships with families of young children with special needs, including the legal and philosophical basis for family participation; family-centered services; and strategies for working with socially, culturally, and linguistically diverse families. Strategies and models for promoting effective consultation and collaboration with other professionals and agencies within the community.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14836, effective August 22, 2011)

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**Section 226.820 Authorization for Assignment**

In the circumstances described in this Section, neither the qualifications required by Section 226.800 of this Part nor special education approval under Section 226.810 of this Part shall be required. When authorized pursuant to this Section, reimbursement shall be available for staff providing special education and related services.

- a) No Fully Qualified Individual Available
  - 1) When a district or cooperative entity, regional superintendent of schools, or nonpublic special education facility approved pursuant to 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code) demonstrates to the State Board of Education that it is unable to secure the services of an individual who holds the required credentials for a particular assignment, the State Board may authorize the assignment of another individual if the director of special education submits a written request through the regional superintendent of schools, on a form provided by the State Board, that:
    - A) describes the position or assignment involved or the services to be provided and identifies the required certificate or approval;
    - B) describes the population to be served, including the number of students in each disability category represented;
    - C) describes the type and frequency of supervision and technical assistance to be provided to the individual, including the name and title of the supervisor and any other individual who will provide technical assistance;
    - D) describes the unique training, education, experience, or other qualifications that will assist the individual in fulfilling the requirements of the position;
    - E) describes the district's or cooperative entity's efforts to locate a fully qualified individual to fill the position, including contacts with universities, regional superintendents, and the State Board of Education; and

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- F) indicates that the individual to be assigned is working toward attainment of the required certificate, endorsement, or approval for the position.
- 2) The State Board's authorization to assign such an individual shall be specific to the affected position and to the district or cooperative entity requesting the authorization and shall be limited to two years in duration.
- 3) As of January 1, 2002, no further authorizations to assign individuals to special education teaching positions shall be issued pursuant to this Section. The provisions of 23 Ill. Adm. Code 25.48 (Short-Term Emergency Certification in Special Education) shall apply instead. An individual for whom an authorization was issued prior to January 1, 2002, shall be allowed to serve in the current assignment until that authorization expires.
- b) Interns  
The State Board may also authorize the assignment of interns in school psychology, school social work, school nursing, and speech/language pathology who will work under the supervision of fully qualified professionals, subject to the requirements of this subsection (b).
- 1) For each intern in school psychology, school social work, or school nursing, the director of special education shall submit, on forms supplied by the State Board:
- A) verification provided by an educational institution that the candidate is participating in a formal internship under its auspices; and
- B) a request for authorization to assign the individual to an intern's position.
- 2) For each intern in speech/language pathology, the director of special education shall submit evidence that the individual holds a valid teaching certificate and has a bachelor's degree in communication disorders. The individual shall also either have completed graduate-level coursework in communication disorders or be enrolled in a program providing such coursework. The director of special education shall provide evidence that the intern will be supervised by an individual who holds a special

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preschool-age 21 certificate endorsed for speech and language impaired or speech-language pathology pursuant to 23 Ill. Adm. Code 25.43 or 25.45, as applicable.

- c) No Specific Credential Required
- 1) When a school district or cooperative entity needs to fill a position for which no specific certificate, endorsement, or other credential is required, the district or cooperative entity shall seek authorization from the State Board of Education to assign the individual who has been selected.
  - 2) The director of special education shall submit a written request through the regional superintendent of schools, on a form provided by the State Board, that:
    - A) describes the position or the service to be provided, why it is needed, and for how long it is expected to be needed; and
    - B) describes the training, education, experience, or other qualifications held by the individual selected that will be relevant to the unique needs of the students to be served (e.g., experience in teaching students with similar disabilities, experience in providing the specific services involved).
  - 3) The State Board's authorization to assign such an individual shall be limited to the period for which the service is stated to be needed and shall be specific to the affected position and to the requesting entity.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14836, effective August 22, 2011)

**Section 226.840 Qualifications of Evaluators**

The following list identifies the credentials required to administer certain types of evaluations. Where no requirements are established, an evaluation may be performed by an individual who is qualified to administer it according to the technical specifications of the publisher.

<u>TYPE</u>	<u>REQUIRED QUALIFICATIONS</u>
Academic Performance	Teaching certificate/approval appropriate for the

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	age or disability of the child, or School Service Personnel Certificate endorsed for school psychology or guidance. (See Article 21 of the School Code [105 ILCS 5/Art. 21] and the State Board's rules at 23 Ill. Adm. Code 1 and 23 Ill. Adm. Code 25.)
Adapted Physical Education	Special Certificate endorsed for physical education with approval in adapted physical education (23 Ill. Adm. Code 25.43).
Assistive Technology	To the extent that a test is used in performing this assessment, qualification for administering the test according to the instructions provided by the test's publisher.
Audiological	License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
Clinical Psychological	License issued pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15].
Cultural Background Assessment	School Service Personnel Certificate endorsed for school psychology, school social work, or school counseling.
Hearing Screening	License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], Special Certificate endorsed for speech and language impairment (23 Ill. Adm. Code 25.45), or certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).
Learning Processes Evaluation	School Service Personnel Certificate endorsed for

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	school psychology or Special <a href="#">Preschool-Age 21 Certificate</a> endorsed for <a href="#">Learning Behavior Specialist</a> <del>Learning disabilities</del> .
Medical Review	School Service Personnel Certificate endorsed for school nursing (23 Ill. Adm. Code 25.245), or license to practice medicine in all of its branches, or under Section 60 or 65 of the Nurse Practice Act [225 ILCS 65].
Neurological Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60].
Occupational Therapy Evaluation	Certificate/Registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].
Orientation/Mobility	Certification for orientation/mobility instruction and evaluation (Certification for Orientation and Mobility, Orientation and Mobility Division, Association for Education and Rehabilitation of the Blind and Visually Impaired, 4600 Duke Street, #430, P.O. Box 22397, Alexandria, Virginia 22304; 1984; no later amendments or editions are included).
Physical Therapy Evaluation	Certificate/registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Psychiatric Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987.
School Psychological	School Service Personnel Certificate endorsed for school psychology.

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Social Developmental Study (Adaptive Behavior, Cultural Background, Family History)

School Service Personnel Certificate endorsed for social work, guidance, or school psychology (23 Ill. Adm. Code 25.215, 25.225, or ~~25.235~~25.335).

Speech and Language Assessment

Special Preschool-Age 21 Certificate endorsed for speech and language impairment or speech-language pathology (23 Ill. Adm. Code 25.45), or School Service Personnel Certificate endorsed for speech-language pathology (23 Ill. Adm. Code 25.250).

Vision Screening

Certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 14836, effective August 22, 2011)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Register Citation to Notice of Proposed Amendments: 35 Ill. Reg. 12600; July 29, 2011
- 4) Date, Time and Location of Public Hearing:

Monday, September 12, 2011  
1:00 PM to 3:00 PM  
Bloom Building, Large Conference Room - 1st Floor  
201 South Grand Avenue East  
Springfield, Illinois
- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Healthcare and Family Services will adhere to the following procedures in the conduct of the hearing:
  - a) No oral testimony shall exceed an aggregate of 10 minutes.
  - b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
  - c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
  - d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
  - e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by Wednesday, September 7, 2011.
- 6) Name and address of Agency Contact Person: Questions regarding these proposed amendments or the public hearing shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Jeanette Badrov  
General Counsel  
Department of Healthcare and Family Services  
201 South Grand Avenue E., 3rd Floor  
Springfield IL 62763

217/782-1233

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2030.20	Withdrawal
2030.105	Withdrawal
2030.107	Withdrawal
2030.108	Withdrawal
2030.109	Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: January 21, 2011; 35 Ill Reg. 1327
- 5) Date JCAR Statement of Objection Published in the Register: July 1, 2011; 35 Ill. Reg. 10394
- 6) Summary of Action Taken by the Agency: At its meeting on June 14, 2011, the Joint Committee on Administrative Rules (JCAR) objected to the proposed rulemaking cited above because the rulemaking makes no distinction between adolescent and adult programs.

The Department of Human Services has reviewed the Objection from the Joint Committee on Administrative Rules regarding the above-referenced rulemaking. In response to the Objection, the Department will withdraw the proposed rulemaking and reevaluate the requirements of utilization management.

## DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Number: 2090.35                      Proposed Action:  
Withdrawal
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: January 21, 2011; 35 Ill Reg. 1329
- 5) Date JCAR Statement of Objection Published in the Register: July 1, 2011; 35 Ill. Reg. 10395
- 6) Summary of Action Taken by the Agency: At its meeting on June 14, 2011, the Joint Committee on Administrative Rules (JCAR) objected to the proposed rulemaking cited above because the rulemaking makes no distinction between adolescent and adult programs.

The Department of Human Services has reviewed the Objection from the Joint Committee on Administrative Rules regarding the above-referenced rulemaking. In response to the Objection, the Department will withdraw the proposed rulemaking and reevaluate the requirements of utilization management.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## NOTICE OF WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

## OFFICE OF THE TREASURER

Heading of the Part: Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois

Code Citation: 74 Ill. Adm. Code 740

Section Number: 740.20

Date Originally Published in the Illinois Register: 6/10/11  
35 Ill. Reg. 8893

Date Suspension Published in Illinois Register: 7/29/11

35 Ill. Reg. 12832

Date Suspension Became Effective: 7/14/11

Date Suspension Withdrawn: The Suspension is withdrawn, effective with the adoption by the State Treasurer of the companion proposed rulemaking (74 Ill. Adm. Code 740; 35 Ill. Reg. 8795) with the Second Notice Agreements.

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on August 16, 2011, has withdrawn the Suspension of the State Treasurer's emergency rulemaking, effective upon adoption of the companion proposed rulemaking as noted above. The Committee originally issued this Suspension at its 7/12/11 meeting.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1285.80	Withdrawal
1285.255	Withdrawal
- 4) Date Notice of Proposed Rules Published in the *Illinois Register*: 34 Ill. Reg. 11980; August 20, 2010
- 5) Summary of Action Taken by the Agency: The Illinois Department of Financial and Professional Regulation is withdrawing the proposed rule due to the passage of Public Act 97- 156, effective August 19, 2011. The Department has concluded that the rule would conflict with the new law.

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 August 16, 2011 through August 22, 2011 and have been scheduled for review by the Committee at its September 13, 2011 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/30/11	<u>Department of Public Health</u> , Child Health Examination Code (77 Ill. Adm. Code 665)	6/10/11 35 Ill. Reg. 8766	9/13/11
9/30/11	<u>Board of Examiners</u> , Certificate of Certified Public Accountant (23 Ill. Adm. Code 1400)	6/24/11 35 Ill. Reg. 9204	9/13/11
9/30/11	<u>Department of Financial and Professional Regulation</u> , Hearings for Removal or Prohibition of Directors, Officers, Employees or Agents of a State Bank or a Branch of an Out-of-State Bank, Subsidiary or Holding Company of a State Bank or a Branch of an Out-of-State Bank, or Corporate Fiduciary, Subsidiary or Parent Company of a Corporate Fiduciary (Repealer) (38 Ill. Adm. Code 900)	7/1/11 35 Ill. Reg. 10175	9/13/11
10/1/11	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	6/10/11 35 Ill. Reg. 8634	9/13/11
10/1/11	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	6/10/11 35 Ill. Reg. 8622	9/13/11
10/1/11	<u>State Board of Education</u> , Transitional Bilingual Education (23 Ill. Adm. Code 228)	6/10/11 35 Ill. Reg.	9/13/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

		8746	
10/1/11	<u>State Board of Education</u> , Incentive Grants for Agricultural Science Teacher Education (23 Ill. Adm. Code 75)	6/10/11 35 Ill. Reg. 8714	9/13/11
10/5/11	<u>Illinois State Toll Highway Authority</u> , Office of the Inspector General (2 Ill. Adm. Code 3430)	7/1/11 35 Ill. Reg. 10298	9/13/11
10/5/11	<u>Illinois Commerce Commission</u> , Licensure of Retail Electric Agents, Brokers and Consultants (83 Ill. Adm. Code 454)	1/7/11 35 Ill. Reg. 333	9/13/11
10/5/11	<u>Department of Human Services</u> , Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572)	1/14/11 35 Ill. Reg. 711	9/13/11
10/5/11	<u>Department of Human Services</u> , Customer Financial Participation (89 Ill. Adm. Code 562)	12/17/10 34 Ill. Reg. 19362	9/13/11
10/5/11	<u>Department of Insurance</u> , Suitability in Annuity Transactions (50 Ill. Adm. Code 3120)	4/1/11 35 Ill. Reg. 4868	9/13/11
10/5/11	<u>Illinois Department of Revenue</u> , Electronic Filing of Returns or Other Documents (86 Ill. Adm. Code 760)	7/1/11 35 Ill. Reg.10292	9/13/11

## PROCLAMATIONS

**2011-267****Child Support Awareness Month**

WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of offering and providing child support services to all Illinois families; and,

WHEREAS, Illinois recognizes that children need strong family support from both parents; and,

WHEREAS, Illinois continues to focus attention on children's overall needs and to encourage the involvement of both of their parents in their lives; and,

WHEREAS, Illinois continues to be a national leader in developing innovative and sound practices in child support services that assist mothers and fathers and ultimately contribute to stronger families; and,

WHEREAS, one in four children are eligible to receive child support benefits; child support income lifts about one million people out of poverty every year and promotes family well-being and self sufficiency; and,

WHEREAS, the Illinois Department of Healthcare and Family Services continues to work closely with the Department of Human Services, Public Health, Children and Family Services, Employment Security, Corrections, Revenue, Natural Resources, the Secretary of State, Juvenile Justice, other state and county agencies and hospitals throughout the state as well as community groups to increase the number of children for whom paternity is established and whose families receive child support services:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 2011 as **CHILD SUPPORT AWARENESS MONTH** in Illinois, to promote the importance of child support and to affirm the continued commitment of Illinois to helping our children receive the love and care that is vital to their success and welfare.

Issued by the Governor July 19, 2011

Filed by the Secretary of State August 19, 2011

**2011-268****Veterans' Day at the State Fair**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

## PROCLAMATIONS

WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, it is our duty to ensure the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve everything we can give them; and,

WHEREAS, Sunday, August 14, 2011 is Veterans' Day at the Illinois State Fair – a day to give thanks to those who have served our country, to salute our service members and to honor the men and women who have lost their lives protecting our freedom; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy, not only on this day, but throughout the year; and,

WHEREAS, on this day, veterans and their families are admitted to the fairgrounds for free, and a number of special Veterans' Day activities will be held:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2011 as **VETERANS' DAY AT THE STATE FAIR** in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor July 19, 2011

Filed by the Secretary of State August 19, 2011

**2011-269****Women's Business Development Day**

WHEREAS, the Women's Business Development Center (WBDC), now celebrating its third decade of success, is a nationally-recognized women's business assistance organization founded in 1985 by S. Carol Dougal and Hedy M. Ratner; and,

WHEREAS, the WBDC is devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and,

WHEREAS, there are now over 8.1 million women-owned businesses in the U.S., employing over 7.6 million workers and generating more than \$1.2 billion in revenues; and,

WHEREAS, more than 350,000 of those women-owned businesses are located in Illinois; and,

WHEREAS, the Women's Business Development Center has put forth creative and innovative approaches to empowering women and their families, influencing the larger political and

## PROCLAMATIONS

economic environment in a way that encourages and supports women's economic empowerment; and,

WHEREAS, since its inception, more than 65,000 women business owners have used the programs and services provided by the Women's Business Development Center; and,

WHEREAS, these services include one-on-one counseling, workshops, and entrepreneurial training, as well as programs focused on finance, certification and capacity building, procurement and technical assistance, and child care; and,

WHEREAS, the Women's Business Development Center will hold its 25<sup>th</sup> Anniversary Entrepreneurial Woman's Conference on September 14, 2011 at Chicago's McCormick Place-West; and,

WHEREAS, this Conference marks the third decade of the WBDC's commitment to meeting the demands of women entrepreneurs for greater opportunities in business ownership and development:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 14, 2011 as **WOMEN'S BUSINESS DEVELOPMENT DAY** in Illinois, in recognition of the Women's Business Development Center's 25<sup>th</sup> Anniversary Entrepreneurial Woman's Conference, and in celebration of the past twenty-five years of the WBDC's outstanding advocacy and service to women business owners in the Land of Lincoln.

Issued by the Governor July 19, 2011

Filed by the Secretary of State August 19, 2011

**2011-270****Ravinia Women's Board Day**

WHEREAS, located in Highland Park, Illinois, and established in 1904, Ravinia Festival is the oldest outdoor music festival in the United States, with a series of outdoor concerts and performances held every summer from June to September; and,

WHEREAS, presenting world-class music, the Festival attracts about 600,000 listeners to some 120 to 150 events that span all genres from classical music to jazz to musical theater over each three-month summer season; and,

WHEREAS, in 1962, Ravinia Festival Trustee Margaret McClure, along with a group of volunteers, formed the Women's Board, and today, four original founding members—Barbara Marshall, Boots Nathan, Jan O'Connor and Jan Weil—still serve among the current 135 members; and,

## PROCLAMATIONS

WHEREAS, since its establishment, the Ravinia Women's Board has had a strong tradition of promoting the Festival and developing appreciation and understanding of music and the arts throughout the Chicagoland area; and,

WHEREAS, the broad based mission of the Ravinia Women's Board also includes fundraising and volunteer support of Ravinia's Education and Community Partnerships programs; and,

WHEREAS, the Women's Board launched Ravinia's first educational programs in under-served communities and continues to be a driving force in Ravinia's REACH\*TEACH\*PLAY programs that sustain classical music and return music to the classrooms of budget-strapped schools. These education outreach activities now reach 75,000 people; and,

WHEREAS, the Ravinia Women's Board also formed RISE—Ravinia's Immersion in Symphonic Education—student orchestras at Hibbard Elementary School in Chicago, and will continue to create new student orchestras; and,

WHEREAS, since 1972, Ravinia Gifts has been operated by Women's Board volunteers and has sold a variety of merchandise, including two best-selling cookbooks written, published and promoted by Board members - *Noteworthy* and *Noteworthy II*, in addition to *Ribbee Dibbee Doo*, a music story and activity book; and,

WHEREAS, this season, the Ravinia Women's Board is celebrating its 50<sup>th</sup> Anniversary with a gala concert on July 23<sup>rd</sup>, featuring singers Kelli O'Hara, Brian Stokes Mitchell, Sylvia McNair and pianist Kevin Cole all performing the works of Gershwin with the Chicago Symphony Orchestra; and,

WHEREAS, the Women's Board of Ravinia Festival has provided considerable financial support over the last fifty years, but more than that has helped inspire the welcoming, family-friendly feeling of the festival—enhancing the Ravinia experience for patrons and artists:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 23, 2011 as **RAVINIA WOMEN'S BOARD DAY** in Illinois, in recognition of 50 years of dedication to the advancement of the arts in our state.

Issued by the Governor July 20, 2011

Filed by the Secretary of State August 19, 2011

**2011-271**

**Flag Honors – Randall D. "Randy" Dalton**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

## PROCLAMATIONS

WHEREAS, the members of the United States Armed Forces have answered the call to duty with honor, decency and selflessness, but the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, on July 24, 1971, United States Army Specialist Randall D. "Randy" Dalton, 20, was killed when the helicopter he was riding in was shot down and crashed in Cambodia, five miles north of the South Vietnamese border; and,

WHEREAS, because of enemy fire, rescuers were forced to leave his body behind, and Specialist Dalton was declared "killed in action/body not recovered"; and,

WHEREAS, now, after years of searches and efforts to secure a positive identification, the remains of Specialist Dalton are finally on their way back home; and,

WHEREAS, as a result of the efforts of the U.S. Army Central Identification Laboratory, the remains of Specialist Dalton were identified from among three boxes turned over to the United States government by Vietnamese officials; and,

WHEREAS, as we mourn Specialist Dalton, we are reminded that nearly 1,700 Americans from the Vietnam War remain listed as prisoners of war or missing and unaccounted for; and,

WHEREAS, Specialist Dalton, who attended schools in Edwardsville and Collinsville, enlisted in the Army in September 1969 and had only two more weeks to go before completing his required service in Vietnam; and,

WHEREAS, on Sunday, July 24, 2011 – the 40<sup>th</sup> anniversary of his death – Specialist Dalton will be laid to rest in a Glen Carbon cemetery next to his parents:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on July 24, 2011 in honor and remembrance of Specialist Dalton, whose selfless service and sacrifice is an inspiration.

Issued by the Governor July 22, 2011

Filed by the Secretary of State August 19, 2011

**2011-272****Richard Dent Day**

WHEREAS, Richard Dent was born on December 13, 1960 in Atlanta, Georgia; and,

WHEREAS, Richard Dent was a student at Tennessee State University from 1979-1982, where he played collegiate football. He graduated in 1982 with a total of 39 sacks and a season high of 14 his senior year; and,

## PROCLAMATIONS

WHEREAS, Richard Dent began his professional career as a Chicago Bear when he was selected as an eighth-round draft pick from Tennessee State University in 1983; and,

WHEREAS, making an immediate impact, Richard Dent led the NFC with 17.5 sacks in 1984 and followed with a league-leading 17 sacks in 1985; and,

WHEREAS, the 1985 Chicago Bears won Super Bowl XX 46-10 against the New England Patriots. A key part of the championship team's defense, Richard Dent was named Super Bowl XX MVP after registering two forced fumbles and 1.5 sacks; and,

WHEREAS, Richard Dent and the 1985 Chicago Bears will forever be remembered as Super Bowl champions as well as pop stars. The Super Bowl Shuffle, a song recorded by the Bears' players, became a hit and endeared the team to fans across Illinois and the United States; and,

WHEREAS, selected All-NFC five times and All-Pro four times, Richard Dent was instrumental in the success of the Chicago Bears during his twelve seasons with the team. The Bears' record during this time was 119-72 and during Dent's first six years, the Bears went 70-25; and,

WHEREAS, during 15 years in the NFL, Richard Dent recorded eight seasons of double-digit sacks and had a total of 137.5 sacks, which placed him third on the all-time record sack list when he retired; and,

WHEREAS, Richard Dent was selected as part of the Pro Football Hall of Fame's Class of 2011 and will be enshrined on August 6, 2011 in Canton, Ohio; and,

WHEREAS, In addition to his athletic achievements, Richard Dent is the founder of the Make a Dent Foundation, an organization dedicated to helping people lead productive and prosperous lives, which has partnered with and raised money for numerous organizations in Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 26, 2011 as **RICHARD DENT DAY** in Illinois, in honor of his achievements as a football player and philanthropic contributions to the Land of Lincoln.

Issued by the Governor July 26, 2011

Filed by the Secretary of State August 19, 2011

**2011-273**

**College Access and Completion Day**

## PROCLAMATIONS

WHEREAS, President Obama has set a national goal that, by 2020, the United States will once again have the highest proportion of college graduates in the world; and,

WHEREAS, the Illinois P-20 Council, Illinois higher education agencies, and Illinois postsecondary institutions have answered that call by adopting a shared goal of increasing the proportion of Illinois adults with a postsecondary credential to 60 percent by 2025; and,

WHEREAS, greater levels of education correlate with greater lifetime earnings, higher annual incomes, and lower unemployment rates for individuals; and,

WHEREAS, postsecondary education and training not only support the intellectual and professional development of individual students, but also help our state to maintain a strong and flexible workforce and resilient economy; and,

WHEREAS, the Illinois Public Agenda for College and Career Success stresses the need to eliminate a "prosperity gap" related to large and widening disparities in educational attainment – by race or ethnicity, by income, and by region; and,

WHEREAS, closing this attainment gap is both a moral imperative and an economic one, and will require that all Illinois residents have affordable access to high-quality educational opportunities that prepare them for the jobs of the present and future; and,

WHEREAS, the Illinois Student Assistance Commission, Illinois Board of Higher Education, Illinois Community College Board, Women Employed, and Federation of Independent Illinois Colleges and Universities have designed a one-day conference for Illinois college and university leaders, high school leaders, community partners, and policymakers interested in higher education, to be held July 27<sup>th</sup>, 2011; and,

WHEREAS, the conference will showcase effective policies, methods, and resources that help with college access and college completion, allowing opportunities for peers to share best practices; and,

WHEREAS, the conference will be further enriched by the presence of state and national education leaders who will engage conference attendees in thoughtful discussions on overcoming obstacles to college access and completion:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 27, 2011 as **COLLEGE ACCESS AND COMPLETION DAY** in Illinois, and call on all Illinoisans to support the students, parents, and adult learners in their communities as they work to achieve their educational goals.

## PROCLAMATIONS

Issued by the Governor July 26, 2011  
Filed by the Secretary of State August 19, 2011

**2011-274**  
**Lakes Appreciation Month**

WHEREAS, the State of Illinois is fortunate to have more than 3,041 lakes and more than 87,000 ponds within its boundaries; and,

WHEREAS, lakes and ponds are important resources to the State of Illinois' way of life and its environment, providing sources of recreation, scenic beauty and habitat for wildlife; and,

WHEREAS, Illinois lakes are valuable economic resources for Illinois businesses, tourism and municipal governments; and,

WHEREAS, thousands of citizen volunteers have demonstrated their interest in Illinois lakes by actively monitoring lake quality over the last 30 years through the Volunteer Lake Monitoring Program; and,

WHEREAS, the State of Illinois recognizes the need to protect these lakes and ponds for future generations:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 2011 as **LAKES APPRECIATION MONTH** in Illinois, in recognition of the importance of these vital resources.

Issued by the Governor July 29, 2011  
Filed by the Secretary of State August 19, 2011

**2011-275**  
**Champaign Urbana Theatre Company Day**

WHEREAS, the Champaign-Urbana Theatre Company was conceived in the fall of 1991 by ten local theater enthusiasts; and,

WHEREAS, at that time, the historic Virginia Theatre in downtown Champaign, Illinois, was in danger of being destroyed, and this core group decided to preserve the facility, while also fostering community theater; and,

WHEREAS, as a result of this meeting, the Champaign-Urbana Theatre Company was founded and incorporated as a non-profit organization; and,

## PROCLAMATIONS

WHEREAS, by 2004, an estimated 530 volunteers took part onstage or behind the scenes, and over 11,000 community members attended one of their productions; and,

WHEREAS, this year is the Champaign Urbana Theatre Company's 20th performance season; and,

WHEREAS, on Thursday, August 4, 2011, the Champaign Urbana Theatre Company will open its production of "The Music Man." This classic musical was performed during the company's first season in 1991 and again on the occasion of their 10<sup>th</sup> anniversary in 2001:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 4, 2011 as **CHAMPAIGN URBANA THEATRE COMPANY DAY** in Illinois, in recognition of 20 years of community theater performance and promoting the arts.

Issued by the Governor July 29, 2011

Filed by the Secretary of State August 19, 2011

**2011-276****Barbershop Harmony Week**

WHEREAS, barbershop singing is a true American art form, the creation of which was influenced by African American musical traditions, formal church hymns, and recreational songs; and,

WHEREAS, barbershop's unique musical style –melodic, a cappella singing with special emphasis upon the dominant seventh chord—regained popularity in the 1940s; and,

WHEREAS, barbershop music continues to be widely-practiced and loved today, with hundreds of thousands of people participating in barbershop organizations, such as the Barbershop Harmony Society and its nine affiliates; and,

WHEREAS, the Barbershop Harmony Society unites those with a similar passion for singing, hosting conventions and competitions for the purposes of learning and building friendships; and,

WHEREAS, the organization has provided an often cherished service to their communities as well, with their harmonic performances, singing valentines, and educational programs for youths and adults; and,

## PROCLAMATIONS

WHEREAS, members of the Barbershop Harmony Society have contributed to the evolution of barbershop performance groups, as they now perform an expanding repertoire of contemporary music; and,

WHEREAS, barbershop organizations are composed mainly of older men and a few youth; and,

WHEREAS, there is a need for increased public interest and education so that this time-honored tradition continues on; and,

WHEREAS, on September 23-25, 2011 the Illinois District of the Barbershop Harmony Society will hold its Fall Convention and Illinois barbershop championship competition:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 18 – 25, 2011 as **BARBERSHOP HARMONY SOCIETY WEEK** in Illinois, in order to introduce the melodic performances of this unique, American tradition to a greater number of citizens from across the state.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-277****Barbershop Youth in Harmony Week**

WHEREAS, barbershop singing is a true American art form, the creation of which was influenced by African American musical traditions, formal church hymns, and recreational songs; and,

WHEREAS, barbershop's unique musical style – melodic, a cappella singing with special emphasis upon the dominant seventh chord – regained popularity in the 1940s; and,

WHEREAS, barbershop music continues to be widely-practiced and loved today, with hundreds of thousands of people participating in barbershop organizations, such as the Barbershop Harmony Society and its affiliates; and,

WHEREAS, the Barbershop Harmony Society unites those with a similar passion for singing, hosting conventions and competitions for the purposes of learning and building friendships; and,

WHEREAS, the organization has provided an often cherished service to their communities as well, with their harmonic performances, singing valentines, and educational programs for youth and adults; and,

## PROCLAMATIONS

WHEREAS, the Barbershop Harmony Society's national headquarters sponsors a youth outreach program called Youth in Harmony, with the purpose to expose young men and women to the barbershop harmony art form; and,

WHEREAS, in our state, the Sound of Illinois Barbershop Chorus located in Bloomington, sponsors a day-long music festival in October of each year that draws nearly 500 high school students from 15-20 Central Illinois schools to the Bloomington Center for the Performing Arts; and,

WHEREAS, during the festival students learn a few songs to sing in an evening show, and quartets and ensembles have the opportunity to get qualified coaching from experienced clinicians from the Barbershop Harmony Society and Sweet Adelines International, the organization for women dedicated to the barbershop harmony art form; and,

WHEREAS, most barbershop organizations are composed mainly of older individuals and few youth, thus there is a need for increased public interest and education as well as encouragement of youth interested in the barbershop harmony art form so that this time-honored tradition continues on:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 22 – 29, 2011 as **BARBERSHOP YOUTH IN HARMONY WEEK** in Illinois, and encourage all young people interested in the melodic performances of this unique, American tradition to continue to pursue their interest.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-278****Bear Necessities Pediatric Cancer Foundation's Awareness Day**

WHEREAS, childhood cancer is the number one disease killer and second leading cause of death (exceeded only by accidents) of children; and,

WHEREAS, on any given school day approximately 46 young people, or two classrooms of students, are diagnosed with cancer, meaning that every year, more than 12,500 children are diagnosed with cancer; and,

WHEREAS, one in every 330 persons in the United States will develop cancer before his or her 20th birthday; and,

WHEREAS, every year over 2, 500 children under the age of 20 lose their lives to cancer; and,

WHEREAS, our children are our most precious resource; and,

## PROCLAMATIONS

WHEREAS, there are a number of organizations dedicated to raising funds for research into pediatric cancer and supporting children and families who are diagnosed with pediatric cancer; and,

WHEREAS, one such organization is Bear Necessities Pediatric Cancer Foundation, named in memory of founder Kathleen Casey's eight year old son, Barrett "Bear" Krupa, who died after a courageous five and a half year battle with Wilms Tumor, a pediatric cancer; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is a national organization dedicated to eliminating pediatric cancer and providing hope and support to those who are touched by it; and,

WHEREAS, the mission of Bear Necessities Pediatric Cancer Foundation is carried out through three unique programs which include the Bear Hugs Program, Bear Discoveries and Bear Empowerment; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is now in its 18<sup>th</sup> year of generating funds to reach out to all children in the State of Illinois who will be diagnosed this year with pediatric cancer; and,

WHEREAS, the month of September is recognized as Childhood Cancer Awareness Month. Throughout this month, organizations like Bear Necessities Pediatric Cancer Foundation will be conducting outreach efforts to raise awareness of pediatric cancer:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 8, 2011 as **BEAR NECESSITIES PEDIATRIC CANCER FOUNDATION'S AWARENESS DAY** in Illinois, to raise awareness of pediatric cancer, and in support of the organizations dedication to eradicating this devastating disease.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-279****Clinical Research Education Day**

WHEREAS, clinical trial participation can empower healthcare professionals in every specialty by providing vital research, education, and positive results, and it can make a trial participant a hero for potentially saving the life of another person; and,

WHEREAS, individuals may choose to participate in clinical trials for a number of reasons, including the advance of medicine, improved treatment for their condition, to help others with their condition, or based on the recommendation of a doctor; and,

## PROCLAMATIONS

WHEREAS, studies show that the majority of those who choose to participate in clinical trials say that they would do so again; and,

WHEREAS, the Center for Information and Study on Clinical Research Participation (CISCRP) is a first-of-its-kind non-profit organization founded in 2003 with the mission to educate, inform and empower patients, the public, medical and research professionals, the media and policymakers about clinical research participation and what it means to be an active participant in the process; promote greater awareness and understanding of clinical research participation and the role that it plays in public health; facilitate more effective collaboration among all members of the clinical research enterprise; and provide resources for the research community to better understand the study volunteer; and,

WHEREAS, CISCRP strives to be the public's primary and most trusted source for education about clinical research participation. To accomplish this goal, each year CISCRP hosts events across the country called AWARE for All; and,

WHEREAS, AWARE for All is an educational program that is free and open to the public for the purpose of providing education to help people make informed decisions about clinical research participation; and,

WHEREAS, AWARE for All programs are designed to help members of the public learn what clinical trials are and how they work; learn why society needs clinical research; understand the safety, benefits and risks of clinical research; and learn questions to ask their doctor or healthcare provider before participating in clinical research; and,

WHEREAS, this year CISCRP will host an AWARE for All program on October 15<sup>th</sup> in Chicago, Illinois at the Robert H. Lurie Medical Research Center of Northwestern University; and,

WHEREAS, the day will include free health screenings, informational workshops with local physicians and researchers and additional educational resources; and,

WHEREAS, this will be a unique opportunity for participants to interact and learn what can be done to improve the lives of fellow citizens as well as forge productive relationships that will help us all live healthier and more prosperous lives:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 15, 2011 as **CLINICAL RESEARCH EDUCATION DAY** in Illinois, in order to raise awareness and understanding of the importance of clinical research.

Issued by the Governor August 2, 2011

## PROCLAMATIONS

Filed by the Secretary of State August 19, 2011

**2011-280**  
**Constitution Week**

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776 and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and,

WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and,

WHEREAS, two years later, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and,

WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted, and today, the Constitution is the oldest living government covenant in the world; and,

WHEREAS, in accord with Public Law 915, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and,

WHEREAS, this year, we celebrate the 224<sup>th</sup> anniversary of the signing of the Constitution of the United States, under which Illinois became the 21<sup>st</sup> state in 1818:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 17-23, 2011 as **CONSTITUTION WEEK** in Illinois, in tribute to the enduring greatness of the United States Constitution, and encourage all citizens to read and study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-281**  
**Direct Support Professionals Recognition Week**

## PROCLAMATIONS

WHEREAS, direct support professionals, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals are the primary providers of publicly-funded long term support and services for millions of individuals; and,

WHEREAS, direct support professionals assist individuals with disabilities with their most intimate needs on a daily basis, and must build a close, trusting relationship with those they serve; and,

WHEREAS, direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, getting to school, work, religious and recreational activities, and other general daily affairs; and,

WHEREAS, direct support professionals provide essential support to help keep individuals with disabilities connected to family and community, enabling individuals with disabilities to lead meaningful, productive lives; and,

WHEREAS, direct support professionals are the key to allowing individuals with disabilities to live successfully in the community, thereby avoiding more costly institutional care; and,

WHEREAS, the majority of direct support professionals are female, and many are the sole income earners in their families; and,

WHEREAS, direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same federal and state public assistance programs for which the individuals with disabilities they serve also depend; and,

WHEREAS, currently, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase in the coming years; and,

WHEREAS, there is a documented critical and growing shortage of direct support professionals in many communities throughout the United States; and,

WHEREAS, many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support for individuals with disabilities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11 – 17, 2011 as **DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK** in Illinois, in recognition of the dedication of direct support professionals in enhancing the lives of individuals with disabilities of all ages.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

## PROCLAMATIONS

**Life Insurance Awareness Month**

WHEREAS, the vast majority of Americans recognize that life insurance helps safeguard their families' financial security, and nearly 80 percent of U.S. households have some form of life insurance coverage; and,

WHEREAS, the life insurance industry, which holds \$5 trillion in assets distributed among all segments of the economy, is a primary source of financial and retirement security to more than 75 million American families; and,

WHEREAS, the life insurance industry paid \$58 billion to beneficiaries in 2007; and,

WHEREAS, each year, life insurance benefits are a tremendous source of financial relief and security to families that are confronted by the death of a loved one; and,

WHEREAS, despite the peace of mind that life insurance brings to millions of American families, there are still too many Americans who lack adequate life insurance coverage; and,

WHEREAS, the unfortunate reality is that 68 million adult Americans have no life insurance, and most of those with life insurance have less coverage than experts recommend; and,

WHEREAS, during difficult times such as these, life insurance coverage is more important than ever because most individuals have far fewer financial resources with which to rely on in the event of a premature death in their family; and,

WHEREAS, when someone who financially provides for their family dies prematurely, insufficient life insurance coverage often results in hardship for surviving family members, forcing them to work additional jobs or longer hours, borrow money from family and friends, scale back educational plans for children, spend down money from savings and investment accounts, and move to less expensive housing; and,

WHEREAS, determining how much and what kind of insurance to buy is one of the most important financial decisions consumers will ever make; individuals, families, and businesses can benefit greatly from the expert advice of a qualified life insurance professional; and,

WHEREAS, the nonprofit Life and Health Insurance Foundation for Education (LIFE) and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month," whose goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve financial security for their loved ones:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2011 as LIFE INSURANCE AWARENESS MONTH in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-283**  
**National Payroll Week**

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings and withholding federal employment taxes; and,

WHEREAS, payroll professionals in the State of Illinois play a key role in maintaining the economic health of our state, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and,

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with the myriad of federal and state wage and tax laws; and,

WHEREAS, payroll professionals play an increasingly important role ensuring the economic security of American families by helping to identify noncustodial parents and ensuring that they comply with child support mandates; and,

WHEREAS, payroll professionals have become increasingly proactive in educating both the business community and the public at large about the payroll tax withholding systems; and,

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss ways to improve compliance with government procedures and how compliance can be achieved at less cost to both government and businesses; and,

WHEREAS, the week in which Labor Day falls has been proclaimed National Payroll Week by the American Payroll Association:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 5 – 9, 2011 as **NATIONAL PAYROLL WEEK** in Illinois, in recognition of the important work done by payroll professionals throughout the Land of Lincoln.

## PROCLAMATIONS

Issued by the Governor August 2, 2011  
Filed by the Secretary of State August 19, 2011

**2011-284**  
**Older Adults Falls Prevention Awareness Day**

WHEREAS, we must develop a society where all people – including our oldest citizens – can live to their full potential; and,

WHEREAS, older adults are the fastest growing segment of our population, with an estimated 1.5 million persons in Illinois being 65 years of age or older; and,

WHEREAS, it is estimated that one-third of Illinois' residents older than the age of 65 will fall each year, thereby limiting their potential for living full and active lives; and,

WHEREAS, falling and fear of falling can lead to depression, loss of mobility, and loss of functional independence in older adults; and,

WHEREAS, falls are the leading cause of injury deaths among adults 65 years of age and older in Illinois; and,

WHEREAS, falls can result in brain injuries or hip fractures that necessitate admission to a long-term care facility; and,

WHEREAS, one in 10 falls in older adults results in a broken bone. The risk of breaking a bone is even greater if the person has osteoporosis, a disease that causes bones to become thin and weak; and,

WHEREAS, the total cost of unintentional nonfatal fall-related hospital admitted injuries for adults age 65 and older in Illinois was approximately \$4.2 billion in the year 2005; and,

WHEREAS, research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested; and,

WHEREAS, many falls can be prevented. Fall prevention strategies include physical activity to improve balance and strength, medication management, regular health and vision check-ups, and home safety measurements; and,

WHEREAS, older adults are not alone in their efforts to reduce fall risk. Health care professionals, family members, friends, and community resources can provide the support needed to safely live life to its fullest:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim September 23, 2011 as **OLDER ADULT FALLS PREVENTION AWARENESS DAY** in Illinois, and call upon all citizens to observe the day by becoming familiar with the risk factors for falls among

## PROCLAMATIONS

older adults and implementing fall risk reduction strategies in order to reduce older adult's risk of falling, add years to life, and maintain quality of life and independence.

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-285**  
**Women's Equality Day**

WHEREAS, throughout our Nation's history, women have contributed to our economic vitality as meaningful participants in the workforce; and,

WHEREAS, women have tirelessly balanced their responsibilities in work, family, and community, strengthened our economic leadership and enriched our national life; and,

WHEREAS, the number of working females and the range of fields in which they have entered continues to expand and has reached unprecedented levels; and,

WHEREAS, despite evidencing strength and intelligence in these accomplishments, women have nonetheless been marginalized and denied equal opportunity in some cases; and,

WHEREAS, while today there are more women in America's workforce than ever before, they still face significant obstacles to equal economic opportunity and advancement; and,

WHEREAS, the struggle to overcome gender inequality has been ongoing for over 160 years, when a group of women's rights advocates met for the Seneca Falls Convention in 1848; and,

WHEREAS, the achievements made since that time have been extensive, including the 19<sup>th</sup> amendment to obtain the right to vote, the 1938 Fair Labor Standards Act to ensure minimum wage and maximum hours, and the Equal Pay Act of 1963; and,

WHEREAS, unfortunately, the battle for full equality is far from over, as the fight for opportunities in career advancement, for improved working conditions, and for equal compensation continues; and,

WHEREAS, Women's Equality Day, begun in 1971 as a joint resolution of the United States Congress, acknowledges this continued struggle and commemorates the achievements made on behalf of women thus far:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 26, 2011 as **WOMEN'S EQUALITY DAY** in Illinois.

## PROCLAMATIONS

Issued by the Governor August 2, 2011

Filed by the Secretary of State August 19, 2011

**2011-286****Purple Heart Day**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, the members of the United States Armed Forces have answered the call to duty with honor, decency and selflessness, but the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, many loyal and brave Americans who served in the wars of this nation have been killed or injured while performing their duties; and,

WHEREAS, these heroic service men and women have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies and in many unfortunate cases by making the ultimate sacrifice; and,

WHEREAS, per United States Army regulation, the Purple Heart is awarded in the name of the President of the United States to any member of the Armed Forces of the United States who is wounded or killed in any action against an enemy of the United States or as a result of an act of any such enemy or opposing armed forces; and,

WHEREAS, the forerunner to the Purple Heart, the Badge of Military Merit, which took the form of a heart made of purple cloth, was established by George Washington in 1782; and,

WHEREAS, on February 22, 1932, the Purple Heart was revived on the 200<sup>th</sup> Anniversary of George Washington's birth, out of respect to his memory and military achievements. Today, the Purple Heart is the oldest military decoration still awarded to members of the United States military; and,

WHEREAS, since 1932, nearly 2 million Purple Hearts have been awarded to members of the U.S. Armed Forces; and,

WHEREAS, it is exceedingly fitting that we set aside a day to recognize the service and sacrifice of all recipients of the Purple Heart:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 7, 2011 as **PURPLE HEART DAY** in Illinois, to honor all Illinois service members who have been wounded or killed while serving in the United State Armed Forces.

Issued by the Governor August 5, 2011

Filed by the Secretary of State August 19, 2011

**2011-287****Chicago Defender Charities Bud Billiken Day**

WHEREAS, Chicago Defender Charities has a long tradition of helping Illinoisans in need through charitable aid such as financial assistance and scholarships to students, and gift baskets to public housing residents during the holiday season; and,

WHEREAS, the Chicago Defender Charities' sustainable futures program has assisted more than 300 young adults with scholarships for college and vocational training, and offers workshops on social and civic responsibilities; and,

WHEREAS, Chicago Defender Charities also sponsors the annual Bud Billiken Parade, to be held this year on August 13; and,

WHEREAS, for more than 81 years, the Bud Billiken Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and,

WHEREAS, the Chicago Defender Charities Bud Billiken Parade has become one of Chicago's most celebrated rites of summer for thousands of children returning to school, and a greatly anticipated event for families throughout the state; and,

WHEREAS, Chicago Defender Charities, producers of the back-to-school parade, have always been committed to the support, encouragement and education of our youth; and,

WHEREAS, this year's parade theme is "Education: Now More Than Ever," to highlight the importance of educating our children; and,

WHEREAS, organizations and events such as Chicago Defender Charities and the Bud Billiken Parade promote community service and unity, which are vital to the strength and success of communities throughout the Land of Lincoln:

THEREFORE, I Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2011, as **CHICAGO DEFENDER CHARITIES BUD BILLIKEN DAY** in Illinois, and urge all citizens to join in the festivities.

## PROCLAMATIONS

Issued by the Governor August 5, 2011

Filed by the Secretary of State August 19, 2011

**2011-288****Ukrainian Independence Day**

WHEREAS, two decades ago, on August 24, 1991, the Ukrainian parliament established and declared itself an independent, sovereign, democratic state, which was then upheld by over 90 percent of its citizens in a national referendum in December of that same year; and,

WHEREAS, for centuries the people of Ukraine yearned and struggled to achieve an independent state, all the while preserving their culture, language, and self identity; and,

WHEREAS, that element of self-preservation was evident in the brave Ukrainian immigrants who settled on the shores of the United States and contributed greatly to the mosaic which is America by giving back to their adopted homeland, never forgetting about their rich history and heritage; and,

WHEREAS, the country of Ukraine has proven its commitment to democratic ideals which were embodied in its restoration of independence in 1991 and the values and responsibilities associated with it, even through hardship and regression, the people of Ukraine continue their efforts to become a vital partner of the western community of democratic countries; and,

WHEREAS, in this 20<sup>th</sup> year of Ukraine's restored independence, one must remember the victims of Stalin's brutal genocide against the Ukrainians in 1932-1933 and the continuing consequences of the 1986 Chernobyl nuclear disaster and vow to never forget these tragic events or let history repeat itself:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 24, 2011 as **UKRAINIAN INDEPENDENCE DAY** in Illinois, and join the Ukrainian community in celebrating the 20<sup>th</sup> anniversary of Ukrainian Independence, and commend the worthy efforts of the Ukrainian people to establish a stable and prospering nation.

Issued by the Governor August 5, 2011

Filed by the Secretary of State August 19, 2011

**2011-289****811 Day**

## PROCLAMATIONS

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage from those who fail to call 811 to have underground lines located prior to digging. A report conducted by Common Ground Alliance found that an underground utility line is damaged during digging projects every three minutes; and,

WHEREAS, failure to call 811 before digging results in more than 256,000 unintentional hits annually across the country – an average of 700 hits per day; and,

WHEREAS, undesired consequences of this unintentional damage such as service interruption, damage to the environment, and personal injury and even death are the potential results; and,

WHEREAS, Illinois state law requires all homeowners and contractors to call 811 prior to digging to have underground utility lines marked, regardless of whether they are planting a sapling or excavating a major surface; and,

WHEREAS, the State of Illinois and the Illinois Commerce Commission promote the national call-before-you-dig number, 811, in an effort to reduce damages; and,

WHEREAS, designated by the FCC in 2005, 811 provides potential excavators and homeowners a simple number to reach their local One Call Center to request utility line locations at the intended dig site. The call and service are free; and,

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and,

WHEREAS, safe digging is a shared responsibility to know what's below; always call 811 before you dig; and,

WHEREAS, it is imperative that Illinois citizens follow the state law that requires all underground utility lines to be marked prior to breaking ground; and,

WHEREAS, Illinois is proud to join in the campaign to spread awareness about 811 and the importance of calling before digging:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 11, 2011 as **811 DAY** in Illinois, and encourage excavators and homeowners to always call 811 before digging, because Safe Digging is No Accident.

Issued by the Governor August 9, 2011

Filed by the Secretary of State August 19, 2011

## PROCLAMATIONS

**2011-290****Jim Winch Day**

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Jim Winch of Pleasant Plains; and,

WHEREAS, as Draft Horse Superintendent for the Illinois State Fair, Jim Winch has worked as both an employee and as a volunteer with horses and horseshows on the fairgrounds; and,

WHEREAS, Jim Winch has displayed a true servant's heart - he once built a revolving stage for a local high school play; and,

WHEREAS, according to friends, Jim Winch is a man of many talents; he can shoe a horse and wrangle an elephant:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 12, 2011 as **JIM WINCH DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 12, 2011

Filed by the Secretary of State August 19, 2011

**2011-291**

## PROCLAMATIONS

**Robert "Bob" Vose Day**

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Robert "Bob" Vose of Springfield; and,

WHEREAS, Bob Vose is a fixture on the Illinois State Fairgrounds, serving corndogs for several decades; and,

WHEREAS, Bob Vose is also a fixture of the community, as a former three-term city alderman and as a longtime referee at high school sporting events; and,

WHEREAS, Bob Vose annually brings joy to local children when he dresses up as Santa Claus:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2011 as **ROBERT "BOB" VOSE DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 13, 2011

Filed by the Secretary of State August 19, 2011

**2011-292**  
**Tom Hennigh Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Tom Hennigh of Effingham; and,

WHEREAS, Tom Hennigh, who has been involved with quarter-horse breeding and breed improvement for fifty years, was recognized by the American Quarter Horse Association because of his dedication to horses, one of only 16 across the United States in 2010 to receive such an honor; and,

WHEREAS, Tom Hennigh shares his love of horses with everyone he meets, including children from inner cities who may have never been exposed to horses or horse care in their lives; and,

WHEREAS, Tom Hennigh's public service extends beyond Illinois to the United States of America, where he served as an airman in the United States Air Force:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2011 as **TOM HENNIGH DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 14, 2011

Filed by the Secretary of State August 19, 2011

**2011-293**  
**George Obernagel Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is George Obernagel III of Waterloo; and,

WHEREAS, George Obernagel contributes to the quality of life of Illinoisans through his service to local and civic projects and sits on the Monroe County Fair Board Association; and,

WHEREAS, George Obernagel, in addition to local organizations, has held state and national positions in farm-focused groups; and,

WHEREAS, George Obernagel also serves residents throughout Illinois by furthering education through his work with McKendree University, where he is a member of the Board of Trustees:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 15, 2011 as **GEORGE OBERNAGEL DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 15, 2011

Filed by the Secretary of State August 19, 2011

**2011-294**  
**Brenda Besse Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Brenda Besse of Erie; and,

WHEREAS, Brenda Besse has provided disabled residents of Illinois with independence through her work with AgrAbility Unlimited; and,

WHEREAS, Brenda Besse, through AgrAbility, a cooperative project between government and citizen groups, promotes independence in agriculture by providing education and assistance; and,

WHEREAS, Brenda Besse also demonstrates her commitment to agriculture and farm safety through her work with grade-schoolers, by giving farm equipment-handling demonstrations; and,

WHEREAS, Brenda Besse is also an accomplished athlete. She has represented her community and the state of Illinois in national tournaments, winning over 90 titles from the National Amputee Golf Association:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 16, 2011 as **BRENDA BESSE DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 16, 2011

Filed by the Secretary of State August 19, 2011

## PROCLAMATIONS

**Harold Steele Day**

WHEREAS, the hard work and determination of America's citizens is among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Harold Steele of rural Dover; and,

WHEREAS, Harold Steele has demonstrated his passion for agriculture not only by farming but by collecting agricultural artifacts and sharing them with the public in his museum outbuildings; and,

WHEREAS, Harold Steele has a true servant's heart. In addition to his agricultural work, he served the United States of America in World War II, and then returned to work for the federal government; and,

WHEREAS, Harold Steele returned to Illinois after his service to our country to live on the farm that his great-grandfather built in 1873:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 17, 2011 as **HAROLD STEELE DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 17, 2011

Filed by the Secretary of State August 19, 2011

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

Rules acted upon in Volume 35, Issue 36 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
<b>TOTAL AMOUNT OF ORDER</b>	\$ _____

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

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

**Send Payment To:** Secretary of State  
 Department of Index  
 Administrative Code Division  
 111 E. Monroe  
 Springfield, IL 62756

**Fax Order To:** (217) 557-8919

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

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