

TABLE OF CONTENTS

March 14, 2014 Volume 38, Issue 11

PROPOSED RULES

HIGHER EDUCATION TRAVEL CONTROL BOARD

Higher Education Travel

80 Ill. Adm. Code 2900.....5927

HUMAN SERVICES, DEPARTMENT OF

Program Description

89 Ill. Adm. Code 676.....5935

Eligibility

89 Ill. Adm. Code 682.....5937

Service Planning and Provision

89 Ill. Adm. Code 684.....5939

Provider Requirements, Type Services, and Rates of Payment

89 Ill. Adm. Code 686.....5941

ADOPTED RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Rights and Responsibilities

89 Ill. Adm. Code 102.....5944

Application Process

89 Ill. Adm. Code 110.....5954

Medical Assistance Programs

89 Ill. Adm. Code 120.....5967

Covering All Kids Health Insurance Program

89 Ill. Adm. Code 123.....5989

Children's Health Insurance Program

89 Ill. Adm. Code 125.....6006

Child Support Services

89 Ill. Adm. Code 160.....6028

POLLUTION CONTROL BOARD

Proceedings Pursuant to Specific Rules or Statutory Provisions

35 Ill. Adm. Code 106.....6086

Effluent Standards

35 Ill. Adm. Code 304.....6107

RACING BOARD, ILLINOIS

Licensing

11 Ill. Adm. Code 502.....6113

SECRETARY OF STATE

Illinois Safety Responsibility Law

92 Ill. Adm. Code 1070.....6119

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision

23 Ill. Adm. Code 1.....6127

Code of Ethics for Illinois Educators	
23 Ill. Adm. Code 22.....	6224
Standards for School Support Personnel Endorsements	
23 Ill. Adm. Code 23.....	6230
Standards for Endorsements in Special Education	
23 Ill. Adm. Code 28.....	6313
Standards for Administrative Endorsements	
23 Ill. Adm. Code 29.....	6429
EMERGENCY RULES	
HUMAN SERVICES, DEPARTMENT OF	
Program Description	
89 Ill. Adm. Code 676.....	6453
Eligibility	
89 Ill. Adm. Code 682.....	6463
Service Planning and Provision	
89 Ill. Adm. Code 684.....	6468
Provider Requirements, Type Services, and Rates of Payment	
89 Ill. Adm. Code 686.....	6473
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	6492
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
IL ENVIRONMENTAL PROTECTION AGENCY	
Notice of Public Information.....	6493
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
March Agenda.....	6494

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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Higher Education Travel
- 2) Code Citation: 80 Ill. Adm. Code 2900
- 3) Section Number: Proposed Action:
2900.60 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]
- 5) A Complete Description of the Subjects and Issues Involved: Amend Section 2900.60 to reflect changes in the federal reimbursement rate in compliance with PA 96-240.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 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:

Cathy Young
University of Illinois
Illini Plaza, Suite 210
1817 S. Neil Street
Champaign IL 61820

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

217/244-8750
fax: 217/239-6883
email: cyoung45@uillinois.edu

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None beyond those already in place.
 - C) Types of Professional skills necessary for compliance: None beyond those already in place.
- 14) Regulatory Agenda on which this rulemaking was summarized: This Proposed Amendment was not included in either of the two most recent agendas because the need for this rulemaking was not anticipated.

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

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER III: HIGHER EDUCATION TRAVEL CONTROL BOARDPART 2900
HIGHER EDUCATION TRAVEL

SUBPART A: HIGHER EDUCATION TRAVEL CONTROL BOARD

Section	
2900.10	Authority, Philosophy and Definitions
2900.15	Regular Meetings
2900.20	Special Meetings
2900.25	Quorum
2900.30	Powers and Duties
2900.35	Board Officers
2900.40	Election of Officers
2900.45	Duties of Officers
2900.50	Amendments to Bylaws

SUBPART B: TRAVEL REGULATIONS

2900.55	Authority to Travel
2900.60	Allowable Transportation Expenses
2900.65	Special Expenses
2900.70	Lodging
2900.75	Employee Owned or Controlled Housing
2900.80	Meal Allowances
2900.85	Per Diem
2900.90	Receipts Required
2900.95	Meals for Other Persons
2900.100	Approved Conferences/Official Meetings
2900.105	Exceptions to the Regulations
2900.110	Travel Vouchers
2900.115	Reimbursement Rates

AUTHORITY: Implementing Section 12-1(a)(3) of the State Finance Act [30 ILCS 105/12-1(a)(3)] and authorized by Sections 1-5 and 1-20 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5 and 1-20].

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted December 15, 1975; amended at 3 Ill. Reg. 32, p. 35, effective September 1, 1979; amended at 4 Ill. Reg. 44, p. 447, effective October 16, 1980; amended at 5 Ill. Reg. 5858, effective July 1, 1981; amended at 6 Ill. Reg. 9312, effective July 20, 1982; amended at 7 Ill. Reg. 2156, effective February 4, 1983; codified at 8 Ill. Reg. 5672; amended at 32 Ill. Reg. 4784, effective April 4, 2008; amended at 38 Ill. Reg. _____, effective _____.

SUBPART B: TRAVEL REGULATIONS

Section 2900.60 Allowable Transportation Expenses

- a) Allowable Expenses
- 1) Transportation may include fares and expenses incidental to transportation, such as baggage transfer, official telephone messages in connection with items classed as transportation and reasonable tips.
 - 2) Reimbursement for taxicab fares incurred in the efficient and economical pursuit of the Agency's business will be allowed. All taxicab fares in excess of \$10 shall be accompanied by a receipt indicating the amount paid.
 - 3) When the nature and location of the work at a temporary duty station are such that suitable meals cannot be procured there, the expenses of daily travel required to procure meals at the nearest available place shall be considered necessary transportation. A statement of the necessity for thisueh daily travel shall accompany the travel voucher.
 - 4) Transportation between place of lodging and place of business at a temporary duty station shall be allowed as a transportation expense.
 - 5) Reimbursement of expenses between the residence and the official headquarters of any individual subject to this Part shall not be allowed.
- b) Routing of Travel
All travel shall be by the most direct route. Travel by other routes may be allowed when the necessity of that route is satisfactorily established by the Agency. The responsibility of insuring use of the most direct routes of travel possible, and for allowing use of other routes under certain circumstances,

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

belongs with each individual Agency. Expenses due to deviations for convenience shall be borne by the employee. Distances between destinations shall be determined using the Illinois Highway Map published by the Secretary of State and odometer readings ~~when~~where mileage is not available on the Highway Map. Mileage in and around a city of destination may be claimed ~~as such~~.

c) Mode of Travel

- 1) All travel shall be by the most economical mode of transportation available, considering travel time, costs, number of persons traveling together and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance.
- 2) State vehicles shall be used when most economical. When applicable, vehicles rules (see 44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern the use of State owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering services and repairs of these vehicles are to be found in the glove compartment of each vehicle.

d) Accommodations on Transportation Conveyances

- 1) Airplane Accommodations
 - A) Travel on airplane shall ordinarily be coach class.
 - B) Reimbursement for first-class or business-class accommodations on commercial air carriers shall be explained on the travel voucher and shall be permitted when any one of the following conditions exists:
 - i) Regularly scheduled flights between authorized origin and destination points provide only first-class or business-class accommodations.
 - ii) Space is not available in less-than-first-class or business-class accommodations in time to carry out the purpose of the travel.

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- iii) An Agency authorizes or approves the use of first-class or business-class accommodations as necessary for the conduct of the mission or for reasons of the traveler's health.
 - 2) Arrangements on airplanes, trains or boats shall be the least costly reasonably available alternative.
 - 3) Chartered aircraft, boats, trains, buses or such other conveyance shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
 - 4) The rental of an auto while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. Optional insurance on rented vehicles is not reimbursable. Fuel service options may be reimbursed on a pro-rated basis.
- e) Use of Privately Owned Vehicles
- 1) Privately owned vehicles may be used when authorized by appropriate Agency personnel. Employees using private vehicles while on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)]. Prior to authorization to use a privately owned vehicle the Agency head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require these certifications to be noted on the travel voucher.
 - 2) When an individual rendering service to the Agency uses privately owned vehicles in the conduct of official business outside official headquarters and that use is authorized or approved by the Agency's authorized representative as being advantageous to the Agency, payment shall be made on a mileage basis and shall be in accordance with the rate established by the Council (see 80 Ill. Adm. Code 3000.300). ~~However, in the event the rate set under federal regulations increases during the course of the State's fiscal year, the effective date of the new rate shall be the July~~

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

~~1 immediately following the change in the federal rate.~~ In the event the rate set under federal regulations increases or decreases during the course of the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate.

- 3) Reimbursement for the cost of vehicle parking fees and bridge, road and tunnel tolls shall be allowed. All fees or tolls in excess of \$10 shall be accompanied by a receipt indicating the amount paid.
 - 4) When the use of public transportation is a reasonable alternative, the mileage payment shall not exceed the cost of its use. A reasonable alternative exists when the cost of travel, taking into account both transportation, time and per diem expenses, would be less if public transportation were used.
 - 5) Mileage will be payable to only one of 2 or more individuals traveling in the same vehicle. The names of the individuals and their respective employing Agencies shall be stated on the travel voucher.
 - 6) Use by an employee of privately owned aircraft on State business is governed by 80 Ill. Adm. Code 3000.300(g).
- f) Travel Through Headquarters
- 1) Examples of reimbursable mileage expenses are as follows:
 - A) Residence – Lincoln/Headquarters – Springfield. Employee drives from residence in Lincoln to Chicago and returns to residence. Reimbursement is for all mileage because the travel was not through headquarters.
 - B) Residence – Lincoln/Headquarters – Springfield. Employee drives from residence in Lincoln to Collinsville and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The travel, by the most direct route, was through headquarters.
 - C) Residence – Carbondale/Headquarters – Marion. Employee drives from residence to headquarters. Later, employee drives from

HIGHER EDUCATION TRAVEL CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

headquarters to Anna and back to residence. Reimbursement is for all mileage in excess of commuting mileage.

- D) Residence – Evanston/Headquarters – Chicago. Employee drives from residence to McCormick Place for an event. After the event, the employee drives to headquarters, then to residence. Reimbursement is for all mileage in excess of commuting mileage because the travel was through headquarters.
- E) Residence – Chicago/Headquarters – Chicago. Employee normally commutes to work by train. However, in order to attend a meeting at another location, the employee drives from residence to headquarters, then to the meeting location, then returns to headquarters and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The fact that the employee normally rides the train to work has no effect on determining reimbursement.
- 2) As a condition of employment, employees expect to incur commuting expenses between their residence and headquarters. These expenses are not reimbursable. Meals, lodging and per diem are not reimbursable at headquarters or at residence.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
676.30	Amend
676.40	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/557-1544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians are no longer required to certify a customer's eligibility for long term care services or to approve a customer's HSP Service Plan.
 - B) Reporting, bookkeeping or other procedures required for compliance: Several HSP forms will require the removal of the physician certification and approval requirements. Likewise, the program's electronic case management system will require modifications to remove these requirements.
 - C) Types of professional skills necessary for compliance: Home Services Program counselors hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: The need for this rulemaking was not anticipated at the time of the last two Regulatory Agendas.

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins on page 6453:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Number: 682.100 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/557-1544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians are no longer required to certify a customer's eligibility for long term care services or to approve a customer's HSP Service Plan.
 - B) Reporting, bookkeeping or other procedures required for compliance: Several HSP forms will require the removal of the physician certification and approval requirements. Likewise, the program's electronic case management system will require modifications to remove these requirements.
 - C) Types of professional skills necessary for compliance: Home Services Program counselors hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: The need for this rulemaking was not anticipated at the time of the last two Regulatory Agendas.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part, and begins on page 6463.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Service Planning and Provision
- 2) Code Citation: 89 Ill. Adm. Code 684
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
684.10	Amend
684.75	Repeal
684.80	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

217/557-1544

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians are no longer required to certify a customer's eligibility for long term care services or to approve a customer's HSP Service Plan.
- B) Reporting, bookkeeping or other procedures required for compliance: Several HSP forms will require the removal of the physician certification and approval requirements. Likewise, the program's electronic case management system will require modifications to remove these requirements.
- C) Types of professional skills necessary for compliance: Home Services Program counselors hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: The need for this rulemaking was not anticipated at the time the last Regulatory Agendas were published.

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins on page 6468.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
686.20	Amend
686.910	Amend
686.930	Amend
686.1010	Amend
686.1025	Amend
686.1030	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes; 38 Ill. Reg. 2560, Published 1/24/04

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
686.10	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.25	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.30	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.100	Amendment	38 Ill. Reg. 2560, January 24, 2014

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

686.120	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.130	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.200	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.210	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.220	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.230	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.235	New	38 Ill. Reg. 2560, January 24, 2014
686.240	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.250	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.260	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.270	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.280	Amendment	38 Ill. Reg. 2560, January 24, 2014

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/557-1544

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians are no longer required to certify a customer's eligibility for long term care services or to approve a customer's HSP Service Plan.

B) Reporting, bookkeeping or other procedures required for compliance: Several HSP forms will require the removal of the physician certification and approval

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

requirements. Likewise, the program's electronic case management system will require modifications to remove these requirements.

- C) Types of professional skills necessary for compliance: Home Services Program counselors hold a Master's Degree.
- 14) Regulatory Agenda on which this rulemaking was summarized: The need for this rulemaking was not anticipated at the time of the last two Regulatory Agendas.

The full text of the Proposed Amendments is identical to that of the text of the Emergency amendments for this Part, and begins on the next page 6473:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
102.35	Amend
102.40	Amend
102.70	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17249
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 102.70(d), added dates to citations of federal regulations.
- 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 rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department of Healthcare and Family Services (HFS) proposes to amend Part 102 in order to make changes necessary to implement the federal Affordable Care Act and Article 7 of PA 98-104. In addition, HFS proposes amendments to streamline existing language that removes references to

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

programs that are no longer implemented by the HFS, but instead now implemented by the Department of Human Services.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section

102.1	Incorporation by Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud – Eligibility

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

102.280 Single Conviction of Fraud – Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13] implementing and authorized by Executive Order 2005-3, effective July 1, 2005.

SOURCE: Filed and effective December 31, 1977; preemptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11955, effective August 13, 1997; amended at 24 Ill. Reg. 10294, effective July 1, 2000; amended at 25 Ill. Reg. 16111, effective December 1, 2001; amended at 35 Ill. Reg. 14486, effective August 12, 2011; amended at 36 Ill. Reg. 4119, effective March 1, 2012; amended at 38 Ill. Reg. 5944, effective February 26, 2014.

Section 102.35 Case Records

- a) The case record is a business record established by the Department and it shall

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

constitute ~~the Department's official record~~ an official record of the Department concerning clients and applicants. It consists of all information obtained by the Department to determine a client's or applicant's eligibility for medical assistance, and it may include paper and electronic documents, information obtained from electronic and other data sources, and notes about the case.

- ~~b)~~ A case record shall be established for each applicant and maintained for each recipient.
- ~~be)~~ The case record shall indicate the basis for approval or denial of the eligibility application.
- ~~d)~~ A case record shall be established and maintained for each applicant and participant in the Food Stamp program. A separate food stamp case record shall be maintained for each non-assistance household.
 - ~~1)~~ For assistance households, the food stamp record shall be maintained in an isolated section of the regular income maintenance case record.
 - ~~2)~~ The case record shall be documented to support eligibility, ineligibility and benefit level determination. When verification is needed to resolve questionable information, the case record shall indicate the reason the information was considered questionable and what documentation was used to resolve the questionable information. The case record shall also indicate the reason why an alternate source of verification was needed.

(Source: Amended at 38 Ill. Reg. 5944, effective February 26, 2014)

Section 102.40 Freedom of Choice

An individual receiving medical assistance shall be entitled to a choice of participating providers of covered goods and services.

- ~~a)~~ Aid to the Aged, Blind or Disabled (AABD), AFDC and Medical Assistance No Grant (MANG)
 - ~~1)~~ Individuals shall have the right to receive assistance, if eligible, under the assistance program of their choice. Individuals may choose at any time not to receive assistance for which they are eligible.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) ~~An individual who is eligible for AFDC and Supplemental Security Income (SSI) shall not receive both, but may choose between the programs.~~
- B) ~~An individual who is eligible for AFDC and AABD shall not receive both, but may choose between the programs.~~
- 2) ~~An individual may accept or reject any or all social services offered to him by the Department. Exceptions shall only be made when:~~
 - A) ~~It appears that a child may be in need of protective services;~~
 - B) ~~Employment, education or training services are a condition of eligibility; or~~
 - C) ~~The client is not capable of exercising such choice because of serious mental or physical impairment, and there is no relative or other responsible person available or willing to do so for the client.~~
- 3) ~~An individual receiving assistance shall be entitled to a choice of physicians, hospitals, or other providers of goods and services. Payment shall be made only to providers who are approved for participation in the Department's programs.~~
- 4) ~~An individual shall have choice of living arrangements and the Department may not impose upon a client a change in living arrangements.~~
- b) ~~General Assistance (GA) and Aid to the Medically Indigent (AMI)~~
 - 1) ~~An individual shall have the right to accept or reject services offered. Acceptance of services is not to be a condition of eligibility except in cases for which employment, education or training service referrals are mandatory.~~
 - 2) ~~An individual receiving assistance shall be entitled to a choice of physicians, hospitals, or other providers of goods and services.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) ~~An individual shall have a choice of living arrangements, and the local office has neither the right nor the responsibility to impose upon a client a change in living arrangements.~~
- 4) ~~An individual may choose at any time not to receive assistance for which eligibility has been determined.~~
- e) ~~Food Stamps~~
~~Any person or group of persons has the right to apply for food stamps at any given time.~~

(Source: Amended at 38 Ill. Reg. 5944, effective February 26, 2014)

Section 102.70 Notice to Client

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.
 - 4) A complete statement of the client's right to appeal (see subsection (d) ~~below~~ and Sections 102.80 through 102.82).
- d) Timely Notice

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) All notices concerning local office reduction or discontinuance of assistance shall be "timely", as defined in 42 CFR 431.211 (2013), except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice shall be mailed or given at least ~~10ten~~ calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ~~10ten~~ day period is the day following the date on the notice. Day ~~10ten~~ may be no later than the date the reduction or discontinuance will occur.)
 - 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined in 42 CFR 435.919 (2010) by federal regulation. When timely notice is not required and an adequate notice is sent less than ~~10ten~~ days before the date of change, the client may receive continued benefits if the appeal is filed within ~~10ten~~ days after the date of notice. (See 89 Ill. Adm. Code 112.302.)
- e) A written notice may be sent or given in hard copy or sent electronically. The Department may use electronic means to send a written notice only if the individual to whom the notice would be sent has agreed to receive written notices electronically. Aid to Families With Dependent Children
- ~~1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.~~
 - ~~2) Every recipient who makes a request for Special Assistance (89 Ill. Adm. Code 116.500), Emergency Assistance (89 Ill. Adm. Code 116.510) or Hardship Assistance (89 Ill. Adm. Code 116.520) shall be sent or given a written notice of the disposition of the request within 45 days after the~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~date of the request.~~

- f) ~~Approval of General Assistance as a result of cancellation of AFDC or AABD or reduction of AFDC (Applicable Only in City of Chicago)~~
- 1) ~~A notice of intended cancellation or reduction of benefits is sent to an AFDC or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the Assistance Unit (AFDC only) for one of the following reasons:~~
- A) ~~AABD: no longer blind, disabled~~
- B) ~~AFDC:~~
- i) ~~no longer an eligible child in the home,~~
- ii) ~~no longer incapacitated,~~
- iii) ~~absent parent returned home,~~
- iv) ~~no longer an unemployed parent,~~
- v) ~~stepparent's liability sufficient to meet need,~~
- vi) ~~stepparent failed to verify income, or~~
- vii) ~~parent participating in a strike.~~
- 2) ~~If a recipient from one of the programs listed in subsection (f)(1) applies for General Assistance (GA) within 30 days of the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA such benefits shall be authorized with no gap in assistance (see also 89 Ill. Adm. Code 110.30).~~
- g) ~~Food Stamp households shall be notified~~
- 1) ~~If there is no change in benefits following submission of a change report form.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:~~
 - A) ~~the telephone number of the local Public Aid office;~~
 - B) ~~a statement indicating the household's liability for benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and~~
 - C) ~~a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone number of those individuals or organizations.~~
- 3) ~~A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.~~
- 4) ~~If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.~~

(Source: Amended at 38 Ill. Reg. 5944, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Application Process
- 2) Code Citation: 89 Ill. Adm. Code 110
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
110.5	New
110.10	Amend
110.15	Amend
110.20	Amend
110.32	Repeal
110.34	Amend
110.40	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17259
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: The following change was made:

Added subsection "(g)" to Section 110.10 to read as follows:

"g) If the Department does not process or does not accept an application for any reason set forth in Section 110.10(b)(3), the Department shall use reasonable efforts to identify the individual who initiated or submitted the application and inform that individual of (i) the reason that the Department did not process or did not accept the application, and (ii) the action or actions required for an application to be processed or accepted by the Department."

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Other non-substantive changes suggested by JCAR were also made.

- 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 rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: With respect to Part 110, the rulemaking establishes certain processes necessary to implement Article 7 of PA 98-104.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110

APPLICATION PROCESS

Section

110.1	Incorporation by Reference
110.5	Medical Assistance Application Process
110.10	Application for Medical Assistance
110.15	Consideration of Eligibility Local Office Action on Application for Public Assistance
110.20	Time Limitations on the Disposition of an Application
110.30	Approval of an Application and Initial Authorization of Financial Assistance
110.32	Initial Authorization of Medical Assistance (MAG) (Repealed)
110.34	Approval of an Application and Initial Authorization of Medical Assistance— (MANG)
110.36	Initial Authorization of General Assistance – Medical (Repealed)
110.38	General Assistance and Aid to the Medically Indigent Special Approval Provisions (Repealed)
110.40	Denial of an Application

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI, VII and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992; emergency amendment at 19 Ill. Reg. 8429, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15053, effective October 17, 1995; amended at 20 Ill. Reg. 14834, effective November 1, 1996; amended at 36 Ill. Reg. 4126, effective March 1, 2012; emergency amendment at 36 Ill. Reg. 10219, effective July 1, 2012

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

through June 30, 2013; amended at 37 Ill. Reg. 10197, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15968, effective October 1, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 5954, effective February 26, 2014.

Section 110.5 Medical Assistance Application Process

An individual will be able to apply for Medical Assistance for himself or herself and/or others, as allowed in this Part, using any of the following methods:

- a) Apply by sending an application to an address specified by the Department.
- b) Apply at a Department of Human Services (DHS) local office.
- c) Apply through an All Kids Application Agent that has an agreement in place with the Department.
- d) Effective October 1, 2013, apply online at ABE.Illinois.gov.
- e) Apply by telephone by calling a phone number published on the Department's website.
- f) Additional methods that the Department may establish.

(Source: Added at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.10 Application for Medical Assistance

The provisions of this Section are effective October 1, 2013.

- a) An application is:
 - 1) a signed request for medical assistance ~~in~~ a form approved by the Department of Healthcare and Family Services ("Department") ~~that form which~~ has been completed to the best of the client's knowledge and believability; ~~or~~
 - 2) an electronic transmission received from the Social Security Administration on behalf of an applicant for enrollment in the Medicare Savings Program (MSP) and Low-Income Subsidy (LIS) Program

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

pursuant to 42 USC 1320b-14(c). Such a transmission shall be treated as the initiation of an application for MSP benefits as if the application was submitted directly by the applicant:-

- 3) a signed electronically transmitted request for medical assistance in a form approved by the Department, complying with the security requirements of subsection (b)(4), that has been completed to the best of the applicant's knowledge and belief;
- 4) a signed request for medical assistance submitted by telephone in a form approved by the Department, complying with the security requirements of subsection (b)(4), that has been completed to the best of the applicant's knowledge and belief.

b) The application must comply with the following~~contain~~:

- 1) Contain the applicant's name and address.
 - A) A person who is homeless, may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.
 - B) A person who is homeless and does not have a permanent address may use the address of the local Department of Human Services office where he or she applied or where his or her case is currently active.
- 2) Contain a signature or signatures satisfying one of the following conditions:
 - A1) an original signature or signatures on an application submitted under subsection (a)(1);- If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
 - B2) an electronic signature from the Social Security Administration on pursuant to an application received under subsection (a)(2);-

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) an electronic signature meeting the security requirements of subsection (b)(4) on an application submitted under subsection (a)(3); or
 - D) a voice recording constituting a telephonic signature meeting the security requirements of subsection (b)(4) on an application submitted under subsection (a)(4).
 - 3) If the application does not contain a name or address, it will not be processed. If it does not contain a signature or signatures, the Department shall:
 - A) return an application submitted pursuant to subsection (a)(1) to the applicant to obtain the missing signature;
 - B) not accept an application submitted pursuant to subsection (a)(2), (a)(3) or (a)(4).
 - 4) Applications submitted pursuant to subsection (a)(3) or (a)(4) of this Section shall:
 - A) in accordance with Section 25-101(c) of the Electronic Commerce Security Act [5 ILCS 175], meet the security requirements of 14 Ill. Adm. Code 105.210;
 - B) be captured in a secure format and placed into a secure, auditable database that tracks the user when the application is modified to ensure the integrity, security and confidentiality of the electronic signature; and
 - C) be made in accordance with the instructions given for completing any form approved by the Department.
- c) The application must be signed by the applicant with the following exceptions:
 - 1) When a ~~guardian~~conservator has been appointed for the applicant, the ~~guardian~~conservator must sign the application. For purposes of this Section, "guardian" means a representative of a minor or a representative of a person under legal disability as defined in Section 1-2.08 of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Probate Act of 1975 [755 ILCS 5] and a representative as defined in Section 1-2.15 of that Act. The term "guardian" includes a conservator.

- 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant, including, as allowed by Section 11-4.1 of the Public Aid Code [305 ILCS 5], a representative of a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the ID/DD Community Care Act [210 ILCS 47] or certified under the Public Aid Code.
 - 3) When application is made for a non-emancipated child under the age of 18, the application must be signed by one of the following:~~When application is made in behalf of a child, the child's caretaker must sign the application.~~
 - A) the child's caretaker relative with whom the child lives;
 - B) an individual with whom the child lives who intends to claim the child as a tax dependent; or
 - C) if neither subsection (c)(3)(A) or (c)(3)(B) applies, the child.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act ~~in~~ his or her behalf. The term "approved representative" has the same meaning as the term "authorized representative".)
 - 5) When an electronic application is received from the Social Security Administration as described in subsection (a)(2).
 - 6) When the applicant is a member of a household, as determined pursuant to 89 Ill. Adm. Code 120.64, and another adult member of the household submits application for the applicant.
- d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.

- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the business day ~~date~~ ~~ana-completed-original~~ application with a name, address and proper signature or signatures is received by the Department ~~local office serving the area of the State in which the applicant lives~~, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is properly signed ~~by the applicant~~ shall be the date of application.
- g) If the Department does not process or does not accept an application for any reason set forth in subsection (b)(3), the Department shall use reasonable efforts to identify the individual who initiated or submitted the application; and inform that individual of:
 - 1) the reason that the Department did not process or did not accept the application; and
 - 2) the action or actions required for an application to be processed or accepted by the Department.
- g) ~~Medical Assistance No Grant – Aid to the Aged, Blind or Disabled (MANG (AABD))~~
~~Application shall be made for residents of facilities operated by the Department of Human Services – MHDD only when the services received by the residents are being provided in a covered setting. Covered setting is defined according to the services provided, the age and diagnosis of the patient and the facility certification. The following are covered settings:~~
 - 1) ~~Psychiatric Hospital Service~~
 - A) ~~Client Age: 65 and over~~
 - i) ~~Client Diagnosis: Any~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) ~~Facility Certification: JCAHO (Does not include ICF-MR)~~
- h) ~~Eligibility exists only when the DHS-MHDD patient has not been adjudicated incompetent or if there has been an adjudication of incompetency, a conservator has been legally appointed.~~
- i) ~~Application shall be made for a patient age 21 or over by the patient, conservator or by someone acting responsibly in the patient's behalf. Application for patients under age 21 shall be made by the patient's parent or parents, legal guardian or conservator.~~
- j) ~~If the parents are unwilling to apply for assistance, the patient is not eligible.~~

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.15 Consideration of Eligibility~~Local Office Action on Application for Public Assistance~~

Upon receipt of an application for medical assistance, the Department shall consider the applicant's eligibility for all forms of medical assistance, except that the Department shall not consider the applicant's eligibility for any program for which the applicant has indicated, in a written statement, he or she does not want to apply. A signed application on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. For purposes of this Section, "medical assistance" means the services and programs reimbursed under the Public Aid Code. Upon a person's making application for Public Assistance at a local office, the local office shall consider that person's eligibility for all forms of Public Assistance according to the appropriate eligibility rules for assistance programs, unless the person has indicated in writing that he or she does not want to apply for certain programs. A signed original application form on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. The words "Public Assistance" constitute the assistance provided by the Department as specified in Articles III, IV, V, VI and VII of the Public Aid Code, namely Aid to the Aged, Blind and Disabled, Aid to Families with Dependent Children, Refugee Assistance Program, the Department's Medical Programs and General Assistance (where administered by the Department). Upon a person's making application for Public Assistance at a local office, the local office shall also consider that person's eligibility for the United States Department of Agriculture's Food Stamp Program (unless the applicant has indicated in writing that he or she does not want Food Stamps) and for such other programs as the Department may from time to

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~time be administering pursuant to the laws and regulations of the State and federal government. A signed original application form on which the person indicates whether or not he or she wants to apply for Food Stamps or any other programs which the Department may offer at any given time constitutes the person's written statement.~~

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.20 Time Limitations On the Disposition Of An Application

- a) Within 10 days after a decision is made on an application, the Department shall inform the applicant ~~in writing~~ of the decision regarding the applicant's eligibility for medical assistance in a written notice as required by 89 Ill. Adm. Code 102.70. ~~This notice shall contain a decision on each of the following programs for which the recipient may be eligible based on information contained on the application: AFDC, Medical Assistance, AABD, GA (City of Chicago), AMI and Food Stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply.~~
- b) The Department shall send a written notice, as required by 89 Ill. Adm. Code 102.70, ~~notification~~ of its determination within the following time periods, calculated from the date of application:
 - 1) Medical assistance for all persons except those seeking to qualify on the basis of having a disability~~Aid to the Aged, Blind or Disabled (Aged)/((AABD)(A)) and related Medical Assistance No Grant (MANG)~~ – 45 calendar days;
 - 2) Aid to the Aged, Blind or Disabled (Blind)/((AABD)(B)) and related MANG~~—45 calendar days~~
 - 23) Medical assistance for all persons seeking to qualify on the basis of having a disability~~Aid to Aged, Blind or Disabled (Disabled)/((AABD)(D)) and related MANG~~ – 60 calendar days.
 - 4) Aid to the Families with Dependent Children (AFDC) and related MANG~~—45 calendar days~~
 - 5) General Assistance (GA), Aid to the Medically Indigent (AMI)~~—45 calendar days~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) The time limitation for determining eligibility for any medical assistance shall be tolled for time required by an applicant to obtain information needed to verify eligibility. ~~AFDC may be extended another 45 calendar days when a decision cannot be reached because information necessary for a determination is available only from third parties and such parties fail to respond or delay their response to a request for such information.~~
- d) ~~The time limitation for determining eligibility for General Assistance may be exceeded only when a decision cannot be reached because of failure or delay on the applicant's part.~~
- e) ~~The Department shall make a decision on an application for social services within 30 days of the date of application, and shall inform the applicant in writing of its decision within 15 days of the decision.~~

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.32 Initial Authorization of Medical Assistance (MAG) (Repealed)

~~Medical Assistance (MAG) (for Aid to the Aged, Blind or Disabled and Aid to Families with Dependant Children) and medical assistance for General Assistance clients determined by the Department to be disabled shall be authorized, dependent on the specific case situation, effective:~~

- a) ~~The first day of the month of application, providing the client was eligible that month, or~~
- b) ~~The first day of the month of initial eligibility subsequent to the month of application, or~~
- e) ~~The first day of each month within the 3 months prior to the date of application. The applicant must be both categorically and financially eligible for the month or months for which medical need has been established. The months of retroactive medical eligibility may be noncontinuous.~~

(Source: Repealed at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.34 Approval of An Application and Initial Authorization of Medical Assistance (MANG)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Authorization of medical assistance ~~(MANG)~~ shall be effective:

- a) The month of application, providing the applicant~~client~~ was eligible in that month; or
- b) The month of initial eligibility subsequent to the application date; or
- c) Each month or months within the 3 months immediately prior to the month~~date~~ of application; provided the applicant meets all eligibility criteria for each month. ~~The applicant must be both categorically and financially eligible for the month(s) for which medical assistance need has been requested.~~ ~~established.~~ The months of retroactive medical eligibility may be noncontinuous. Retroactive eligibility does not apply prior to the effective date of the program under which the applicant seeks medical assistance.

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)

Section 110.40 Denial of An Application

- a) An application for medical~~public~~ assistance shall be denied if it is established that the applicant does not meet one or more of the eligibility requirements or if the applicant chooses to withdraw the application.
- b) ~~If the applicant is determined ineligible for public assistance, the notice (see Section 110.20) shall include the reason why the applicant is ineligible.~~
- be) An application for medical assistance shall be denied if eligibility cannot be conclusively determined because of the applicant's unwillingness to cooperate in providing essential information or refusal to consent to verification ~~by the local office~~, or the applicant has not provided sufficient information for a determination of eligibility, ~~the application shall be denied.~~
- c) If an application for medical assistance is denied, the written notice required by 89 Ill. Adm. Code 102.70 and sent within the times specified in Section 110.20 shall include the reason why the application was denied.

(Source: Amended at 38 Ill. Reg. 5954, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
120.10	Amend
120.11	Amend
120.12	Amend
120.14	Amend
120.32	Amend
120.64	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17272
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: The following changes were made:

In subsection 120.10(g)(1) of Section 120.10, deleted the word "only".

In subsection 120.10(h) of Section 120.10, at the beginning of the sentence, capitalized the word "Persons"

In subsection 120.10(i) of Section 120.10, at the beginning of the sentence, capitalized the word "Persons" and deleted the word "eligibility" and added the word "eligible".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes, it will only replace emergency amendments that appeared at 37 Ill. Reg. 15976; October 11, 2013. The emergency amendments that appeared at 38 Ill. Reg. 1139; January 10, 2014 and 38 Ill. Reg. 2925; January 24, 2014 are still effective.
- 14) Are there any other rulemakings pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|------------------------------------|
| 120.324 | Amendment | 37 Ill. Reg. 12302; August 2, 2013 |
- 15) Summary and Purpose of Amendment: With respect to Part 120, the rulemaking implements Article 7 of Public Act 98-104, which establishes the requirements of the Affordable Care Act (ACA) including eligibility for the newly eligible adults and former foster care children and financial eligibility methodology mandated by the ACA for newly eligible adults and certain existing Medicaid eligible groups.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance
 120.11 ~~MANG(P)~~ Eligibility for Pregnant Women and Children
 120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
 120.14 Presumptive Eligibility for Children
 120.20 MANG(AABD) Income Standard
 120.30 MANG(C) Income Standard
 120.31 MANG(P) Income Standard
 120.32 FamilyCare Assist
 120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)
 120.40 Exceptions To Use Of MANG Income Standard (Repealed)
 120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases
 120.61 Long Term Care
 120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
 Code 140.643 (Repealed)
 120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings (Repealed)
 120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross
 Income (MAGI) Methodology~~MANG(P) Cases~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements (Repealed)

SUBPART D: MEDICARE PREMIUMS

Section

120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified
Individuals-1 (QI-1) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPPP) Program
120.325	Health Insurance Premium Payment (HIPPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Resources
120.381	Exempt Resources
120.382	Resource Disregard
120.383	Deferral of Consideration of Assets
120.384	Spenddown of Resources
120.385	Factors Affecting Eligibility for Long Term Care Services
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
120.388	Property Transfers Occurring On or After January 1, 2007
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims
120.TABLE A	Value of a Life Estate and Remainder Interest
120.TABLE B	Life Expectancy (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005 (P.L. 109-171).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2925, effective January 10, 2014; amended at 38 Ill. Reg. 5967, effective February 26, 2014.

SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility for Medical Assistance

- a) Eligibility for medical assistance exists when a person meets the non-financial requirements of the program and the person's countable nonexempt income ([see](#) Sections [120.64](#), 120.330 and 120.360) is equal to or less than the applicable Medical Assistance – No Grant (MANG) standard and, for AABD MANG, countable nonexempt resources are not in excess of the applicable resource disregards (Section 120.382). Persons receiving basic maintenance grants under Article III or IV of the Public Aid Code are eligible for medical assistance. Financial eligibility for medical assistance for other persons living in the community is determined according to Section 120.60 ~~of this Part~~, unless otherwise specified. Financial eligibility for medical assistance for persons receiving long-term care services, as defined in Section 120.61(a) ~~of this Part~~, is determined according to that Section, unless otherwise specified.
- b) For AABD MANG, a person's countable income and resources include the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

person's countable income and resources and the countable income and resources of all persons included in the Medical Assistance standard. The person's responsible relatives living with the child must be included in the standard. The person has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.

- c) For applications received on or after October 1, 2013, eligibility for pregnant women and children, as set forth in Section 120.11, 120.12 and 120.14, and parents and other caretaker relatives, as set forth in Section 120.32, shall be determined as set forth in Section 120.64. ~~For TANF (Temporary Assistance for Needy Families) MANG, a person's countable income includes the person's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The person's responsible relatives living with the child must be included in the standard. The person has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.~~
- d) For AABD MANG, if a person's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt resources are over the applicable resource disregard, the person must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- e) Effective January 1, 2014, for pregnant women and children ~~For TANF MANG~~, if ~~a person's~~ countable nonexempt income is greater than the applicable ~~MANG~~ standard, the person must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- f) A one month eligibility period is used for persons receiving long-term care services (as defined in Section 120.61(a) ~~of this Part~~). Nonexempt income and nonexempt resources over the resource disregard are applied toward the cost of care on a monthly basis, as provided in Section 120.61 ~~of this Part~~.
- g) Newborns
- 1) When the Department becomes aware of the birth of a child to a recipient of ~~a TANF or AABD grant or related~~ medical assistance ~~or medical assistance due to the mother's pregnancy~~, the child shall be deemed to have applied for medical assistance ~~only~~, without written request, if the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

mother had been receiving ~~TANF or AABD related~~ medical assistance ~~or medical assistance due to her pregnancy~~ on the date of birth of the child.

- 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400.

h) ACA Adults

Persons not otherwise eligible under this Section, who are no younger than age 19 and no older than age 64 in households with income that is at or below 133% of the Federal Poverty Level (FPL) are eligible for medical assistance. Eligibility under this subsection (h) shall be determined as set forth in Section 120.64, except that no coverage for medical services under this subsection (h) shall begin prior to January 1, 2014.

i) Former Foster Care

Persons older than age 18 and younger than age 26 who reside in Illinois, who are not eligible under subsections (a), (b), (c), (f) and (g), who were in foster care under the responsibility of the State of Illinois on the date of attaining age 18 or on the date of attaining age 21 for whom a court has continued wardship for good cause and who received medical assistance under the Illinois Medicaid State Plan or State Plan waiver while in foster care are eligible for medical assistance. No coverage for medical services under this subsection (i) shall begin prior to January 1, 2014.

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

Section 120.11 ~~MANG(P)~~ Eligibility for Pregnant Women and Children

a) Pregnant Women Eligible ~~for MANG(P)~~

- 1) Eligibility for medical assistance exists for a pregnant woman of any age ~~who does not qualify as mandatory categorically needy (42 USC 1396a(a)(10)(A)(i))~~ who meets the following eligibility requirements:

- A) cooperation in establishing eligibility as described in Section 120.308;
- B) residency as described in Section 120.311; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) whose countable monthly income is at or below 200% of FPL as determined pursuant to Section 120.64~~does not exceed the MANG(P) Income Standard (see Section 120.31).~~
- 2) Beginning on the last day of the pregnancy, the~~The~~ pregnant woman shall be eligible to receive medical assistance for~~until~~ 60 days following the last day of pregnancy. The 60 day medical assistance~~coverage~~ continues through the last day of the calendar month in which the 60 day period ends. The 60 day medical coverage period shall be provided for all women determined eligible for medical assistance under subsection (a)(1), ~~of this Section~~ including women who are no longer pregnant at the time of application, but were pregnant at any time during the three calendar months preceding the month in which the application was received. A woman who meets the requirements of this Section is eligible regardless of whether the pregnancy ended as a result of birth, miscarriage or abortion and regardless of whether she signed an adoption agreement.
- 3) When a pregnant woman is determined eligible for medical assistance under subsection (a)(1) ~~of this Section~~, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.
- b) Children Under Age 19 Eligible for MANG(P)
- 1) Eligibility for medical assistance exists for children under age 19 who do not qualify as mandatory categorically needy (42 USC 1396a(a)(10)(A)(i)) who meet the following eligibility requirements:
- A) cooperation in establishing eligibility as described in Section 120.308;
- B) citizenship/alienage status as described in Section120.310;
- C) residency as described in Section 120.311; and
- D) whose countable monthly income is at or below 133% of FPL as determined pursuant to Section 120.64~~exceeds the MANG(C) or MANG(AABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~120.31).~~

- 2) Children under age 19 shall be eligible to receive medical assistance under subsection (b)(1) ~~of this Section~~ for a period of time as determined in Section 120.400.
- 3) When the Department becomes aware of the birth of a child or children to a woman determined eligible under subsection (a)(1) ~~of this Section~~ while she was eligible, the child or children shall be deemed to have applied and been found eligible for medical assistance under subsection (b)(1) ~~of this Section~~, without written request. The child or children shall be eligible to receive medical assistance for a period of time as determined in Section 120.400.

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

Section 120.12 Healthy Start – Medicaid Presumptive Eligibility ~~Program~~ For Pregnant Women

The purpose of the Healthy Start – Medicaid Presumptive Eligibility (MPE) Program is to encourage early and continuous prenatal care to low income pregnant women who otherwise may postpone or do without such care. Presumptively eligible pregnant women shall receive ambulatory prenatal care before completing an application for medical assistance ~~under the State plan at the local Public Aid Office.~~

- a) Eligibility: To be eligible for the Healthy ~~Healthy~~ Start-Medicaid Presumptive Eligibility, ~~effective October 1, 2013-Program~~, the woman must have: ~~1) a medically verified pregnancy; and 2)~~ family income not exceeding ~~200%133%~~ of ~~FPLthe Federal Poverty Level~~ as determined pursuant to Section 120.64.
- b) Qualified providers shall make all determinations as to eligibility in the MPE Program (42 ~~USC~~U.S.C. 1396).
- c) The presumptive eligibility period shall be the period that:
 - 1) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income does not exceed ~~200%133%~~ of ~~FPLthe Federal Poverty Level~~ as determined pursuant to Section 120.64; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) ends with (and includes) the earlier of:
 - A) the day on which a determination is made with respect to the eligibility of the woman for medical assistance under the State ~~Plan~~^{plan}; or
 - B) in the case of a woman who does not file an application by the last day of the month following the month during which the provider makes the determination, ~~the~~^{such} last day.
- d) Duties of the State ~~Agency~~^{agency}, ~~Qualified Providers~~^{qualified providers}, and ~~Presumptively Eligible Pregnant Women~~^{presumptively eligible pregnant women}.
 - 1) The Department shall provide qualified providers with:
 - A) such forms as are necessary for a pregnant woman to make application for medical assistance under the State ~~Plan~~^{plan}; and
 - B) information on how to assist ~~pregnant~~^{such} women in completing and filing ~~the~~^{such} forms.
 - 2) A qualified provider who determines that a pregnant woman is presumptively eligible for medical assistance under a State ~~Plan~~^{plan} shall:
 - A) notify the Department of the determination within 5 working days after the date on which the determination is made; ~~and~~
 - B) inform the woman at the time the determination is made that she is required to make application for medical assistance under the State ~~Plan~~^{plan} by no later than the last day of the month following the month during which the determination is made; ~~and~~;
 - ~~C) assist the woman to apply for medical assistance.~~
 - 3) A pregnant woman who is determined by a qualified provider to be presumptively eligible for medical assistance under a State ~~Plan~~^{plan} shall make application for medical assistance under ~~the State Plan~~^{such plan} by no later than the last day of the month following the month during which

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the determination is made.

- e) Ambulatory prenatal care consists of all outpatient medical care covered by the State ~~Plan~~plan.

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

Section 120.14 Presumptive Eligibility for Children

- a) A child younger than 19 years of age may be presumed eligible for medical assistance under this Part if all of the following apply:
- 1) an application for medical benefits has been made on behalf of the child;
 - 2) the child is a resident of Illinois as described in Section 120.311;
 - 3) the child is not an inmate of a public institution as described in Section 120.318(a);
 - 4) effective October 1, 2013, the child's family's monthly income, as stated on the application, is at or below 133%~~percent~~ of FPL~~the poverty level as determined pursuant to Section 120.64~~;
 - 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in Section 120.310 or 89 Ill. Adm. Code 118.500; and
 - 6) the child has not been presumed eligible under this Part 120 or 89 Ill. Adm. Code 118 or 125 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 120 or 89 Ill. Adm. Code 118 or 125.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 120 or 89 Ill. Adm. Code 118 or 125 is updated in the data system.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

Section 120.32 FamilyCare Assist

- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard.
- b) The appropriate income standard is 133%~~per cent~~ of ~~FPL~~the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- c) For applications received on or after October 1, 2013, eligibility under this Section shall be determined as set forth in Section 120.64.

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross Income (MAGI) Methodology~~MANG(P) Cases~~

- a) ~~The following subsections apply to MANG(P) clients.~~ The eligibility period for a ~~MANG(P)~~ client shall begin with:
 - 1) the first day of the month of application; or
 - 2) the first day of any month prior to the month of application, if the client so desires, up to three months prior to the month of application; or
 - 3) the first day of the month after the month of application; or
 - 4) the first day of a month a pregnant woman and/or child under age 19 meets the requirements of Sections 120.11 and 120.31.
- b) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

60 day medical coverage period shall be provided for all women determined eligible for medical assistance under Section 120.11(a)(1) ~~of this Section~~ including women who are no longer pregnant at the time of application because the woman gave birth or had a miscarriage or an abortion, and including women who signed an adoption agreement.

- c) Children shall be eligible to receive medical assistance as determined pursuant to Section 120.400.
- d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).
- e) A redetermination of eligibility ~~for MANG(P)~~ will be made every 12 months ~~for children under age 19~~.
- f) The client is responsible to report any changes that occur during the eligibility period ~~that which~~ might affect eligibility for ~~medical assistance~~ MANG(P). If changes in income or family composition occur ~~that which~~ would make the client ineligible for ~~medical assistance~~ MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day postpartum period following the last day of pregnancy.
- g) ~~MANG(P) clients shall be eligible without a spenddown obligation amount.~~
- gh) A review of case eligibility ~~for MANG(C)~~ will be conducted for a pregnant woman during the second month of the 60 day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.
- hi) A review of case eligibility ~~for TANF MANG(C)~~ will be conducted when a child is determined ineligible for ~~medical assistance as a child~~ MANG(P). If the child is ~~otherwise~~ eligible for ~~medical assistance~~ TANF MANG(C), the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- i) For applications received on or after October 1, 2013, the determination of eligibility under this Section shall comply with the Modified Adjusted Gross Income (MAGI) methodology established at section 1902(e)(14) of the Social Security Act (42 USC 1396a(e)(14)) and federal regulations established at 42 CFR 435.110 (2013) regarding parents and other caretaker relatives, 42 CFR 435.116 (2013) regarding pregnant women, 42 CFR 435.118 (2012) regarding infants and children under age 19, 42 CFR 435.119 (2013) regarding ACA adults, and 42 CFR 435.603 (2013) regarding application of MAGI methodologies .
- 1) For the purpose of determining whether a person is a parent or caretaker relative of a "dependent child", a "dependent child" means a child who is younger than age 18.
- 2) For purposes of determining household size:
- A) the total number of children a pregnant woman is expected to deliver shall be counted in the determination of the household size of any person in the household seeking benefits (42 CFR 435.603(b)).
- B) For applicants who expect to file a tax return and who are not claimed as a dependent, household size shall be determined in accordance with 42 CFR 435.603(f)(1).
- C) For applicants who expect to be claimed as a tax dependent and who do not meet an exception under 42 CFR 435.603(f)(2), household size shall be determined in accordance with 42 CFR 435.603(f)(2).
- D) For applicants who do not file a tax return nor expect to be claimed as a tax dependent, or who are tax dependents who meet an exception under 42 CFR 435.603(f)(2), household size shall be determined in accordance with 42 CFR 435.603(f)(3).
- E) For purposes of determining household size in accordance with 42 CFR 435.603(f)(3), the specified age is 19.
- j) This Section 120.64 shall apply to the initial determination of eligibility and, for renewals effective April 1, 2014, and later pursuant to 42 CFR 435.603(a)(3), for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

persons eligible under Section 5-2(5), (6)(a), (7), (8), (15), (17) and (18) of the Public Aid Code.

(Source: Amended at 38 Ill. Reg. 5967, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Covering All Kids Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 123
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
123.110	Amend
123.200	Amend
123.210	Amend
123.220	Amend
123.230	Amend
123.240	Amend
123.270	Amend
123.320	Amend
123.330	Amend
123.340	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17293
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other rulemakings pending on this Part? Yes, 37 Ill. Reg. 15993
- 15) Summary and Purpose of Rulemaking: The rulemaking implements Article 7 of PA 98-104, which establishes new financial eligibility methodology mandated by the Affordable Care Act (ACA) for children in the Covering All Kids Health Insurance Program. Additionally, the rulemaking cleans up the co-payments and cost sharing provisions by eliminating references to coverage that no longer exists in the Covering All Kids Health Insurance program.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield, IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 123

COVERING ALL KIDS HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

- 123.100 General Description
- 123.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

- 123.200 Eligibility
- 123.210 Eligibility Exclusions and Terminations
- 123.220 Application Process
- 123.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI) Monthly Countable Income
- 123.240 Eligibility Determination and Enrollment Process
- 123.250 Appeals
- 123.260 Annual Renewals
- 123.270 Adding Children to the Program and Changes in Participation
- 123.280 Insurance Information Exchange

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section

- 123.300 Covered Services
- 123.310 Service Exclusions
- 123.320 Co-payments and Cost Sharing
- 123.330 Premium Requirements
- 123.340 Non-payment of Premium
- 123.350 Provider Reimbursement

AUTHORITY: The Covering ALL KIDS Health Insurance Program Act [215 ILCS 170] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 10134, effective May 17, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 16971, effective October 13, 2006; amended at 36 Ill. Reg. 1062, effective January 14, 2012; amended at 36 Ill. Reg. 12316, effective July 19, 2012; emergency amendment at 37 Ill. Reg. 15993, effective October 1, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 5989, effective February 26, 2014.

SUBPART A: GENERAL PROVISIONS

Section 123.110 Definitions

For the purpose of this Part, the following terms shall be defined as follows:

"Act" means the Covering ALL KIDS Health Insurance Program Act [215 ILCS 170].

"Department" means the Department of Healthcare and Family Services and any successor agencies.

"Department's Rate" means the reimbursement rate described in Section 123.350(c).

"Family" means the child applying for the program and the following individuals who live with the child:

The child's parents

The spouse of the child's parent

Children under 19 years of age of the parents or the parent's spouse

The spouse of the child

The children of the child

If any of the above is pregnant, the unborn children.

"Federal Poverty Level" or "FPL" means the ~~federal~~ poverty ~~income~~ guidelines updated periodically in the Federal Register by the U.S. as established by the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~federal~~ Department of Health and Human Services ~~and published in the Federal Register~~. These guidelines set poverty levels by family size.

"Health Insurance" means any health insurance coverage as defined in the Comprehensive Health Insurance Plan Act [215 ILCS 105/2].

"MAGI Methodology" means the method of determining income eligibility using Modified Adjusted Gross Income established at section 2102(b)(1)(v) of the Social Security Act (42 USC 1397bb(b)(1)(v)) and federal regulations at 42 CFR 457.315.

"Medical Assistance" means the services and programs reimbursed under the Public Aid Code.

"Practitioner" means a physician (including a hospital billing a physician office visit), osteopath, podiatrist, optometrist, chiropractor, advanced practice nurse, Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic.

"Program" ~~or "All Kids"~~ means the program created under the Covering ALL KIDS Health Insurance Program Act and this Part.

~~"Rebate" means the payment made by the Department under 89 Ill. Adm. Code 125.~~

"Resident" means an individual:

(i) who is in the State for other than a temporary or transitory purpose during the taxable year; or

(ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year. [215 ILCS 170/10]

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 123.200 Eligibility

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

A child may be eligible under the program provided that all of the following eligibility criteria are met:

- a) A child is not eligible for medical assistance under the Public Aid Code or benefits ~~including rebates~~ under the Children's Health Insurance Program Act;
- b) A child is under 19 years of age;
- c) A child is a resident of the State of Illinois; and
- d) The child meets the following conditions:
 - 1) Upon initial determination of eligibility the child is a member of a family whose countable income is at or below 300%~~percent~~ of the Federal Poverty Level, as determined using MAGI methodology, except as provided in Section 123.270(a); and
 - A) The child has been without health insurance for at least 12 months prior to the date of application; or
 - B) The child lost employer-sponsored health insurance when the child's parent's job ended; or
 - C) The child has no health insurance and is less than one year old in the month of application for All Kids; or
 - D) The child has exhausted the life-time benefit limit of his or her health insurance; or
 - E) The child's health insurance is purchased under the provisions of Consolidated Omnibus Budget Reconciliation Act (COBRA); or
 - F) The child was disenrolled for medical assistance under the Public Aid Code or benefits, including rebates, under the Children's Health Insurance Program Act within one year prior to applying under this Part; or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

G) The child has health insurance provided by the child's noncustodial parent and the child's custodian is unable to access ~~those such~~ health insurance benefits for the child.

2) Upon redetermination of eligibility:

A) The child was initially enrolled under subsection (d)(1)(A) or (F) ~~of this Section~~; or

B) Affordable health insurance is not available to the child. For the purpose of this Section, ~~affordable~~ health insurance for the child is affordable when does not exceed the following amounts: i) ~~For a child who would be eligible for All Kids Premium Level 2 or 3,~~ the cost of the monthly premium for coverage of all children seeking coverage under this Part does not exceed ~~3%~~ three percent of the family's monthly countable income as determined under Section 123.230.

ii) ~~For a child who would be eligible for All Kids Premium Level 4, the cost of the monthly premiums for coverage of all children seeking coverage under this Part does not exceed four percent of the family's monthly countable income as determined under Section 123.230.~~

iii) ~~For a child who would be eligible for All Kids Premium Levels 5-8, the cost of the monthly premium for coverage of the child does not exceed five percent of the family's monthly countable income as determined under Section 123.230.~~

C) For the purposes of this subsection (d)(2), health insurance shall be considered unavailable to the child if subsection (d)(1)(D), (E), or (G) apply.

D) ~~Monthly Family monthly~~ countable income is at or below 300% of FPL percent of the Federal Poverty Level as determined using the MAGI methodology. MAGI methodology will be used to determine eligibility effective April 1, 2014 pursuant to 42 CFR 457.315(b), ~~except that a child with family income in excess of~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~300 percent of the Federal Poverty Level may remain eligible through June 30, 2012 if the child continues to meet all other eligibility requirements for one of the All Kids Premium Levels 3-8 without a break.~~

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.210 Eligibility Exclusions and Terminations

- a) A child shall not be determined eligible for coverage under the program if:
 - 1) The child is an inmate of a public institution.
 - 2) The child is a patient in an institution for mental diseases.
- b) Termination of a child's coverage under the program shall be initiated upon the occurrence of any of the following events:
 - 1) A child becomes ineligible due to:
 - A) Losing his or her Illinois residency.
 - B) Attaining 19 years of age.
 - C) Becoming enrolled in medical assistance under 89 Ill. Adm. Code 118 or 120 or for health care benefits ~~or rebates~~ under 89 Ill. Adm. Code 125.
 - D) Meeting the provisions of subsections (a)(1) and (2) ~~of this Section.~~
 - E) The required premiums as specified in Section 123.330 are not paid in a timely manner as specified in Section 123.340.
 - F) The family fails to report to the Department changes in information that impacts upon the child's eligibility for the program.
 - G) The family makes a request to the Department to terminate the child's coverage.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- H) The Department determines that the child is no longer eligible based on any other applicable State or federal law or regulation.
 - I) The Department determines that an applicant failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the child's eligibility determination.
 - J) The Department determines that the child's eligibility was incorrectly determined.
- c) Following termination of a child's coverage under the program, the following action is required before the child can be re-enrolled:
- 1) The child must be found eligible;
 - 2) There must be full payment of premiums due under this Part or 89 Ill. Adm. Code 125 for periods in which a premium was owed and not paid for the child;
 - 3) Any overpayment of rebates paid on behalf of the child under 89 Ill. Adm. Code 125 must be repaid to the Department. A rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future rebate payments; and
 - 4) The first month's premium must be paid if there was an unpaid premium on the date the child's previous coverage was canceled.
- d) A certificate of prior creditable coverage will be issued when an individual's coverage is terminated under the All Kids Health Plan.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.220 Application Process

- a) An application may be made~~Families will be able to apply~~ for the program using any of the ~~following~~ methods established at 89 Ill. Adm. Code 110.5.;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Submit the Department's application to an address specified by the Department.~~
 - 2) ~~Apply at a Department of Human Services (DHS) local office.~~
 - 3) ~~Apply through an All Kids Application Agent that has an agreement in place with the Department.~~
 - 4) ~~Apply online.~~
 - 5) ~~Additional methods that the Department establishes.~~
- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10 ~~including provisions regarding who may apply on behalf of a child.~~
 - c) Applicants~~Families~~ are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in ~~non-financial~~ information provided on the application.
 - d) The application review process shall comply with 89 Ill. Adm. Code 110.20 and 110.40.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~

For applications received on or after October 1, 2013, the determination of eligibility under this Part shall comply with MAGI methodology.~~Monthly countable income for applications processed for the program is determined by taking the total gross monthly income of the family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.~~

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.240 Eligibility Determination and Enrollment Process

- a) If the monthly countable income is above 200%~~percent~~ of FPL~~the Federal Poverty Level~~ and at or below 300%~~percent~~ of FPL~~the Federal Poverty Level~~, as

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~determined using the MAGI methodology, for the number of individuals in the family~~ and all other eligibility requirements of this Part are met, the child will be enrolled in All Kids Premium Level 2.

- b) ~~If the monthly countable income is above 300 percent of the Federal Poverty Level, individuals are not eligible for benefits under this Section except that a child may remain enrolled in All Kids Premium Levels 3-8 until June 30, 2012 if a child in the family was approved for enrollment in Premium Levels 3 through 8 before July 1, 2011 and all other eligibility requirements of this Part are met without a break. During this period, the child is enrolled in the appropriate All Kids Premium Level according to the following income standards:-~~
- ~~1) If the monthly countable income is above 300 percent of the Federal Poverty Level and at or below 400 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 3.~~
 - ~~2) If the monthly countable income is above 400 percent of the Federal Poverty Level and at or below 500 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 4.~~
 - ~~3) If the monthly countable income is above 500 percent of the Federal Poverty Level and at or below 600 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 5.~~
 - ~~4) If the monthly countable income is above 600 percent of the Federal Poverty Level and at or below 700 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 6.~~
 - ~~5) If the monthly countable income is above 700 percent of the Federal Poverty Level and at or below 800 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 7.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~6)~~ ~~If the monthly countable income is above 800 percent of the Federal Poverty Level for the number of individuals in the family, the child will be enrolled in All Kids Premium Level 8.~~
- ~~b)e)~~ Applicants will be notified, by written notice, pursuant to 89 Ill. Adm. Code 102.70, in writing, regarding the outcome of their eligibility determination.
- ~~c)d)~~ Eligibility determinations for the program made by the 15th day of the month will be effective the first day of the following month. Eligibility determinations for the program made after the 15th day of the month will be effective no later than the first day of the second month following that determination.
- ~~d)e)~~ For children enrolled in All Kids Premium Level 2, the duration of eligibility for the program for children will be 12 months unless one of the events described in Section 123.210(a)(1) or (b)(1) occurs. ~~For children enrolled in All Kids Premium Levels 3 through 8, the duration of eligibility will be until June 30, 2012 unless one of the events described in Section 123.210(a)(1) or (b)(1) occurs.~~ The period of eligibility will commence when the first child in a casefamily is covered under the program. Children added to a family case after the eligibility period begins will be eligible for the balance of the eligibility period.
- ~~e)f)~~ Children for whom application to the program is made before the beginning of the fourth month following the month of the child's birth may obtain backdated coverage for a period beginning with the child's day of birth. This coverage shall be subject to the family paying the premiums for the months of backdated coverage requested.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.270 Adding Children to the Program and Changes in Participation

- a) ~~Eligible Families may add eligible~~ children may be added to the program during the 12-month eligibility period. Coverage for newborns added to a case and for whom backdated coverage is approved as permitted under Section 123.240(k) may begin with the child's date of birth. Coverage for all other children added to a case shall be prospective and, for signed requests received by the 15th day of the month, shall be effective on the first day of the month following receipt of the signed request. Signed requests to add a child received after the 15th day of a month will be effective no later than the first day of the second month following

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

receipt of the signed request. Eligibility shall continue for the remainder of the 12-month eligibility period that began with coverage of the first child in the ~~case family, except that eligibility for children in All Kids Premium Levels 3-8 in no event shall continue beyond June 30, 2012.~~ Addition ~~Such addition~~ of a child shall not result in a review of ~~the family's~~ financial eligibility for the program.

- b) Premium amounts will be adjusted to reflect adding or removing a child from the program subject to the limitations set forth in Section 123.330(a).

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

SUBPART C: ALL KIDS PREMIUM LEVEL 2-8 HEALTH PLAN

Section 123.320 Co-payments and Cost Sharing

- a) Co-payments or cost sharing may be charged for services provided to a child by a health care provider as described in subsection (b), except for practitioner visits scheduled for well-baby care, well-child care, age appropriate immunizations, preventative dental visits or family planning services.
- b) Co-payment and cost sharing requirements are as follows:
- 1) Practitioner office visit co-payment: \$10 per visit
 - A) ~~All Kids Premium Level 2 co-payment: \$10 per visit.~~
 - B) ~~All Kids Premium Level 3 co-payment: \$15 per visit.~~
 - C) ~~All Kids Premium Level 4 co-payment: \$20 per visit.~~
 - D) ~~All Kids Premium Levels 5-8 co-payment: \$25 per visit.~~
 - 2) Dental visits co-payment: \$10 per visit
 - A) ~~All Kids Premium Level 2 co-payment: \$10 per visit.~~
 - B) ~~All Kids Premium Level 3 co-payment: \$15 per visit.~~
 - C) ~~All Kids Premium Level 4 co-payment: \$20 per visit.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~D) All Kids Premium Levels 5-8 co-payment: \$25 per visit.~~
- 3) Inpatient hospitalization cost sharing: \$100 per admission.
- ~~A) All Kids Premium Level 2 cost sharing: \$100 per admission.~~
- ~~B) All Kids Premium Level 3 cost sharing: \$150 per admission.~~
- ~~C) All Kids Premium Level 4 cost sharing: \$200 per admission.~~
- ~~D) All Kids Premium Levels 5-7 cost sharing: 10 percent of Department's rate.~~
- ~~E) All Kids Premium Level 8 cost sharing: 25 percent of Department's rate.~~
- 4) Hospital or Ambulatory Surgical Treatment Center outpatient encounter with a payable service on the Ambulatory Procedure List, as set forth in 89 Ill. Adm. Code 148.140, cost sharing: 5% of the Department's rate.
- ~~A) All Kids Premium Level 2 cost sharing: 5 percent of the Department's rate.~~
- ~~B) All Kids Premium Level 3 cost sharing: 10 percent of the Department's rate.~~
- ~~C) All Kids Premium Level 4 cost sharing: 15 percent of the Department's rate.~~
- ~~D) All Kids Premium Levels 5-7 cost sharing: 20 percent of the Department's rate.~~
- ~~E) All Kids Premium Level 8 cost sharing: 25 percent of the Department's rate.~~
- 5) Hospital Emergency Visit co-payment: \$30 per visit.
- ~~A) All Kids Premium Level 2 co-payment: \$30 per visit.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~B) All Kids Premium Level 3 co-payment: \$50 per visit.~~
 - ~~C) All Kids Premium Level 4 co-payment: \$75 per visit.~~
 - ~~D) All Kids Premium Levels 5-8 co-payment: \$100 per visit.~~
- 6) Prescription drugs co-payment: \$3 for a 1- to 30-day supply of generic drugs or \$7 for a 1- to 30-day supply of brand name drugs.
- ~~A) All Kids Premium Level 2 co-payment: \$3 for a 1 to 30-day supply of generic drugs or \$7 for a 1 to 30-day supply of brand name drugs.~~
 - ~~B) All Kids Premium Level 3 co-payment: \$6 for a 1 to 30-day supply of generic drugs or \$14 for a 1 to 30-day supply of brand name drugs.~~
 - ~~C) All Kids Premium Level 4 co-payment: \$9 for a 1 to 30-day supply of generic drugs or \$21 for a 1 to 30-day supply of brand name drugs.~~
 - ~~D) All Kids Premium Levels 5-8 co-payment: \$12 for a 1 to 30-day supply of generic drugs or \$28 for a 1 to 30-day supply of brand name drugs.~~
- c) The out-of-pocket co-payment and cost sharing expense children enrolled in All Kids Premium Level 2 will incur shall not exceed \$250 per annual enrollment period multiplied by the number of children in the family enrolled in All Kids Premium Level 2. ~~The out-of-pocket cost sharing expense a child enrolled in All Kids Premium Levels 3-8 will incur for services under subsections (b)(3), (4) and (5) of this Section during the plan year July 1 to June 30 shall be limited as follows:~~
- ~~1) All Kids Premium Level 3—\$750 per child.~~
 - ~~2) All Kids Premium Level 4—\$1,000 per child.~~
 - ~~3) All Kids Premium Levels 5-7—\$5,000 per child.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~All Kids Premium Level 8—no maximum.~~
- d) Providers will be responsible for collecting co-payments ~~under the All Kids Health Insurance Plan.~~
- e) Providers may elect not to charge co-payments. If co-payments are charged, the co-payment may not exceed the amounts established in subsection (b).
- f) The Department will not require providers to deliver services when co-payments properly charged under the ~~Program All Kids Premium Health Plans~~ are not paid.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.330 Premium Requirements

- a) Families with individuals enrolled in All Kids ~~Premium Level 2~~ ~~Premiums 2-8~~ must pay monthly premiums ~~of \$40 per month per child to a maximum of \$80 per month for two or more children.~~ as follows:
- 1) ~~All Kids Premium Level 2: \$40 per month per child to a maximum of \$80 per month for two or more children.~~
 - 2) ~~All Kids Premium Level 3: \$70 per month per child to a maximum of \$140 per month for two or more children.~~
 - 3) ~~All Kids Premium Level 4: \$100 per month per child to a maximum of \$200 per month for two or more children.~~
 - 4) ~~All Kids Premium Level 5: \$150 per month per child.~~
 - 5) ~~All Kids Premium Level 6: \$200 per month per child.~~
 - 6) ~~All Kids Premium Level 7: \$250 per month per child.~~
 - 7) ~~All Kids Premium Level 8: \$300 per month per child.~~
- b) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- c) The premium due date will be the last day of the month preceding the month of coverage.
- d) The premium will not increase during the eligibility period, unless ~~the family adds~~ children are added to the coverage or there is a regulatory change in cost sharing.
- e) Individuals~~The family~~ may at any time request a downward modification of the premium for any reason, including a change of income, removal of a child from coverage or a change in family size.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

Section 123.340 Non-payment of Premium

- a) Children enrolled in All Kids Premium Level 2~~Levels 2-8~~ will have a grace period through the end of the month following the coverage month to pay the premium.
- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) When termination of coverage is recorded by the 15th day of the month, it will be effective the first day of the following month. When termination of coverage is recorded after the 15th day of the month, it will be effective no later than the first day of the second month following that determination.

(Source: Amended at 38 Ill. Reg. 5989, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Children's Health Insurance Program
- 2) Code Citation: 89 Ill. Adm. Code 125
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
125.100	Amend
125.110	Amend
125.200	Amend
125.205	Amend
125.220	Amend
125.225	Amend
125.230	Amend
125.240	Amend
125.245	Amend
125.250	Amend
125.260	Amend
125.320	Amend
125.400	Repeal
125.420	Repeal
125.430	Repeal
125.440	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17310
- 10) Has JCAR issued a Statement of Objection to this rule? No

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences Between Proposal and Final Version: In Sections 125.110 and 125.250, added a date to citations of federal regulations.
- 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 rule currently in effect? Yes, it will only replace emergency amendments that appeared at 37 Ill. Reg. 15997; October 11, 2013. The emergency amendments that appeared at 38 Ill. Reg. 1153; January 10, 2014 and 38 Ill. Reg. 2943; January 24, 2014 are still effective.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rule: With respect to Part 125, the rulemaking implements Article 7 of Public Act 98-104, which establishes that no application for coverage in the All Kids Rebate program shall be accepted after September 30, 2013, and establishes new financial eligibility methodology mandated by the Affordable Care Act (ACA) for the Children's Health Insurance Program.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield, IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 125

CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

125.100 General Description

125.110 Definitions

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section

125.200 Eligibility for Children's Health Insurance Program

125.205 Eligibility Exclusions and Terminations

125.220 Application Process

125.225 Presumptive Eligibility for Children

125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~

125.240 Eligibility Determination and Enrollment Process

125.245 Appeals

125.250 Annual Renewals

125.260 Adding Children to the Program and Changes in Participation

125.265 Adding Eligible Adults to the Program and Changes in Participation (Repealed)

SUBPART C: ALL KIDS HEALTH PLAN

Section

125.300 Covered Services

125.305 Service Exclusions

125.310 Copayments

125.320 Premium Requirements

125.330 Non-payment of Premium

125.340 Provider Reimbursement

SUBPART D: ALL KIDS REBATE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section

125.400	Minimum Coverage Requirements (Repealed)
125.420	Coverage Verification Process (Repealed)
125.430	Provision of Policyholder's Social Security Number (Repealed)
125.440	All Kids Rebate (Repealed)
125.445	Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004; emergency amendment at 30 Ill. Reg. 535, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10328, effective May 26, 2006; emergency amendment at 36 Ill. Reg. 10298, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5049, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10253, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2943, effective January 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 6006, effective February 26, 2014.

SUBPART A: GENERAL PROVISIONS

Section 125.100 General Description

This Part implements the Children's Health Insurance Program Act [215 ILCS 106] ~~that authorizes the Department to administer an insurance program to assist families in purchasing health insurance benefits.~~ The Program is not an entitlement. The Program will enable eligible residents of Illinois, to the extent funding permits, access to health benefits coverage. Until December 31, 2013, the Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits or by subsidizing the cost of privately

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~sponsored health insurance, including employer-based health insurance. The Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance.~~

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.110 Definitions

For the purpose of this Part, the following terms shall be defined as follows:

"Act" means the Children's Health Insurance Program Act [215 ILCS 106].

"All Kids Health Plan" means the health benefits coverage containing cost sharing features that is available to eligible children under the Act and includes All Kids Share (no premium required) and All Kids Premium Level 1 (premium required).

"All Kids Rebate" means the program available under the Act until December 31, 2013, for which the Department, on behalf ~~of~~ an eligible child, ~~made~~ makes rebate payments to offset a family's cost of insuring that child under privately sponsored or employer-based health insurance.

"Caretaker Relative" means a relative as specified in this definition, with whom the child lives, who is providing care, supervision and a home for the child.
Caretaker relatives include:

Blood or adoptive relatives within the fifth degree of kinship:

father and mother

brother and sister

grandmother and grandfather (including up to great-great)

uncle and aunt (including up to great-great)

nephew and niece (including up to great-great)

first cousin

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

first cousin once removed (child of first cousin)

second cousin (child of great-aunt/uncle)

Step relatives:

step-father and step-mother

step-brother and step-sister

A person who is or has been married to one of the above relatives.

"Department" means the Department of Healthcare and Family Services and any successor agencies.

~~"Eligible Adult" means an individual 19 years of age or older who is a parent or other caretaker relative and that individual's spouse if they reside together.~~

"Family" means the child applying for the Program and the following individuals who live with the child:

The child's parents

The spouse of the child's parent

Children under 19 years of age of the parents or the parent's spouse

The spouse of the child

The children of the child

If any of the above is pregnant, the unborn children.

"FamilyCare Premium" means coverage of parents and caretaker relatives in families with income above 150% percent of [FPL](#) ~~the Federal Poverty Level~~. The FamilyCare Premium program ceased effective June 30, 2012, but unpaid premiums may be relevant to children's eligibility under this Part.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~"FamilyCare Rebate" means the program under which the Department, on behalf of an eligible adult, made rebate payments to offset a family's cost of insuring an individual under privately sponsored or employer-based health insurance. The FamilyCare Rebate program ceased effective June 30, 2012, but unreturned overpayments may be relevant to children's eligibility under this Part.~~

"Federal Poverty Level" or "FPL" means the ~~federal~~ poverty ~~income~~ guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services. These guidelines set poverty levels by family size as established by the federal Department of Health and Human Services and published in the Federal Register.

"MAGI Methodology" means the method of determining income eligibility using Modified Adjusted Gross Income established at section 2102(b)(1)(v) of the Social Security Act (42 USC 1397bb(b)(1)(v)) and federal regulations at 42 CFR 457.315 (2012).

"Medical Assistance" means the services and programs reimbursed under the health care benefits provided under Article V of the Illinois Public Aid Code.

"Practitioner" means a physician (including a hospital billing a physician office visit), osteopath, podiatrist, optometrist, chiropractor, advanced practice nurse, Federally Qualified Health Center (FQHC), Rural Health Clinic (RHC) or Encounter Rate Clinic (ERC).

"Program" means the program created under the Children's Health Insurance Program Act and this Part.

~~"Rebate" means the payment made by the Department under All Kids Rebate.~~

"REV" means the Recipient Eligibility Verification system through which medical providers can obtain eligibility and claim status information electronically.

~~"Significant Health Insurance" means coverage that includes physician services and inpatient hospital services that would qualify for coverage under All Kids Rebate.~~

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.200 Eligibility for Children's Health Insurance Program

Effective July 1, 2012, a child may be eligible under the Program provided that all of the following eligibility criteria are met:

- a) The child is not eligible for Medical Assistance, including 89 Ill. Adm. Code 120.
- b) The child is under 19 years of age.
- c) ~~Countable Income~~ A child is a member of a family whose monthly countable income is above 133% percent of ~~FPL the Federal Poverty Level~~ and at or below 200% percent of ~~FPL the Federal Poverty Level~~ as determined using the MAGI methodology.
- d) The individual is a resident of the State of Illinois.
- e) The individual is either a United States citizen or included in one of the following categories of non-citizens:
 - 1) United States veterans honorably discharged or individuals on active military duty, or the spouse or unmarried dependent children of ~~thosesueh~~ persons.
 - 2) Refugees under section 207 of the Immigration and Nationality Act (8 USC 1157).
 - 3) Asylees under section 208 of the Immigration and Nationality Act.
 - 4) Individuals for whom deportation has been withheld under section 243(h) of the Immigration and Nationality Act.
 - 5) Individuals granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980.
 - 6) Individuals lawfully admitted for permanent residence under the Immigration and Nationality Act.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 7) Parolees, for at least one year, under section 212(d)(5) of the Immigration and Nationality Act.
 - 8) Nationals of Cuba or Haiti.
 - 9) Individuals identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking.
 - 10) Amerasians from Vietnam.
 - 11) Members of the Hmong or Highland Laotian tribe when the tribe helped United States personnel by taking part in military or rescue operations.
 - 12) American Indians born in Canada.
 - 13) Individuals who are a spouse, widow or child of a United States citizen or a spouse or a child or a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the United States citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month after assistance and whose need for assistance is due, at least in part, to the abuse.
- f) The individual's Social Security Number (SSN) is provided to the Department or, if it has not been issued or is not known, proof that application has been made for an SSN is provided.

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.205 Eligibility Exclusions and Terminations

- a) An individual shall not be determined eligible for coverage under the Program if:
 - 1) The individual is an inmate of a public institution.
 - 2) The individual is a patient in an institution for mental diseases.
 - 3) ~~The individual is a member of a family that is eligible for health benefits~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~coverage under a State of Illinois health benefits plan on the basis of a member's employment with a public agency.~~

~~3)4~~ The individual is in categories described in Section 125.200(e)(6) or (e)(7), and the individual entered the United States on or after August 22, 1996; he or she shall not be eligible for five years beginning on the date the individual entered the United States.

~~b) An individual with significant health insurance can choose between All Kids Health Plan and All Kids Rebate.~~

be) Effective July 1, 2012, termination of an individual's coverage under the Program shall be initiated upon the occurrence of any of the following events:

1) A child becomes ineligible due to:

A) Losing his or her Illinois residency.

B) Attaining 19 years of age.

C) Becoming enrolled in Medical Assistance.

D) Meeting the provisions of subsection (a)(1) or (a)(3) ~~of this Section.~~

2) Other Events ~~A child becomes ineligible due to:~~

A) The required premiums under the All Kids Health Plan are not paid, as specified in Sections 125.320 and 125.330.

~~B) An individual enrolled in All Kids Rebate is no longer being covered under a private or employer-based health insurance plan, except that an individual may change enrollment from All Kids Rebate to the All Kids Health Plan pursuant to Section 125.260(e).~~

BE) The individual fails to report to the Department changes in information that impacts upon the individual's eligibility for the Program.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~CD~~) The individual makes a request to the Department to terminate the coverage.
- ~~DE~~) The Department determines that the individual is no longer eligible based on any other applicable State or federal law or regulation.
- ~~EF~~) The Department determines that the individual failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the eligibility determination.
- ~~FG~~) There has been a Rebate overpayment and it has not been repaid to the Department according to terms established by the Department; ~~which may include recoupment out of future Rebate payments or a payment plan.~~
- ~~GH~~) The Department determines that the individual's eligibility was incorrectly determined.
- ~~HI~~) The application was approved pending receipt of the individual's Social Security Number and it is not provided later when requested.
- ~~cd~~) Following termination of an individual's coverage under the Program, the following action is required before the individual can be re-enrolled:
- 1) ~~The~~A new application must be completed and the individual must be ~~found~~determined otherwise eligible;
 - 2) There must be full payment of premiums under the All Kids Health Plan, for periods in which a premium was owed and not paid for the individual, including premiums owed when the individual was, for purposes of this Part, a member of another family;
 - 3) Any overpayment of Rebates paid on behalf of the individual must be repaid to the Department. ~~A Rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future Rebate payments; and~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) ~~If the termination was the result of non-payment of premiums, the individual must be out of the Program for three months before re-enrollment; and~~
- ~~45)~~ The first month's premium must be paid if the individual is eligible for All Kids Premium Level 1 ~~and the individual's family chose to have coverage under subsection (g) of this Section when the individual was initially enrolled in the Program~~ ~~or~~ if there was an unpaid overdue premium on the date the individual's previous case was canceled.
- de) An application will be denied if any of the adults in the family was responsible as a caretaker relative or was enrolled in FamilyCare Premium during a period for which a premium under the Program was due to the Department and the premium remains unpaid at the time of application. Such an application shall be denied regardless of whether the individual for whom the premium remains unpaid is included in the application.
- ef) An application will be denied if any of the ~~eligible~~ adults in the family was enrolled in FamilyCare Rebate or was a caretaker relative of a child during a period for which a Rebate overpayment was received or was the payee of a Rebate overpayment and the overpayment has not been repaid to the Department. Such an application shall be denied regardless of whether the individual for whom the Rebate overpayment remains unpaid is included in the application.
- fg) A certificate of prior creditable coverage will be issued when the individual's coverage is terminated under the All Kids Health Plan.

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.220 Application Process

- a) An application may be made ~~Families will be able to apply~~ for the Program using any of the ~~following~~ methods established at 89 Ill. Adm. Code 110.5.:
- 1) ~~Submit the Department's application to an address specified by the Department.~~
- 2) ~~Apply at a Department of Human Services (DHS) local office.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ~~3) Apply through an All Kids Application Agent that has an agreement in place with the Department.~~
- ~~4) Apply online at www.allkids.com.~~
- ~~5) Additional methods that the Department establishes.~~
- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.
- c) ~~Applicants~~Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application ~~or financial information for eligible adults.~~
- d) The Department may cease accepting or processing applications if enrollment in the Program is closed due to limited appropriations.
- e) The Department shall send a notification of its determination within 45 calendar days after the date the application was received.
- f) The 45 calendar days may be extended when a decision cannot be reached because:
 - 1) information necessary for a determination is available only from a third party and the party fails to respond or delays his or her response to the request for ~~the~~such information; or
 - 2) additional information is needed from the applicant.
- ~~g) Notwithstanding any other provision of this Part, no application for All Kids Rebate shall be accepted after September 30, 2013.~~
- ~~h) The application review process will comply with 89 Ill. Adm. Code 110.20 and 110.40.~~

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.225 Presumptive Eligibility for Children

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) A child younger than 19 years of age may be presumed eligible for an All Kids Health Plan under this Part if all of the following apply:
- 1) an application for medical benefits has been made on behalf of the child;
 - 2) the child is a resident of Illinois;
 - 3) the child is not an inmate of a public institution as described in Section 125.205(a)(1);
 - 4) the child is a member of a family whose monthly countable income, as stated on the application, is above 133%~~percent~~ of ~~FPL the Federal Poverty Level~~ and at or below 200%~~percent~~ of ~~FPL the Federal Poverty Level~~ as determined using the MAGI methodology;
 - 5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in 89 Ill. Adm. Code 125.200(e) or 89 Ill. Adm. Code 118.500; and
 - 6) the child has not been presumed eligible under this Part 125 or 89 Ill. Adm. Code 118 or 120 within the past 12 months.
- b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 125 or 89 Ill. Adm. Code 118 or 120.
- c) The presumptive eligibility period begins on the date of application.
- d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 125 or 89 Ill. Adm. Code 118 or 120 is updated in the data system.
- e) No copayment or premium requirements apply during the period of presumptive eligibility.

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)~~Monthly Countable Income~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

For applications received on or after October 1, 2013, the determination of eligibility under this Part shall comply with the Modified Adjusted Gross Income methodology (MAGI methodology).

- a) ~~Monthly countable income for applications processed for the Program is determined by taking the total gross monthly income of the family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.~~
- b) ~~For the purpose of subsection (a) of this Section, the number of individuals in the family determines the applicable income standard.~~

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.240 Eligibility Determination and Enrollment Process

- a) ~~If the monthly countable income is at or below 133 percent of the Federal Poverty Level for the number of individuals in the family, the individual will be enrolled in Medical Assistance, if otherwise determined eligible pursuant to 89 Ill. Adm. Code 120, Subpart H.~~
- ab) Effective October 1, 2013~~July 1, 2012~~, for new applicants, if the monthly countable income is above 133%~~percent~~ and at or below 200%~~percent~~ of FPLthe Federal Poverty Level, as determined using the MAGI methodology for a child for the number of individuals in the family, and all other eligibility requirements of this Part are met and enrollment is open, the individual will be enrolled in the Program.
- be) Effective October 1, 2013~~July 1, 2012~~, for new applicants, for purposes of cost sharing, children in the All Kids Health Plan will be enrolled into either All Kids Share or All Kids Premium Level 1 as follows:
 - 1) If monthly countable income is above 133%~~percent~~ and at or below 150%~~percent~~ of FPLthe Federal Poverty Level, as determined using the MAGI methodology for the number of individuals in the family, the individual will be enrolled in All Kids Share.
 - 2) If monthly countable income is above 150%~~percent~~ and at or below 200%~~percent~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~percent~~ of ~~FPL~~ the Federal Poverty Level, as determined using the MAGI methodology for the number of individuals in the family, a child will be enrolled in All Kids Premium Level 1.

- ~~cd)~~ Individuals~~Applicants~~ will be notified by written notice, pursuant to 89 Ill. Adm. Code 102.70, in writing, regarding the outcome of their eligibility determination.
- ~~de)~~ Eligibility determinations for the Program made by the 15th day of the month will be effective the first day of the following month. Eligibility determinations for the Program made after the 15th day of the month will be effective no later than the first day of the second month following that determination. The duration of eligibility for the Program for children will be 12 months unless one of the events described in Section 125.205(c)(1) or (c)(3) occurs. The 12 months of eligibility will commence when the first child in a case~~family~~ is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.
- ~~ef)~~ Individuals determined to be eligible for the All Kids Health Plan may obtain coverage for a period prior to the date of application for the Program. This coverage shall be subject to the following:
- 1) The family must request the prior coverage for the individual within six months following the initial date of coverage under the All Kids Health Plan.
 - 2) The prior coverage will be individual specific and will only be available the first time the individual is enrolled in the Program.
 - 3) The prior coverage will begin with services rendered during the two weeks prior to the date the individual's application for the All Kids Health Plan was filed and will continue until the individual's coverage under the All Kids Health Plan is effective pursuant to subsection (e).

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.245 Appeals

- a) Any person who applies for or receives assistance under the Program shall have

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the right to appeal any of the following actions:

- 1) Refusal to accept an application.
 - 2) Denial of an application or cancellation at the annual renewal, including denial based on failure to meet one or more of the eligibility requirements specified in this Part. If the denial or cancellation is not upheld on appeal, coverage under the Program shall be retroactive to the date the coverage would have commenced had the application or annual determination been approved. However, if the individual is eligible for All Kids Premium Level 1, it will be at the family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date the coverage would have commenced had the application been approved. All premium and copayment requirements shall apply to the retroactive period.
 - 3) Termination of coverage based on failure to continue to meet one or more of the eligibility requirements specified in this Part. If the termination is not upheld on appeal and benefits were not continued during the appeal, coverage under the Program shall be reinstated retroactive to the termination date. However, if an individual is eligible for All Kids Premium Level 1, it will be at the family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date of termination. All premium and copayment requirements shall apply to any retroactive period.
 - 4) Determination of the amount of the premium ~~;~~ ~~Rebate~~, or copayments required. Coverage ~~;~~ ~~Rebate amount~~ and any premium or copayment requirements, as determined by the Department, shall remain in force during the appeal process.
- b) In addition to the actions that are appealable under subsection (a) ~~of this Section~~, individuals covered under the All Kids Health Plan shall have the right to appeal any of the following actions:
- 1) Termination of coverage due to non-payment of the required premium.
 - 2) Denial of payment for a medical service or item that requires prior

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

approval.

- 3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.
- c) The Department's decision to deny an application due to closing of enrollment for the Program shall not be appealable.
- d) Individuals may initiate the appeal process by:
 - 1) Filing a written, signed request for a hearing directed to the Department's Assistance Hearings Section;
 - 2) Calling a toll free telephone number (800/435-0774, or as designated by the Department).
- e) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.
- f) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.
- g) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.
- h) If an appeal is initiated within 10 calendar days after the notice of intended Department action and the individual specifically requests that the benefits be continued, benefits shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process. All copayment obligations, including premiums, must be met during the period.
- i) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104; ~~(Practice in Administrative Hearings);~~ shall govern the handling of appeals and the conduct of hearings under the Program.
- j) An individual can, prior to a decision being rendered on the appeal, reapply for the Program.

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 125.250 Annual Renewals

- a) Eligibility shall be reviewed by the Department, or its authorized agent, at least annually following the process set forth in Sections 11-5.1 through 11-5.3 of the Public Aid Code.
- b) Annual renewals shall be subject to all eligibility requirements set forth in Sections 125.200 and 125.205.
- c) MAGI methodology will be used to determine eligibility effective April 1, 2014, pursuant to 42 CFR 457.315 (2012).

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.260 Adding Children to the Program and Changes in Participation

- a) ~~Eligible Families may add eligible~~ children may be added to the Program during the 12-month eligibility period, without eligibility being reviewed by the Department. Coverage for children added shall be prospective from the effective date determined according to Section 125.240(e) and shall continue for the remainder of the ~~family's~~ original 12-month eligibility period and may also include any prior coverage established pursuant to Section 125.240(f).
- b) Premium amounts under the All Kids Health Plan ~~and Rebates under All Kids Rebate~~ will be adjusted to reflect adding or removing a child from the Program.
- e) ~~A child who would otherwise be terminated from All Kids Rebate because of losing private or employer sponsored health insurance may change coverage to the All Kids Health Plan without eligibility being reviewed by the Department if there is no unpaid Rebate overpayment. Coverage under the All Kids Health Plan shall be prospective from the effective date determined according to Section 125.240(e) and shall continue for the remainder of the existing 12-month eligibility period. However, at the time of the change in coverage, a family may choose to have the All Kids Share or Premium coverage retroactive to the first day of the first month following the last month of coverage under the private or employer sponsored insurance if the family refunds within 30 days after the Department's notice that the child's coverage has been changed to All Kids Health Plan any Rebate payment received for a month in which there was no private or~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~employer based insurance coverage, notwithstanding Section 125.445(c).~~

- d) ~~A child with significant health insurance may choose to change coverage from the All Kids Health Plan to All Kids Rebate without eligibility being reviewed by the Department if the family returns a Rebate form and there are no unpaid premiums owed to the Department. Coverage under All Kids Rebate shall be prospective from the effective date determined according to Section 125.240(e), following receipt by the Department of a completed Rebate Form and shall continue for the remainder of the existing 12-month eligibility period.~~

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

SUBPART C: ALL KIDS HEALTH PLAN

Section 125.320 Premium Requirements

- a) Families with individuals enrolled in All Kids Premium Level 1 pursuant to Section 125.240(c) must pay the premiums established by this Section.
- b) The premium amounts are \$15 for one individual, \$25 for two individuals, \$30 for three individuals, \$35 for four individuals, and \$40 for five or more individuals.
- c) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
- d) The premium due date will be 26 days after the fifth day of the calendar month preceding the month of coverage.
- e) The premium will not change during the eligibility period, unless the family adds or removes individuals from the coverage.
- f) No premiums shall be charged to families with an enrolled individual who is an American Indian or Alaska Native.

(Source: Amended at 38 Ill. Reg. 6006, effective February 26, 2014)

SUBPART D: ALL KIDS REBATE

Section 125.400 Minimum Coverage Requirements (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

~~For an eligible individual to participate in All Kids Rebate, the eligible individual must be covered by an insurance plan that offers comprehensive major medical coverage providing benefits for physician services and hospital inpatient services.~~

(Source: Repealed at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.420 Coverage Verification Process (Repealed)

- ~~a) All applications for participation in All Kids Rebate must be accompanied by the Department's Insurance Rebate Form.~~
- ~~b) Verification of insurance coverage for the previous coverage period will be required at the annual renewal of All Kids Rebate.~~
- ~~c) The Department, or its authorized agent, may verify insurance coverage for participants under All Kids Rebate.~~

(Source: Repealed at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.430 Provision of Policyholder's Social Security Number (Repealed)

~~For an eligible individual to participate in All Kids Rebate, the policyholder's valid Social Security Number must be provided.~~

(Source: Repealed at 38 Ill. Reg. 6006, effective February 26, 2014)

Section 125.440 All Kids Rebate (Repealed)

- ~~a) The Rebate will be paid to the individual policyholder insuring the individual.~~
- ~~b) The Department will issue Rebates on a monthly basis.~~
- ~~c) The total dollar amount of the Rebate paid by the Department per individual per month shall be the lesser of:
 - ~~1) The maximum monthly amount set by the Department calculated in accordance with the restrictions in 215 ILCS 106/25 and available appropriations, or~~~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~The policyholder's monthly portion of the premium paid for coverage of individuals enrolled under All Kids Rebate.~~
- d) ~~The Department shall set the amount of the Rebate, described in subsection (c) of this Section, prospectively.~~
- e) ~~To be eligible for payment, a Rebate must equal at least one dollar.~~

(Source: Repealed at 38 Ill. Reg. 6006, effective February 26, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
160.70	Amend
160.75	Amend
160.89	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 15, 2013; 37 Ill. Reg. 18022
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive technical changes
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments comply with PA 97-926 and 98-563 that allow registration of final administrative orders that have been initiated by the Department. Further, clarifies that if a party is seeking only to register their administrative order without any affirmative action attached, the registering party would not have to serve the other party via personal service and use first class mail. However, if

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

a modification or other affirmative action is attached to the registration, the personal service requirement remains. Also, PA 98-563 gives the Department the authority to provide an obligee a one-time notice to advise that the Department will no longer compute any interest that may have accumulated on his/her case between May 1, 1987 and January 1, 2006 unless the obligee responds within 60 days. If the obligee responds within the 60 days, the Department will do a manual account review and manually add any interest that may have accumulated during the pre-2006 timeframe to the case account. The statute does not allow the obligee to lose the interest, it just means, if the notice is not returned within the 60 day timeframe, the obligee can pursue the interest in court personally.

Additionally, removal of the termination date from the Income Withholding Notice (IWN) will be implemented to comply with federal regulations. If the non-custodial parent falls behind on his/her payments, the termination date would change to beyond the original termination date to collect on past due payments.

The amendments also comply with Public Act 98-318, which provides the Department the authority to intercept gambling winnings from non-custodial parents who are delinquent in paying their child support. It also provides that the gaming establishments have the authority to withhold winnings and transmit those winnings to HFS for disbursement to custodial parents who are owed child support. It also provides administrative procedures ensuring due process and the possibility to contest the action and clarify further what the Department's administrative law judge has the authority to do in the modification of the Department's administrative orders.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support for Intergovernmental Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section

- 160.200 Provision of Services in Intergovernmental IV-D Cases

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011; amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective January 23, 2012; amended at 36 Ill. Reg. 9140, effective June 11, 2012; amended at 37 Ill. Reg. 8017, effective May 28, 2013; amended at 38 Ill. Reg. 4392, effective January 27, 2014; amended at 38 Ill. Reg. 6028, effective February 26, 2014.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) **Income Withholding**
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases, and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

- b) Federal and State Income Tax Refunds and Other Payments
- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due ~~the~~ responsible relatives.
 - 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:
 - i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF, ~~AFDC~~ and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (b)(2)(A)(ii)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.

- B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$25, whichever is less;
 - ii) in inactive IV-D TANF or ~~AFDC~~ and IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of those circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.
- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
- A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for intercept, and that any additional past due support that accumulates will be subject to collection by the Department without further notice;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department; ~~or, after such redetermination,~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) after the redetermination, an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
- D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund that may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by requesting:
- A) a hearing by the Department within 15 days after the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 8) The Department shall notify:
- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the U.S. Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.
- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, ~~thesuch~~ equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion refunds and payments in matters ~~in which~~~~where~~ the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall, as promptly as possible, apply collections it receives as a result of intercept under this subsection (b) as follows:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) federal income tax refunds first to satisfy any IV-D TANF or ~~AFDC~~ or IV-D foster care assigned past-due support, and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution provisions in Subpart F ~~of this Part~~.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
- A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his or her share of a joint tax refund.
- c) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters in which~~wherein~~ the relative has accumulated a past-due support amount equal to a one-month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days after the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.
- 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- d) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2)-~~of this Section~~.
 - 2) Contempt proceedings shall not be used in the following instances:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
- i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated, making ~~such~~ action to obtain support payment unproductive.
- B) other legal or administrative remedies are more appropriate under the circumstances.
- 3) Contempt and other legal proceedings shall be used to:
- A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate;~~;~~
 - ii) levy upon real estate and personal property;~~;~~ or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of past due support through

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

incarceration;

- F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and
 - I) combine any~~obtain any combination~~ of the actions authorized by this subsection (d)(3) above.
- 4) During the course of contempt or other legal proceedings to enforce support, if it ~~appears shall appear~~ that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for responsible~~sueh~~ relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].
- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code ~~[305 ILCS 5/9-6 and Art. IXA]~~.
- e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$3,500; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy or memorandum of judgment in the county where the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure ~~[735 ILCS 5/Art. XII]~~).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure ~~[735 ILCS 5/Art. XII]~~) when the relative has a known equity that is not less than \$3,500 in excess of any statutory exemption.
- f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support
- 1) Liens ~~against real estate~~ Against Real Estate
 - A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
 - i) the amount of past-due support is at least \$3,500; and
 - ii) the responsible relative has an interest in real estate against which a lien may be claimed.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:
- i) the name and address of the responsible relative;
 - ii) a legal description of the real estate to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.
- C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).
- D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.

- 2) Liens ~~Against Personal Property~~against personal property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:
- i) the amount of past-due support is at least \$1,000;
 - ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
 - iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.
- B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or who may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:
- i) the name and address of the responsible relative;
 - ii) a description of the account or personal property to be levied;
 - iii) the amount of past-due support to be satisfied by the levy;
 - iv) the fact that a lien is being claimed for past-due child

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

support owed by the responsible relative;

- v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
 - vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.
- C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:
- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code ~~305 ILCS 5/10-24~~;
 - ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit those assets within five days after being served with a Notice to Surrender Assets by the Department;
 - iii) state that the financial institution may charge the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

responsible relative's account a fee of up to \$50, and that the amount of any fee be deducted from the account before remitting any assets from the account to the Department;

- iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy; and
 - v) include the federal Notice of Right to Garnish Federal Benefits stating that procedures established under 31 CFR 212 for identifying and protecting federal benefits deposited to accounts at financial institutions do not apply to the Notice of Lien or Levy issued by the Department.
- D) The form for the response to Notice of Lien or Levy provided for under subsection (f)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:
- i) the amount of assets in the responsible relative's account;
 - ii) the amount of the fee to be deducted from the account;
 - iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
 - iv) the name and address of any joint owners of the account; and
 - v) the amount of assets surrendered and remitted to the Department.
- E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (f).
- F) The Department shall proceed in accordance with 89 Ill. Adm.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

- G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
 - H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
 - I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).
- g) Security, Bond or Other Guarantee of Payment
- 1) Except as provided in subsections (g)(2) and (3) ~~of this Section~~, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security ~~or~~ bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code ~~[305 ILCS 5/10-17.4]~~.
 - 2) In cases in which the support obligation is established through the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security ~~or~~ bond, or give some other guarantee of payment. Except ~~when~~ where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a ~~request~~ prayer for an order requiring the responsible relative to post security ~~or~~ bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

h) Past-Due Support Information to Consumer Reporting Agencies

- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A) ~~of this Section~~:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies ~~that, which advance notice~~ shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be reported;
 - C) the date past-due support will be reported; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
- A) a request for:
- i) a redetermination~~;~~ or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the:
- i) advance notice~~;~~ or
 - ii) notice of redetermination or hearing results.
- 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to thosesuch agencies.
- i) High-Volume Automated Administrative Enforcement in Interstate Cases
- 1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

a request of another state to enforce support orders, and shall promptly report the results of ~~thesueh~~ enforcement activity to the requesting state.

- 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and shall seize those assets through levy or other appropriate processes.
- 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.
- 5) The Department shall maintain records of:
 - A) The number of requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to a request and the actual amount of support collected.
- j) Past-Due Support Certified to the Illinois Department of Revenue, to ~~Municipalities~~ municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
 - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Illinois Public Aid Code ~~[305 ILCS 5/10-17.9]~~, to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code, ~~[305 ILCS 5/10-17.3]~~) or to another state's IV-D agency for administrative enforcement ~~when~~where the responsible relative has property in the other state.

- 2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) ~~of this Section~~;
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state ~~that, which advance notice~~ shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

a satisfactory repayment plan as determined by the Department.

- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
 - A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state; the following descriptive information on the responsible relative:
 - A) name;
 - B) Social Security Number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by making a written request for a hearing by the Department within 15 days after the date of mailing of the notice.
- 8) A written request for hearing made within 15 days after the date of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) ~~of this Section~~.

- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, ~~that which~~ is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services ~~that, which advance notice~~ shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for:
 - i) a redetermination;~~;~~ or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice;~~;~~ or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to HHS, the U.S. State Department or othersuch agencies.
- l) List of Responsible Relatives
- 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code ~~305 ILCS 5/12-12.1~~ shall be developed as required by this subsection (l).
 - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
 - 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
 - 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C) the earliest date by which past due support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing within 15 days after the date of mailing of the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligations; and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection (1)(7).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- m) Certification to the Illinois Secretary of State for Driver's License Suspension
- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [~~305 ILCS 5/10-17.6~~] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
 - A) the amount of past-due support is at least \$2500, and the responsible relative has not made a voluntary payment of support in the last 90 days; or
 - B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding.
 - 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:
 - A) the IV-D case name and identification number;
 - B) the past due support amount and the amount of interest that will be certified;
 - C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;
 - D) the right of the responsible relative to prevent certification to the Secretary of State for driver's license suspension by payment of the past-due support amount and interest in full or by entering into a payment plan satisfactory to the Department or to contest the amount of past-due support and interest that is owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and
 - E) the right of the responsible relative to prevent certification to the Secretary of State for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant or to contest the determination of the failure

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

to comply with the subpoena or warrant by requesting a hearing by the Department within 15 days after the date of mailing by the Department.

- 3) Factors for an acceptable payment plan will include, but are not limited to:
 - A) the amount of past due support and interest owed;
 - B) the amount of current child support ordered to be paid; and
 - C) the responsible relative's ability to pay.
- 4) The responsible relative's commencement of periodic payments on the past due support amount owed in compliance with a court or administrative order entered prior to the date of the Notice of Intent to Request Suspension of an Illinois driver's license shall be deemed by the Department to be a satisfactory payment plan.
- 5) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support and interest, or failure to comply with a subpoena or warrant, to the Secretary of State.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- 7) Following certification to the Secretary of State for driver's license suspension and upon request of the responsible relative, the Department shall direct the Secretary of State to issue a family financial responsibility driving permit in accordance with Section 10-17.6(b) of the Illinois Public Aid Code ~~[305 ILCS 5/10-17.6(b)]~~ and Section 7-702.1(b) of the Illinois Vehicle Code ~~[625 ILCS 5/7-702.1(b)]~~, when the following circumstances exist requiring the responsible relative to operate a motor vehicle:
 - A) between the responsible relative's residence and place of employment, or within the scope of employment related duties, as verified by the employer in writing; or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) for the purpose of providing transportation for the responsible relative or a household member to receive alcohol treatment, other drug treatment, or medical care as verified in writing by the treatment center or physician that includes the duration of treatment; or
 - C) for the purpose of the unemployed responsible relative seeking employment.
- 8) When directing the issuance of a family financial responsibility driving permit for the purpose of seeking employment under subsection (m)(7)(C) ~~of this Section~~, the Department shall require that:
- A) the permit be limited to Monday through Friday between the hours of 8:00 a.m. and 12:00 p.m. (noon) unless the responsible relative provides written documentation showing that to so limit the hours of the permit would have an adverse effect on the responsible relative's ability to seek employment; and
 - B) the responsible relative provides to the Department a job search diary every 30 days showing contact with no fewer than 10 potential employers during a 30 day period.
- 9) The maximum duration of a family financial responsibility driving permit shall be one year from the date of issuance by the Secretary of State, with the ability of the responsible relative to request issuance of a new permit after the initial permit has expired.
- 10) The Department may direct the issuance of a family financial responsibility driving permit to the responsible relative only if no alternative means of transportation is reasonably available for the purposes stated in this subsection (m).
- 11) The Department shall direct the Secretary of State to cancel the family financial responsibility driving permit in the event the responsible relative violates the conditions of its issuance.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 12) Any responsible relative aggrieved by the Department's determination on a request for issuance of a family financial responsibility driving permit may file a written request for hearing within 15 days after the date of mailing of the results of the determination to the responsible relative. The Department shall proceed in accordance with 89 Ill. Adm. Code 104.106 upon receipt of a request for hearing.

- n) Certifying Past Due Support or Failure to Comply with a Subpoena or Warrant to State Professional, Occupational or Recreational Licensing Agencies
 - 1) The Department shall issue a Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License to a responsible relative when the following circumstances exist:
 - A) the amount of past due support is at least \$1,000, and the responsible relative has not made a voluntary payment of support in the last 90 days; or
 - B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding.

 - 2) The Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past due support amount and the amount of interest that will be certified;
 - C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;
 - D) the right of the responsible relative to prevent certification to the licensing agency by payment of the past due support amount and interest in full or by entering into a payment plan satisfactory to the Department, or to contest the amount of past due support and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

interest owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and

- E) the right of the responsible relative to prevent certification to the licensing agency for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant, or to contest the determination of the failure to comply with the subpoena or warrant by requesting a hearing by the Department within 15 days after the date of mailing by the Department.
- 3) Factors for an acceptable payment plan will include, but are not limited to:
 - A) the amount of past due support and interest owed;
 - B) the amount of current child support ordered to be paid; and
 - C) the responsible relative's ability to pay.
 - 4) The responsible relative's commencement of periodic payments on the past due support amount owed in compliance with a court or administrative order entered prior to the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall be deemed by the Department to be a satisfactory payment plan.
 - 5) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall stay the Department from certifying past due support and interest or failure to comply with a subpoena or warrant to the licensing agency.
 - 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a timely written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- o) Debit Authorization for Obligors Who Are Not Subject to Income Withholding

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.
- 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
- 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
- 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
- 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
- 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.

p) Judicial Registration of Administrative Support Orders

- 1) A final administrative support order established by the Department under Article X of the Public Aid Code may be registered in the appropriate circuit court of this State by the Department or by a party to the order by filing:
 - A) Two copies, including one certified copy, of the administrative order to be registered;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) Any subsequent modification of the administrative support order;
 - C) Any voluntary acknowledgement of paternity of the child covered by the order;
 - D) Documents showing service of the notice of support obligation that commenced the procedure for establishment of the administrative support order as required by Section 10-4 of the Public Aid Code;
 - E) Documentation showing the amount of past due support accrued under the administrative order by a sworn statement by the person requesting registration or a certified copy of the Department payment records; and
 - F) A Notice of Registration containing: the name of the obligor and, if known, the obligor's address and the name of the obligee and the obligee's address unless the obligee alleges in an affidavit or pleading under oath that the health, safety or liberty of the party or child would be jeopardized by the disclosure, in which case the information must be sealed and not disclosed to the other party or public. After a hearing, the court may order the disclosure of information that the court determines to be in the interest of justice.
- 2) Every Notice of Registration must be accompanied by a copy of the registered administrative support order and the relevant information accompanying the order as noted in subsection (p)(1).
 - 3) The filing of the administrative support order constitutes registration with the circuit court.
 - 4) The Department shall certify the administrative support order or payment record by attaching a copy of the Department's certification (HFS 390).
 - 5) The registering party shall serve notice of the registration on the other party by first class mail, unless the administrative support order was entered by default or the registering party is also seeking an affirmative remedy. The registering party shall serve notice on the Department in all cases by first class mail.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) If the administrative support order was entered by default against the obligor, the obligor must be served with the registration by any method provided by law for service of summons.
 - B) If the petition or comparable pleading seeking an affirmative remedy is filed with the registration, the non-moving party must be served with the registration and the affirmative pleading by any method provided by law for service of summons.
- 6) A Notice of Registration of an administrative support order must provide the following information:
- A) That a registered administrative order is enforceable in the same manner as an order for support issued by the circuit court.
 - B) That a hearing to contest enforcement of the registered administrative support order must be requested within 30 days after the date of service of the notice.
 - C) That failure to contest, in a timely manner, the enforcement of the registered administrative support order shall result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.
 - D) The amount of any alleged arrearages.
- 7) A non-registering party seeking to contest enforcement of a registered administrative support order shall request a hearing within 30 days after the date of service of notice of the registration. The non-registering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered administrative support order, or to contest the remedies being sought or the amount of any alleged arrearages.
- 8) If the non-registering party fails to contest the enforcement of the registered administrative support order in a timely manner, the order shall be confirmed by operation of law.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) If a non-registering party requests a hearing to contest the enforcement of the registered administrative support order, the circuit court shall schedule the matter for hearing and give notice to the parties and the Department of the date, time and place of the hearing.
- 10) A party contesting the enforcement of a registered administrative support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
- A) The Department lacked personal jurisdiction over the contesting party.
 - B) The administrative support order was obtained by fraud.
 - C) The administrative support order has been vacated, suspended or modified by a later order.
 - D) The Department has stayed the administrative support order pending appeal.
 - E) There is a defense under the law to the remedy sought.
 - F) Full or partial payment has been made.
- 11) If a party presents evidence establishing a full or partial payment defense, the court may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered administrative support order may be enforced by all remedies available under State law.
- 12) If the contesting party does not establish a defense to the enforcement of the administrative support order, the court shall issue an order confirming the administrative support order. Confirmation of the registered administrative support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. Upon confirmation, the registered administrative support order shall be treated in the same manner as a support order entered by the circuit court, including

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the ability of the court to entertain a petition to modify the administrative support order due to a substantial change in circumstances, or petitions for visitation or custody of the child or children covered by the administrative support order. Nothing in this Section shall be construed to alter the effect of a final administrative support order, or to restrict judicial review of a final order to the provisions of the Administrative Review Law, as provided in Section 10-11 of the Illinois Public Aid Code.

q) Certification to State Gaming Licensee of Past Due Support

- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to State Gaming Licensees (as defined in Section 10-17.15 of the Illinois Public Aid Code). This process will be accomplished via an electronic interface between the Department and the State Gaming Licensee. The Department shall provide signage to the State Gaming Licensee in compliance with the law.
- 2) The Department shall certify past-due support amounts to be withheld to any State Gaming Licensee when the following conditions exist:
 - A) The amount of past due support is at least \$1,200 and the responsible relative has not made a voluntary payment within 90 days prior to the certification;
 - B) As of the date of certification, the Department has not received notice of a pending bankruptcy case involving the responsible relative; and
 - C) The State Gaming Licensee has notified the Department regarding the winnings of a responsible relative owing past-due support.
- 3) The State Gaming Licensee shall withhold from winnings required to be reported to the Internal Revenue Service on Form W2-G, or any subsequent amendment or replacement to that form, for licensees covered under the Riverboat Gambling Act [230 ILCS 10] and the Illinois Horse Racing Act of 1975 [230 ILCS 5], with the additional requirement that the winnings are subject to withholding for federal tax purposes for licensees

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

covered under the Illinois Horse Racing Act of 1975, up to the full amount of winnings necessary to pay the responsible relative's past-due support.

- A) "Winnings" means any cash award that results from a specific wager connected with limited gaming or pari-mutuel wagering for which the licensee is required to file form W2-G, or a substantially equivalent form, with the Internal Revenue Service (IRS). "Winnings" do not apply to the awarding of merchandise, other non-cash items, promotional awards, loyalty program awards or other cash prize awards not associated with a specific wagering event.
- B) For the withholding of winnings, the State Gaming Licensee shall be entitled to an administrative fee not to exceed the lesser of 4% of the total amount of cash winnings paid the responsible relative or \$150.
- C) The past-due child support required to be withheld under this subsection (q)(3)(C), and the administrative fee under subsection (q)(3)(B), would have priority over any secured or unsecured claim or charitable contribution requested on cash winnings, except claims for federal or State taxes that are required to be withheld under federal or State law.
- D) In no event shall the total amount withheld from the winnings, including the administrative fee, exceed the total cash winnings claimed. If the amount claimed is greater than the amount sufficient to satisfy the past-due support amount, the State Gaming Licensee shall pay the responsible relative the remaining balance of the payout, less the administrative fee, at the time it is claimed.
- E) The State Gaming Licensee shall provide information required by the Department regarding the responsible relative whose winnings may be subject to being withheld pursuant to this subsection (q)(3) at the time the winnings are redeemed or to be paid by the State Gaming Licensee. At the time the winnings are withheld, an agent of the Illinois Racing Board shall be responsible for notifying the person identified as being delinquent in child support payments that the Gaming Licensee under the Illinois Horse Racing Act of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1975 is required by law to withhold all or a portion of the winnings. Upon request of a State Gaming Licensee under the Riverboat Gambling Act, an agent of the Illinois Gaming Board shall be responsible for notifying the person identified as being delinquent in child support payments that the Gaming Licensee is required by law to withhold all or a portion of the winnings. These notice requirements may be satisfied by giving the person a copy of the certification the Department submitted to the State Gaming Licensee.

- 4) As part of the Department's annual notice to responsible relatives who owe past-due child support, as provided for in subsection (b)(3), the Department shall include a statement regarding the Department's ability to certify the past-due balance to a State Gaming Licensee. This advance notice shall inform the responsible relative of the following:
- A) The IV-D case name and identification number;
 - B) The past-due support amount that will be submitted for collection; and
 - C) The type of collection remedies available to the Department.
- 5) Immediately upon receipt of the information required by subsection (q)(3)(E), the Department's certification to the State Gaming Licensee shall provide the following information regarding the responsible relative:
- A) Name;
 - B) IV-D identification number;
 - C) The past due support amount to be withheld;
 - D) The amount of the administrative fee that the State Gaming Licensee may retain; and
 - E) The amount, if any, that may be released to the responsible relative.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 6) The State Gaming Licensee shall provide the responsible relative with a receipt of the withheld winnings and shall transfer those funds to the Department via electronic transfer. The Department shall hold the funds until the expiration of the period in which the responsible relative may request a hearing or, if a hearing has been requested, until a final administrative decision is rendered.
 - 7) The responsible relative may contest the certification by the Department to the State Gaming Licensee by a written request for hearing made to the Department within 15 days after the date of the certification.
 - 8) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that subsections (b) and (c) of that Section shall not apply.
 - 9) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
 - 10) The Department shall:
 - A) Apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligations; or
 - B) If the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible, refund to the responsible relative any overpayment, pursuant to the certification for collection, that is still in the possession of the Department.
 - 11) Confidentiality
Information provided to and accessed by the State Gaming Licensee is considered confidential.
- 1p) Other Remedies
~~The~~ Except for those administrative orders providing solely for payment of past due support, the Department shall pursue any other remedies provided for by law

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

to enforce and collect past-due support owed by responsible relatives in IV-D cases.

- (sq) For all other hearings provided for under this Section, if the Department's hearing officer determines that the Quantitative Standard for Review has been met or that the party or parties requesting the hearing has or have demonstrated the occurrence of a substantial change in circumstances since entry of the last administrative order of support warranting modification of that order, the hearing officer will recommend entry of a final administrative decision resulting in entry of a new administrative order for support. In recommending terms of the new administrative order for support, either for current support or, in the event that a current support obligation is no longer owed and only past-due support remains, and therefore, periodic payments toward the past-due support must be ordered, the hearing officer shall calculate the new support terms in accordance with the provisions of Section 160.60(c)(2).

(Source: Amended at 38 Ill. Reg. 6028, effective February 26, 2014)

Section 160.75 Withholding of Income to Secure Payment of Support

- a) Definitions
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15] shall apply in this Section.
- b) Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice
- 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
- A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

becomes delinquent in paying the order for support; and

- B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as required by law; and
 - D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
 - B) state the date of entry of the order for support upon which the income withholding notice is based; and
 - C) direct any payor to withhold the dollar amount required for current support under the order for support; and
 - D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
 - E) state the amount of the payor income withholding fee as provided by law; and
 - F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
 - H) state the rights, remedies, and duties of the obligor, as provided by law; and
 - I) include the Social Security Number of the obligor; and
 - ~~J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and~~
 - ~~JK)~~ contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and
 - ~~KL)~~ direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) ~~of this Section~~, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.
 - 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) ~~of this Section~~, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
 - 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) An income withholding notice prepared by the Department under subsection (d)(1)~~-of this Section~~ shall:
 - A) contain the information required under subsection (b)(2)~~-of this Section~~; and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2)~~-of this Section~~.
- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A)~~-of this Section~~, shall apply only to the initial service of an income withholding notice on a payor of the obligor.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2)-~~of this Section~~ and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A)-~~of this Section~~ no longer ensures payment of support, and the reason or reasons why it does not.
 - 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2)-~~of this Section~~.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B)-~~of this Section~~ (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A)-~~of this Section~~ continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
- 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2) ~~of this Section~~, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
- 3) The Department may serve a notice on the payor to:
- A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
- 4) The notice provided for under subsection (f)(3) ~~of this Section~~ shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) ~~of this Section~~, and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) ~~of this Section~~, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.
 - 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) ~~of this Section~~, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) ~~of this Section~~. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) Notice to Payor
Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:
- 1) that the payor must begin deducting no later than the next payment of income that is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
 - 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

the duty to withhold income) have been paid or credited to the obligor;

- 3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has expired;
- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act (15 USC 1601). Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;
- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
 - 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
 - 11) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) ~~of this Section~~;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) ~~of this Section~~, as applicable;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties
In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

representatives, may request that the court:

- 1) enter judgment against the payor, or an officer or employee of the payor, as provided by law, and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
- 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.

l) Intergovernmental Income Withholding

Within the timeframes specified in subsections (c)(1) and (d)(1) ~~of this Section~~, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another jurisdiction.

m) Use of National Medical Support Notice to Enforce Health Insurance Coverage

- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
- 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
- 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

clerk of the circuit court.

- 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.
- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.
- 7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.
- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.

- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

- n) Refund of Improperly Withheld Amounts
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 38 Ill. Reg. 6028, effective February 26, 2014)

Section 160.89 Interest

- a) The Department shall calculate interest on child support judgments, including judgments arising by operation of law from child support orders, by applying one-twelfth of the current statutory interest rate as provided in Section 2-1303 of the Code of Civil Procedure [\[735 ILCS 5\]](#) to the unpaid child support balance as of the end of each calendar month. The unpaid child support balance at the end of the month is the total amount of child support ordered, excluding the child support that was due for that month to the extent that it was not paid in that month and including judgments for retroactive child support, less all payments received and applied as set forth in this Section.
- b) The accrued interest shall not be included in the unpaid child support balance when calculating interest at the end of the month.
- c) The unpaid child support balance as of the end of each month shall be determined by calculating the current monthly child support obligation and applying all payments received for that month, except federal income tax refund intercepts, first to the current monthly child support obligation and then applying any payments in excess of the current monthly child support obligation to the unpaid

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

child support balance owed from previous months. The current monthly child support obligation shall be determined from the document that established the support obligation.

- d) Federal income tax refund intercepts and any payments in excess of the current monthly child support obligation shall be applied to the unpaid child support balance. Any payments in excess of the current monthly child support obligation and the unpaid child support balance shall be applied to the accrued interest on the unpaid child support balance. Interest on child support obligations may be collected by any means available under federal and State laws, rules, and regulations providing for the collection of child support.
- e) The provisions of this Section shall also apply to calculation of interest on maintenance and unallocated maintenance and child support judgments arising by operation of law from maintenance and unallocated maintenance and child support orders.
- f) The Department shall provide the obligee a one-time written notice advising the obligee that he or she must notify the Department in writing within 60 days after the date of the notice that he or she wishes to have the Department compute any interest that accrues on a specific docket in his or her case between May 1, 1987 and December 31, 2005. The notice shall further explain that, if the obligee fails to notify the Department within the 60 day period:
 - 1) the Department shall have no further duty to enforce and collect interest accrued on support obligations established under the Illinois Public Aid Code or any other law that are owed to the obligee prior to January 1, 2006; and
 - 2) any interest due on that docket prior to January 1, 2006 may be pursued by the obligee through a court action but not through the Department's IV-D division.

(Source: Amended at 38 Ill. Reg. 6028, effective February 26, 2014)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Proceedings Pursuant to Specific Rules or Statutory Provisions
- 2) Code Citation: 35 Ill. Adm. Code 106
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
106.1100	New
106.1105	New
106.1110	New
106.1115	New
106.1120	New
106.1125	New
106.1130	New
106.1135	New
106.1140	New
106.1145	New
106.1150	New
106.1155	New
106.1160	New
106.1165	New
106.1170	New
106.1175	New
106.1180	New
- 4) Statutory Authority: Implementing Section 13 of the Environmental Protection Act [415 ILCS 5/13] and authorized by Sections 26 and 28 of the Environmental Protection Act [415 ILCS 5/26, 28]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking including all material incorporated by reference, is on file in the 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 the Illinois Register: July 26, 2013 37 Ill. Reg. 11843.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

106.1115(a)(4) – Changed to "A proposed representative important species list and supporting data and information.".

106.1115(b) – Changed to "Within 30 days after the early screening information is submitted under subsection (a), the petitioner shall consult with the Agency to discuss the petitioner's early screening information.".

106.1120(a) – Changed "for the Agency's approval" to "to the Agency".

| 106.1120(f) – Changed to "Within 90 days after petitioner's submittal of its detailed plan of study, the Agency shall respond in writing, either approving the detailed plan of study and representative important species, or recommending necessary revisions."

| 106.1120(g) – Changed to "After receiving the Agency's response pursuant to subsection (f), or after 90 days have passed with no Agency response, the petitioner may proceed with the plan of study with or without making the Agency's recommended revisions. The petitioner shall complete the plan of study prior to filing the petition for an alternative thermal effluent limitation with the Board."

106.1125 – Changed "one copy upon the Agency" to "one copy on the Agency and one copy on the Illinois Department of Natural Resources".

106.1130(c)-(f) – Changed to

"d) The detailed plan of study submitted to the Agency pursuant to Section 106.112(a), and the Agency's written response pursuant to Section 106.1120(f);

e) The results of the studies conducted pursuant to the detailed plan of study submitted under Section 106.1120, including, but not limited to:

1) background on the proposed thermal standards;

2) information on data collection program and methodologies;

3) summaries of physical, chemical, biological, and technical data supporting

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the demonstration, along with a discussion of the data; and

- 4) criteria or methodology used to assess whether a balanced indigenous community of shellfish, fish, and wildlife will be maintained in the receiving waters and the protection of threatened and endangered species; and

- f) Any additional information or studies, including information or guidance published by USEPA, that the petitioner judges to be appropriate to support the alternative thermal effluent limitation demonstration; and

- g) A statement of the requested relief, including:

- 1) the alternative thermal effluent limitation;
2) any relief from the mixing zone regulations in 35 Ill. Adm. Code 302.102, if applicable; and
3) any other relief sought."

106.1135(b) – Before "and the location of the facility.", added "a general description of the petitioner's activity that is the subject of the alternative thermal effluent limitation proceeding." and changed "mailed to" to "filed with".

106.1140 – After "publication" added "with the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601".

106.1145 – Changed the text of the Section to:

- "a) Unless otherwise ordered by the hearing officer or the Board, the Agency must file with the Board a recommendation within 45 days after the filing of a petition or amended petition for an alternative thermal effluent limitation, or where a hearing has been scheduled, at least 30 days before hearing, whichever is earlier.

- b) The recommendation must state the following:

- 1) whether the Board should grant the petitioner's requested alternative thermal effluent limitation;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) the rationale for the Agency's position;
 - 3) whether the plan of study sufficiently addresses the Agency's response pursuant to Section 106.1120(f) of this Part;
 - 4) whether the petition has met the requirements of this Part;
 - 5) any information which the Agency believes is relevant to the Board's consideration of the proposed alternative thermal effluent limitation; and
 - 6) whether the Agency communicated with or received comments from the Illinois Department of Natural Resources, the United States Fish and Wildlife Service, or the United States Environmental Protection Agency and the content of those communications.
- c) The petitioner, any party to the proceeding, or any interested person may file a response to the Agency recommendation within 21 days after the Agency files its recommendation."

106.1155(a) – After "petitioner" added ", or the Board in its discretion determines that a hearing would be advisable.".

106.1170 – After subsection (a) add a new subsection (b):

- "b) In granting an alternative thermal effluent limitation, the Board may impose such conditions as may be necessary to accomplish the purposes of the Act."

And relabel existing subsection (b) as (c).

Finally, the Board made nonsubstantive grammatical and punctuation changes in addition to several suggested by JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The amendments adopt a new Subpart K of Part 106 of the Illinois Pollution Control Board (Board) procedural rules. Specifically, the amendments provide procedural rules for establishing alternative thermal effluent limitations under Section 316(a) of the Clean Water Act and 35 Ill. Adm. Code 304.141. A complete description of the amendments can be found in the Board's R13-20 opinion and order dated February 20, 2014.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

312/814-6931
daniel.robertson@illinois.gov

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, R13-20, in your request. The Board's opinions and orders are also available from the Board's website (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106

PROCEEDINGS PURSUANT TO SPECIFIC RULES OR STATUTORY PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
106.100 Applicability
106.102 Severability
106.104 Definitions

SUBPART B: HEATED EFFLUENT, ARTIFICIAL COOLING LAKE,
AND SULFUR DIOXIDE DEMONSTRATIONS

Section
106.200 General
106.202 Petition Requirements
106.204 Additional Petition Requirements in Sulfur Dioxide Demonstrations
106.206 Notice
106.208 Recommendation and Response
106.210 Burden of Proof

SUBPART C: WATER WELL SETBACK EXCEPTION PROCEDURES

Section
106.300 General
106.302 Initiation of Proceeding
106.304 Petition Content Requirements
106.306 Response and Reply
106.308 Hearing
106.310 Burden of Proof

SUBPART D: REVOCATION AND REOPENING OF CLEAN AIR ACT
PERMIT PROGRAM (CAAPP) PERMITS

Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 106.400 General
- 106.402 Definitions
- 106.404 Initiation of Proceedings
- 106.406 Petition Content Requirements
- 106.408 Response and Reply
- 106.410 Hearing
- 106.412 Burden of Proof
- 106.414 Opinion and Order
- 106.416 USEPA Review of Proposed Determination

SUBPART E: MAXIMUM ACHIEVABLE CONTROL
TECHNOLOGY DETERMINATIONS

- Section
- 106.500 General
- 106.502 Definitions
- 106.504 Initiation of Proceedings
- 106.506 Petition Content Requirements
- 106.508 Response and Reply
- 106.510 Hearing
- 106.512 Burden of Proof
- 106.514 Board Action

SUBPART F: CULPABILITY DETERMINATIONS FOR PARTICULATE MATTER
LESS THAN OR EQUAL TO 10 MICRONS (PM-10)

- Section
- 106.600 General
- 106.602 Initiation of Proceedings
- 106.604 Petition Content Requirements
- 106.606 Response and Reply
- 106.608 Hearing
- 106.610 Burden of Proof

SUBPART G: INVOLUNTARY TERMINATION OF ENVIRONMENTAL
MANAGEMENT SYSTEM AGREEMENTS (EMSAs)

- Section
- 106.700 Purpose

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

106.702	Applicability
106.704	Termination Under Section 52.3-4(b) or (b-5) of the Act
106.706	Who May Initiate, Parties
106.707	Notice, Statement of Deficiency, Answer
106.708	Service
106.710	Notice of Hearing
106.712	Deficient Performance
106.714	Board Decision
106.716	Burden of Proof
106.718	Motions, Responses
106.720	Intervention
106.722	Continuances
106.724	Discovery, Admissions
106.726	Subpoenas
106.728	Settlement Procedure
106.730	Authority of Hearing Officer, Board Members, and Board Assistants
106.732	Order and Conduct of Hearing
106.734	Evidentiary Matters
106.736	Post-Hearing Procedures
106.738	Motion After Entry of Final Order
106.740	Relief from Final Orders

SUBPART H: AUTHORIZATIONS UNDER THE REGULATION
OF PHOSPHORUS IN DETERGENTS ACT

Section	
106.800	General
106.802	Definitions
106.804	Initiation of Proceeding
106.806	Petition Content Requirements
106.808	Response and Reply
106.810	Hearing
106.812	Burden of Proof

SUBPART I: AUTHORIZATIONS FOR CERTAIN LANDSCAPE WASTE AND
COMPOST APPLICATIONS AND ON-FARM COMPOSTING FACILITIES

Section	
106.900	General
106.902	Initiation of Proceeding

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

106.904	Petition Content Requirements
106.906	Petition Notice Requirements
106.908	Proof of Petition Notice Requirements
106.910	Response and Reply
106.912	Hearing
106.914	Burden of Proof

SUBPART J: TEMPORARY LANDFILL BAN WAIVERS UNDER
THE ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT

Section	
106.1000	General
106.1002	Definitions
106.1004	Initiation of Proceeding
106.1006	Petition Content Requirements
106.1008	Response and Reply
106.1010	Burden of Proof
106.1012	Board Decision

SUBPART K: ALTERNATIVE THERMAL EFFLUENT LIMITATIONS PURSUANT TO
SECTION 316(a) OF THE CLEAN WATER ACT AND 35 ILL. ADM. CODE 304.141(c)

<u>Section</u>	
<u>106.1100</u>	<u>Purpose</u>
<u>106.1105</u>	<u>General</u>
<u>106.1110</u>	<u>Definitions</u>
<u>106.1115</u>	<u>Early Screening</u>
<u>106.1120</u>	<u>Detailed Plan of Study</u>
<u>106.1125</u>	<u>Initiation of Proceeding</u>
<u>106.1130</u>	<u>Contents of Petition</u>
<u>106.1135</u>	<u>Petition Notice Requirements</u>
<u>106.1140</u>	<u>Proof of Petition Notice Requirements</u>
<u>106.1145</u>	<u>Recommendation and Response</u>
<u>106.1150</u>	<u>Request for Public Hearing</u>
<u>106.1155</u>	<u>Notice and Conduct of Hearing</u>
<u>106.1160</u>	<u>Burden of Proof</u>
<u>106.1165</u>	<u>Evidentiary Matters</u>
<u>106.1170</u>	<u>Opinion and Order</u>
<u>106.1175</u>	<u>Post-Hearing Procedures</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

106.1180 Renewal of Alternative Thermal Effluent Limitations

106.APPENDIX A Comparison of Former and Current Rules (Repealed)

AUTHORITY: Implementing and authorized by Sections 5, 14.2(c), 21(q), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3 of the Environmental Protection Act (the Act) [415 ILCS 5/5, 14.2(c), 21(q), 22.4, 26, 27, 28, 28.1, 28.5, 35, 36, 37, 38, 39.5 and 52.3], Section 5 of the Regulation of Phosphorus in Detergents Act [415 ILCS 92/5] and Section 95 of the Electronic Products Recycling and Reuse Act [415 ILCS 150/95].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended in R93-30 at 18 Ill. Reg. 11579, effective July 11, 1994; amended in R99-9 at 23 Ill. Reg. 2697, effective February 16, 1999; old Part repealed, new Part adopted in R00-20 at 25 Ill. Reg. 550, effective January 1, 2001; amended in R04-24 at 29 Ill. Reg. 8817, effective June 8, 2005; amended in R10-19 at 34 Ill. Reg. 11486, effective July 23, 2010; amended in R12-21 at 36 Ill. Reg. 9236, effective June 7, 2012; amended in R12-11 at 36 Ill. Reg. 16581, effective November 5, 2012; amended in R13-20 at 38 Ill. Reg. 6086, effective February 26, 2014.

SUBPART K: ALTERNATIVE THERMAL EFFLUENT LIMITATIONS PURSUANT TO SECTION 316(a) OF THE CLEAN WATER ACT AND 35 ILL. ADM. CODE 304.141(c)

Section 106.1100 Purpose

This Subpart describes the factors, criteria, and standards for the establishment of alternative thermal effluent limitations under 35 Ill. Adm. Code 304.141(c) and section 316(a) of the Clean Water Act (33 USC 1251) in permits issued under 35 Ill. Adm. Code 309.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1105 General

- a) Description. This Subpart applies to any point source that discharges pollutants to waters of the United States who seeks to demonstrate, pursuant to 35 Ill. Adm.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Code 304.141(c) and section 316(a) of the Clean Water Act, that any effluent limit proposed for the control of a thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made.

- b) Parties. The person making the demonstration must be named the petitioner. The Agency must be named as a respondent. Any interested person may become a participant in the alternative thermal effluent limitation demonstration proceeding in accordance with 35 Ill. Adm. Code 101.110 and 101.628.
- c) Filing and Service. The filing and service requirements of 35 Ill. Adm. Code 101.Subpart C apply to the proceedings of this Subpart.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1110 Definitions

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5], and 35 Ill. Adm. Code 301, apply to this Subpart. For the purpose of this Subpart:

"Alternative thermal effluent limitations" means all effluent limitations or standards of performance for the control of the thermal component of any discharge that are established under 35 Ill. Adm. Code 304.141(c), Section 316(a) of the CWA and this Subpart.

"CWA" means the Federal Water Pollution Control Act, as amended (33 USC 1251 et seq., Public Law 92-500 enacted by Congress October 18, 1972, as amended by the Clean Water Act, Public Law 95-217, enacted December 12, 1977, as amended).

"Representative important species" means species that are representative, in terms of their biological needs, of a balanced, indigenous community of shellfish, fish, and wildlife in the body of water into which a discharge of heat is made.

"Balanced, indigenous community" is synonymous with the term "balanced, indigenous population" in the CWA and means a biotic community typically characterized by diversity, the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species, and a lack of domination by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

pollution tolerant species. Such a community may include historically non-native species introduced in connection with a program of wildlife management and species whose presence or abundance results from substantial, irreversible environmental modifications. Normally, however, such a community will not include species whose presence or abundance is attributable to the introduction of pollutants that will be eliminated by compliance by all sources with section 301(b)(2) of the CWA; and may not include species whose presence or abundance is attributable to alternative thermal effluent limitations imposed pursuant to this Subpart or through regulatory relief from otherwise applicable thermal limitations or standards granted by the Board.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1115 Early Screening

- a) Prior to filing a petition for an alternative thermal effluent limitation, the petitioner must submit the following early screening information to the Agency:
- 1) A description of the alternative thermal effluent limitation requested;
 - 2) A general description of the method by which the discharger proposes to demonstrate that the otherwise applicable thermal discharge effluent limitations are more stringent than necessary;
 - 3) A general description of the type of data, studies, experiments and other information that the discharger intends to submit for the demonstration; and
 - 4) A proposed representative important species list and supporting data and information.
- b) Within 30 days after the early screening information is submitted under subsection (a), the petitioner shall consult with the Agency to discuss the petitioner's early screening information.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1120 Detailed Plan of Study

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Within 60 days after the early screening information is submitted pursuant to Section 106.1115, the petitioner shall submit to the Agency a detailed plan of study that the petitioner will undertake to support its alternative thermal effluent limitation demonstration.
- b) The petitioner shall specify the nature and extent of the following types of information to be included in the plan of study:
- 1) biological, hydrographical, and meteorological data;
 - 2) physical monitoring data;
 - 3) engineering or diffusion models;
 - 4) laboratory studies;
 - 5) representative important species; and
 - 6) other relevant information.
- c) In selecting representative important species, special consideration shall be given to species mentioned in applicable water quality standards.
- d) The petitioner shall provide any additional information or studies that the Agency subsequently determines necessary to support the alternative thermal effluent limitation demonstration, including such field or other studies as may be necessary to select representative important species.
- e) In making the alternative thermal effluent limitation demonstration, the petitioner shall consider any information or guidance published by USEPA to assist in making such demonstrations.
- f) Within 90 days after petitioner's submittal of its detailed plan of study, the Agency shall respond in writing, either approving the detailed plan of study and representative important species or recommending necessary revisions.
- g) After receiving the Agency's response pursuant to subsection (f), or after 90 days have passed with no Agency response, the petitioner may proceed with the plan of study with or without making the Agency's recommended revisions. The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

petitioner shall complete the plan of study prior to filing the petition for an alternative thermal effluent limitation with the Board.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1125 Initiation of Proceeding

After completion of the plan of study pursuant to Section 106.1120, the petitioner may file a petition for an alternative thermal effluent limitation with the Clerk of the Board and must serve one copy on the Agency and one copy on the Illinois Department of Natural Resources.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1130 Contents of Petition

A petition for an alternative thermal effluent limitation must include the following:

- a) Information providing a general plant description, including, as applicable:
 - 1) Generating capacity;
 - 2) Type of fuel used;
 - 3) Operating characteristics of the condenser cooling system;
 - 4) History of the load factor of the plant for the last 5 years;
 - 5) Projected load factors of the plant for the next 5 years;
 - 6) Estimated date of retirement for each unit at the plant and any plans for additional units at the plant;
 - 7) History of plant shutdowns for the last 5 years;
 - 8) Planned and emergency shutdowns with frequency and duration for the last 5 years; and
 - 9) Planned and projected shutdowns with frequency and duration for the next five years;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Description of Method for Heat Dissipation:
- 1) Type of system used (such as once-through, mechanical, and draft cooling towers) in narrative form; and
 - 2) Summary information on temperature of discharge to receiving waters in narrative form;
- c) A summary of compliance or non-compliance with thermal requirements at the facility in the past five years;
- d) The detailed plan of study submitted to the Agency pursuant to Section 106.112(a) and the Agency's written response pursuant to Section 106.1120(f);
- e) The results of the studies conducted pursuant to the detailed plan of study submitted under Section 106.1120, including, but not limited to:
- 1) background on the proposed thermal standards;
 - 2) information on data collection program and methodologies;
 - 3) summaries of physical, chemical, biological and technical data supporting the demonstration, along with a discussion of the data; and
 - 4) criteria or methodology used to assess whether a balanced indigenous community of shellfish, fish and wildlife will be maintained in the receiving waters and the protection of threatened and endangered species;
- f) Any additional information or studies, including information or guidance published by USEPA, that the petitioner judges to be appropriate to support the alternative thermal effluent limitation demonstration; and
- g) A statement of the requested relief, including:
- 1) the alternative thermal effluent limitation;
 - 2) any relief from the mixing zone regulations in 35 Ill. Adm. Code 302.102, if applicable; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) any other relief sought.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1135 Petition Notice Requirements

- a) Within 14 days after the filing of the petition, the petitioner must publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the county where the facility is located.
- b) The notice must contain the name and address of the petitioner and it must state that the petitioner has filed with the Board a petition for an alternative thermal effluent limitation. The notice must also provide the date on which the petition was filed, the Board docket number, the regulatory standard (with appropriate Administrative Code citation) from which the alternative thermal effluent limitation is sought, the proposed alternative thermal effluent limitation, a general description of the petitioner's activity that is the subject of the alternative thermal effluent limitation proceeding, and the location of the facility. The concluding portion of the notice must read as follows:

"Any person may cause a public hearing to be held in the above-described proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the proceeding, as found in this notice, and must be filed with the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601."

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1140 Proof of Petition Notice Requirements

Within 30 days after the filing of the petition, the petitioner must file a certificate of publication with the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601. This certification must be issued by the newspaper that published the notice and must certify when the notice was published and the information the notice contained.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1145 Recommendation and Response

- a) Unless otherwise ordered by the hearing officer or the Board, the Agency must file with the Board a recommendation within 45 days after the filing of a petition or amended petition for an alternative thermal effluent limitation, or when a hearing has been scheduled, at least 30 days before hearing, whichever is earlier.
- b) The recommendation must state the following:
- 1) whether the Board should grant the petitioner's requested alternative thermal effluent limitation;
 - 2) the rationale for the Agency's position;
 - 3) whether the plan of study sufficiently addresses the Agency's response pursuant to Section 106.1120(f) of this Part;
 - 4) whether the petition has met the requirements of this Part;
 - 5) any information the Agency believes is relevant to the Board's consideration of the proposed alternative thermal effluent limitation; and
 - 6) whether the Agency communicated with or received comments from the Illinois Department of Natural Resources, the United States Fish and Wildlife Service, or USEPA and the content of those communications.
- c) The petitioner, any party to the proceeding, or any interested person may file a response to the Agency recommendation within 21 days after the Agency files its recommendation.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1150 Request for Public Hearing

Any person can request that a public hearing be held in a proceeding under this Subpart. The requests must be filed with the Clerk of the Board no later than 21 days after the date of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

publication of the petition notice in accordance with Section 106.1135. Requests for hearing should make reference to the Board docket number assigned to the proceeding.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1155 Notice and Conduct of Hearing

- a) The Board shall hold a public hearing on the petition and alternative thermal effluent limitation demonstration when one is requested in accordance with Section 106.1150, when requested by the petitioner, or if the Board, in its discretion, determines that a hearing would be advisable.
- b) The hearing officer will schedule the hearing to be held in the county likely to be affected by the petitioner's activity.
- c) The Clerk will give notice of the hearing in accordance with 35 Ill. Adm. Code 101. The proceedings will be conducted in accordance with 35 Ill. Adm. Code 101.Subpart F.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1160 Burden of Proof

- a) The burden of proof is on the petitioner.
- b) The petitioner must demonstrate to the satisfaction of the Board that the otherwise applicable effluent limitations under Chapter I of Subtitle C are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made.
- c) The demonstration must show that the alternative thermal effluent limitation desired by the petitioner, considering the cumulative impact of its thermal discharge, together with all other significant impacts on the species affected, will assure the protection and propagation of a balanced indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) Existing dischargers may base their demonstration upon the absence of prior appreciable harm in lieu of predictive studies.
- 1) When the petitioner bases the alternative thermal effluent limitation demonstration upon the absence of prior appreciable harm, the demonstration must show:
- A) That no appreciable harm has resulted from the normal component of the discharge, taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources on a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge has been made; or
- B) That despite the occurrence of such previous harm, the desired alternative thermal effluent limitation (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous community of shellfish, fish, and wildlife in and on the body of water into which the discharge is made.
- 2) In determining whether prior appreciable harm has occurred, the Board shall consider the length of time during which the petitioner has been discharging and the nature of the discharge.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1165 Evidentiary Matters

- a) The provisions of 35 Ill. Adm. Code 101 regarding admissible evidence, written narrative testimony, official notice, viewing premises, admitting business records, examining adverse parties or agents and hostile witnesses and compelling them to appear at hearing, and amendment and variance of pleadings and proof will apply to proceedings under this Subpart.
- b) In determining whether the protection and propagation of the affected species will be assured, the Board may consider any information contained or referenced in any applicable thermal water quality criteria and thermal water quality information published by the USEPA under section 304(a) of the CWA, or any other information the Board deems relevant.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1170 Opinion and Order

- a) After an opportunity for a public hearing and upon a satisfactory alternative thermal effluent limitation demonstration, the Board may order the Agency to include thermal discharge effluent limitations or standards in the petitioner's NPDES permit that are less stringent than those required by applicable standards and limitations if the thermal component of the discharge, taking into account the interaction of such thermal component with other pollutants, will assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water.
- b) In granting an alternative thermal effluent limitation, the Board may impose such conditions as may be necessary to accomplish the purposes of the Act.
- c) If the petitioner intends for the alternative thermal effluent limitation granted by the Board pursuant to this Subpart to continue beyond the expiration of the petitioner's NPDES permit, the petitioner must apply for renewal of the alternative thermal effluent limitation pursuant to Section 106.1180.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1175 Post-Hearing Procedures

- a) The provisions of 35 Ill. Adm. Code 101 regarding default, transcripts, the record, motions, briefs, and oral arguments apply to proceedings under this Subpart.
- b) In addition to the provisions of 35 Ill. Adm. Code 101.520 and 101.902, if USEPA objects pursuant to 40 CFR 123.44 to issuance in the petitioner's NPDES permit of the alternative thermal effluent limitation ordered by the Board, the Agency is given leave to file a motion for reconsideration of the Board's order granting the effluent limitation pursuant to 35 Ill. Adm. Code 101.520 within 35 days after the Agency's receipt of USEPA's objection.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

Section 106.1180 Renewal of Alternative Thermal Effluent Limitations

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) The permittee may request continuation of an alternative thermal effluent limitation granted by the Board, pursuant to this Subpart, as part of its NPDES permit renewal application.
- b) Any application for renewal should include sufficient information for the Agency to compare the nature of the permittee's thermal discharge and the balanced, indigenous population of shellfish, fish, and wildlife at the time the Board granted the alternative thermal effluent limitation and the current nature of the petitioner's thermal discharge and the balanced, indigenous population of shellfish, fish, and wildlife. The permittee should be prepared to support this comparison with documentation based upon the discharger's actual operation experience during the previous permit term.
- c) If the permittee demonstrates that the nature of the thermal discharge has not changed and the alternative thermal effluent limitation granted by the Board has not caused appreciable harm to a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, the Agency may include the alternative thermal effluent limitation in the permittee's renewed NPDES permit.
- d) If the nature of the thermal discharge has changed materially or the alternative thermal effluent limitation granted by the Board has caused appreciable harm to a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is made, the Agency may not include the thermal relief granted by the Board in the permittee's renewed NPDES permit. The permittee must file a new petition and make the required demonstration pursuant to this Subpart before the alternative thermal effluent limitation may be included in the permittee's renewed NPDES permit.

(Source: Added at 38 Ill. Reg. 6086, effective February 26, 2014)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: 304.141 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 13 of the Environmental Protection Act [415 ILCS 5/13] and authorized by Sections 26 and 28 of the Environmental Protection Act [415 ILCS 5/26, 28]
- 5) Effective Date of Rule: February 26, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The text of the adopted rule 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.
- 10) Notice of Proposal published in the *Illinois Register*: July 26, 2013; 37 Ill. Reg. 11861
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Board made certain changes responsive to concerns raised by public commenters, as detailed in the Board's January 23, 2014 opinion and order.

304.141 – In subsection (c), Changed "the Agency Administrator and the Board have" to "the Board has" and changed the footnote following subsection (c) to a Board Note following subsection (b).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The amendments adopt a new Subpart K of Part 106 of the Illinois Pollution Control Board (Board) procedural rules. Specifically, the amendments provide procedural rules for establishing alternative thermal effluent limitations under Section 316(a) of the Clean Water Act and 35 Ill. Adm. Code 304.141. A complete description of the amendments can be found in the Board's R13-20 opinion and order dated February 20, 2014.
- 16) Information and questions regarding this adopted rule shall be directed to:

Daniel Robertson
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100 W. Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6931
daniel.robertson@illinois.gov

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 R13-20 in your request. The Board's opinions and orders are also available from the Board's website: www.ipcb.state.il.us.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	PDV Midwest Refining, L.L.C. Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC
304.224	Effluent Disinfection

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

304.APPENDIX A References to Previous Rules

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

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 23 Ill. Reg. 687, effective December 31, 1998; amended in R02-19 at 26 Ill. Reg. 16948, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 194, effective December 20, 2002; amended in R04-26 at 30 Ill. Reg. 2365, effective February 2, 2006; amended in R08-9B at 36 Ill. Reg. 2586, effective February 2, 2012; amended in R13-20 at 38 Ill. Reg. 6107, effective February 26, 2014.

SUBPART A: GENERAL EFFLUENT STANDARDS

Section 304.141 NPDES Effluent Standards

- a) No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit.
- b) No person may discharge any pollutant subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated pursuant to the CWA or the Act, unless limitation for such a pollutant has been set forth in an

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

applicable NPDES Permit. However, the Agency may, by permit condition, provide that the permittee may discharge pollutants present in its water supply intake sources in concentrations not greater than the concentrations in the intake sources, or which are added in trace amounts by normal domestic water usage.⁺

BOARD NOTE: Section 304.141(b) was declared invalid in Peabody Coal Co. v. PCB, 3 Ill. App. 3d 5 (5th District, 1976) and declared valid in U.S. Steel v. PCB, 52 Ill. App. 3d 1 (2d District, 1977).

- c) The standards of this Chapter shall apply to thermal discharges unless, after public notice and opportunity for public hearing, in accordance with section~~Section~~ 316 of the CWA, ~~and~~ applicable federal regulations, and procedures in 35 Ill. Adm. Code 106.Subpart K, ~~the Administrator~~ and the Board has~~have~~ determined that different standards shall apply to a particular thermal discharge.

⁺~~Section 304.141(b) was declared invalid in Peabody Coal Co. v. PCB, 3 Ill. App. 3d 5 (5th District, 1976) and declared valid in U.S. Steel v. PCB, 52 Ill. App. 3d 1 (2d District, 1977).~~

(Source: Amended at 38 Ill. Reg. 6107, effective February 26, 2014)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Number: 502.30 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: March 1, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 19523 – December 6, 2013
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes. 37 Ill. Reg. 19740; December 6, 2013.
- 14) Are there any other proposed rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This proposed rulemaking increases license fees to \$25 annually for the following categories: groom, hot walker, assistant trainer, veterinarian's assistant, exercise person, pony person, foreman and vendor helper. In addition, persons who perform professional services, such as members of the clergy, doctors, EMTs, dentists, social workers, substance abuse counselors, race track employees such as valets, assistant starters, charters, jockey room masseurs, kitchen help

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

and jockey room custodians shall also pay a licensing fee of \$25 when applying for a license.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, ~~AND LOTTERY~~, AND VIDEO GAMING

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART D: OWNERS

Section
502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section
502.200 Trainers and Assistant Trainers
502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

502.650	Tack Shop Operators and Other Vendors
502.660	Vendor Helper
502.680	Thoroughbred Grooms
502.690	Harness Grooms
502.700	Hotwalker
502.790	Totalizator Employee
502.795	Business Agents

SUBPART I: CONFLICTS OF INTEREST

Section	
502.800	General Provisions
502.820	Dual Licensing
502.830	Limitations on License
502.840	Husbands and Wives
502.850	Transfer of a Horse

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

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective June 1, 1998; amended at 28 Ill. Reg. 11244, effective August 1, 2004; amended at 29 Ill. Reg. 10248, effective August 1, 2005; amended at 32 Ill. Reg. 7391, effective May 1, 2008; amended at 33 Ill. Reg. 6696, effective May 1, 2009; emergency amendment at 37 Ill. Reg. 19740, effective November 20, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 6113, effective March 1, 2014.

SUBPART A: PROCEDURE

Section 502.30 License Fees

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- a) Applications for the following annual occupation licenses shall be accompanied by a non-refundable fee of \$25, according to the following schedule: 1) \$25 owner, trainer, owner/trainer, owner/trainer/driver, driver, jockey, apprentice jockey, jockey agent, veterinarian, farrier, apprentice farrier, authorized agent, vendor, partnership, ~~starter, steward~~-totalizator employee, racing official, intertrack employee, ~~and~~ business agent, assistant trainer, veterinarian's assistant, animal health technician, exercise person, pony person, foreman, vendor helper, hot walker and groom.;
- 2) ~~\$15—assistant trainer and veterinarian's assistant;~~
- 3) ~~\$10—exercise person, pony person, foreman and vendor helper;~~
- 4) ~~\$5—hot walker and groom.~~
- b) The following individuals shall submit the license application with a non-refundable fee of \$25, together with any other information (~~when~~where applicable, listed in Subpart B or C) required by the Board, including but not limited to fingerprint cards, the required fee for fingerprint cards and certification of licensure, ~~but shall not be assessed a license fee:~~
- 1) persons who perform professional services, such as members of the clergy, doctors, EMTs, dentists, social workers, and substance abuse counselors.
 - 2) race track employees such as valets, assistant starters, charters, jockey room masseurs, kitchen help and jockey room custodians.

(Source: Amended at 38 Ill. Reg. 6113, effective March 1, 2014)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1070.40	Amend
1070.120	Amend
- 4) Statutory Authority: 625 ILCS 5/6-201 (a) 15; 625 ILCS 5/7-316.1 (b-5); 625 ILCS 5/7-214
- 5) Effective Date of Rule: February 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notices of Proposed published in the *Illinois Register*: 37 Ill. Reg. 17344, November 8, 2013
- 10) Has JCAR issued a Statement of Objections to this rulemaking? If answer is "yes," please complete the following: No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The change in 92 Ill. Adm. Code 1070.120 is needed in order to be consistent with Public Act 98-178 that is effective on January 1, 2014. The new law amends 625 ILCS 5/6-201(a)15 and 625 ILCS 5/7-316.1(b-5) to require that the driver's license be cancelled in 60 days after an individual submits an

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

affidavit for out-of-state residency. This allows our office to waive the proof of financial responsibility requirement in Illinois when the individual has moved out of state. They will now be subject to the requirements in their new home state when they apply for a driver's license there.

The second part of PA 98-178 deals with 625 ILCS 5/7-214 that is also effective on January 1, 2014. 92 Ill. Adm. Code 1070.40 needs to be amended to be consistent with the new law. This allows our office to transfer balances to the General Revenue Fund of \$5 or less of security deposit refunds under the Safety Responsibility Law as opposed to issuing a state voucher refund for \$5 or less.

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

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law
1070.120	Nonresidents and Former Residents; When Proof Not Required

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008; amended at 35 Ill. Reg. 1790, effective January 13, 2011; amended at 36 Ill. Reg. 5575, effective March 26, 2012; amended at 37 Ill. Reg. 3319, effective February 28, 2013; amended at 38 Ill. Reg. 6119, effective February 27, 2014.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 1070.40 Disposition of Security

- a) For purposes of this Section, the following definitions shall apply:

"Claim" – a demand for something rightfully or allegedly due.

"Claimant" – person or persons making claim.

"Default" – failure to make a payment when due.

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Discharged in Bankruptcy" – a legal order for release from a debt or debts.

"Installment Agreement" – agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety and Family Financial Responsibility Law.

"Judgment Creditor" – person who is owed money due to a court judgment in his/her favor.

"Proper Notice" – notice provided by, but not limited to any of the following: Petition in Bankruptcy; Notice of Meeting of Creditors; Schedule A-3 of Schedule of Creditors; Trustee Report of No Assets; Discharge of Bankruptcy; Notice of Automatic Stay; Chapter 13 Wage Earner Plan.

"Release" – to give up or surrender a claim.

"Security" – deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety and Family Financial Responsibility Law.

- b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.

- c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.
- d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the [claimant\(s\)](#). The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.
- e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-214].
- f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety and Family Financial Responsibility Law.
- g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Secretary of State's Department of Administrative Hearings.
- h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.
- i) A security deposit shall be refunded if no legal action has been taken within 2 years after the date of the suspension and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

knowledge, he/she has not been or is not being sued. To verify this, the Department shall send the interested party a letter and give him/her 2 weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within 2 years from the date of the suspension, the security shall not be refunded to the depositor.

- j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a certified full or partial satisfaction of judgment.
- k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500 or more.
- l) A surety bond shall be terminated if no legal action has been taken within 2 years after the date of a suspension, if the Department receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her 2 weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within 2 years from the date of the suspension, the surety bond shall not be terminated.
- m) If a judgment creditor wishes to obtain a payment from a surety bond to satisfy a judgment, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within 14 days ~~after~~ the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500 or more.

- n) *If, after releasing security to a judgment debtor or claimant, the balance of the security posted with the Secretary is \$5 or less, the balance shall be transferred to the General Revenue Fund. The Secretary will compile a list of all security amounts of \$5 or less annually in July and will certify that amount to the State Comptroller. As soon as possible after receiving the certification, the State Comptroller shall order transferred, and the State Treasurer shall transfer, the amount certified to the General Revenue Fund. [625 ILCS 5/7-214]*

(Source: Amended at 38 Ill. Reg. 6119, effective February 27, 2014)

Section 1070.120 Nonresidents and Former Residents; When Proof Not Required

- a) Any nonresident or former Illinois resident who has met all requirements for reinstatement of his/~~er~~ her driving or registration privileges except for filing proof of financial responsibility, resides outside of Illinois, and has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he or she presents to the Secretary of State an affidavit of out-of-state residency.
- b) Any nonresident or former Illinois resident whose driver's license was revoked and who has met all requirements for applying for driving privileges except for filing proof of financial responsibility under IVC Chapter 7, resides outside of Illinois, and has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he/~~er~~ she presents to the Secretary of State an affidavit of out-of-state residency.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- c) If a nonresident or former Illinois resident released from the requirement of showing proof of financial responsibility in Illinois under subsection (a) or subsection (b) moves or returns to Illinois within 3 years after the date of release, ~~he/-or~~ she must present to the Secretary of State proof of insurance coverage during the period in which the person resided outside of Illinois. This proof may be a copy of the individual's insurance card, copy of the insurance declaration page or a letter from the insurance company indicating insurance coverage. Any person who fails to present the required proof may not be issued a driver's license until ~~he/-or~~ she presents proof of financial responsibility that is satisfactory under IVC Chapter 7. The proof of financial responsibility required under this subsection (c) must be shown or maintained for the period of time required under IVC Chapter 7.
- d) The affidavit of out-of-state residency must include the following:
- 1) The name and new address of the former Illinois resident. The new address must be in a state other than Illinois.
 - 2) The date of birth, the last four digits of the social security number and signature of the individual.
 - 3) A statement affirming that the individual is no longer a resident of the State of Illinois and a request that the requirement to file proof of financial responsibility in Illinois, as outlined in IVC Section 7-316.1, be waived.
- e) *Any nonresident or former Illinois resident who has submitted satisfactory documentation to the Secretary of State to be released of showing proof of financial responsibility in this State shall have his or her Illinois license cancelled 60 days after acceptance of the affidavit of out-of-state residency, as provided in IVC Section 6-201(a)15. [625 ILCS 5/7-316.1(b-5)]*

(Source: Amended at 38 Ill. Reg. 6119, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1.20	Amend
1.30	Amend
1.60	Amend
1.77	Amend
1.88	Amend
1.100	Amend
1.110	Amend
1.210	Amend
1.280	Amend
1.285	Amend
1.310	Amend
1.320	Amend
1.330	Amend
1.410	Amend
1.420	Amend
1.470	Amend
1.515	Amend
1.520	New
1.530	Amend
1.610	Amend
1.630	Amend
1.760	Amend
1.762	Amend
1.770	Amend
1.780	Amend
1.781	Amend
1.782	Amend
1.783	Amend
1.790	Amend
1.Appendix D	Amend
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: February 27, 2014

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Sections 1.30(a)(1) and (b), 1.420(s) and Appendix D.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: October 4, 2013; 37 Ill. Reg. 15635
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The School Code citation in the title of Section 1.210 was corrected in both the table of contents and the body of the rules.

A more specific web address for a school district's checking recognition status was added in Section 1.20(b).

The address for the American Educational Research Association was modified in Section 1.30(a)(1).

Throughout the rulemaking, references to the "No Child Left Behind Act" and its various section numbers were changed to the "Elementary and Secondary Education Act" citations.

In Sections 1.88(a)(1) and (a)(2), a provision regarding the reasons for a student's not to be receiving services was clarified.

Other nonsubstantive technical changes were made in Sections 1.100(c)(10), 1.320(a), 1.470(b)(2), 1.530(b), 1.630(b)(2) and (c), 1.760(a) and (h), and 1.781(b).

- 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 rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? Yes

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.705	Amendment	38 Ill. Reg. 1; January 3, 2014
1.710	Amendment	38 Ill. Reg. 1; January 3, 2014
1.720	Amendment	38 Ill. Reg. 1; January 3, 2014
1.730	Amendment	38 Ill. Reg. 1; January 3, 2014
1.735	Amendment	38 Ill. Reg. 1; January 3, 2014
1.736	Amendment	38 Ill. Reg. 1; January 3, 2014
1.737	Amendment	38 Ill. Reg. 1; January 3, 2014
1.745	Amendment	38 Ill. Reg. 1; January 3, 2014
1.755	Amendment	38 Ill. Reg. 1; January 3, 2014
1.APPENDIX A	Amendment	38 Ill. Reg. 1; January 3, 2014

- 15) Summary and Purpose of Rulemaking: **Science Standards.** Illinois is realigning the state's educational system around college and career readiness. To this end, the adoption of the Next Generation Science Standards (NGSS) provides standards for kindergarten and grades 1 through 12 that are aligned to the Common Core State Standards for mathematics and English language arts that are already incorporated as part of the Illinois Learning Standards (ILS). NGSS are based on the assumption that learning expectations will adequately prepare students for college or a career after high school. NGSS also include information regarding their application for English language learners and students with disabilities.

Enhanced Physical Education Standards. PA 97-1102, effective August 27, 2012, established the Illinois Enhanced Physical Education Task Force, which, among its charges, was to update the ILS for Physical Development and Health "based on research in neuroscience that impacts the relationship between physical activity and learning". As a result and based on the task force's recommendation, two new standards and revisions to several others have been made. In proposing the revisions, the task force relied on existing research in neuroscience and national standards for health education. The standards represent a beginning for districts to recalibrate their physical education programs to increase the amount of time that students spend in moderate and vigorous activity and change the focus from "athletics to physical fitness", so that physical education and activity can benefit students at all fitness levels.

Other Proposed Modifications. PA 97-1025, effective January 1, 2013, amended Section 2-3.25g of the School Code relative to requirements for school districts' requesting a waiver from agency rules to enter into a contract to provide driver's education through a commercial driving school. The law also added additional requirements concerning the notices that districts must post regarding public hearings

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

held to take testimony about any type of waiver request. References to both these new requirements have been made in Section 1.100 of the rules.

Section 1.320 has been amended to acknowledge that school districts that are implementing performance evaluation plans for teachers and principals must execute a signed assurance – and make that assurance available upon request to the State Board – indicating whether the evaluation system aligns to the state model for teacher or principal evaluations, as applicable, or a locally determined evaluation system that aligns to the requirements of Article 24A of the School Code or 23 Ill. Adm. Code 50, the agency's rules for the evaluation of educator licensed employees. This change results from discussions with the U.S. Department of Education concerning the agency's review and monitoring of performance evaluation plans, as part of the state's request for a waiver.

New Section 1.520 clarifies existing requirements related to the provision of instruction for hospitalized and homebound general education students and the receipt of personnel reimbursement under Section 14-13.01 of the School Code for these services. These requirements have been stated in 23 Ill. Adm. Code 226 (Special Education), and while they applied to both students with disabilities, as well as to general education students, their placement in rules governing special education generated confusion for or were overlooked by school districts that were providing home or hospital services for general education students. Section 1.520 differs from the requirements in Part 226 in that districts will be able to use an individual holding only a substitute teaching license to deliver instruction for general education students, provided that that person is under the supervision of a licensed teacher. In these situations, however, districts may not claim reimbursement for substitute teachers, as they are not considered to be fully "licensed" for the position.

The remaining changes are primarily technical in nature, in that they address modifications necessitated by the agency's new licensure system and other outdated provisions.

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

Jeff Aranowski, Division Supervisor
Division of Public School Recognition
Illinois State Board of Education
100 West Randolph Street, Suite 14-300
Chicago IL 60601

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

312/814-2220

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator ~~Licensure Information~~Certification System (ELIS)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency ~~under~~Under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process ~~under~~Under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators~~Certified Staff in Contractual Continued Service~~
- 1.330 Toxic~~Hazardous~~ Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

Section

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: STAFF ~~LICENSURE~~~~CERTIFICATION~~ REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for ~~School Support~~~~Pupil~~ Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for ~~Administrators~~~~Adminstrators~~ of Bilingual Education Programs
- 1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1.APPENDIX B Certification Quick Reference Chart (Repealed)
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part or Section 22-60 of the School Code and Section 1.110 of this Part.
 - 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent.
 - 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.
 - 3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

necessary to ascertain the degree to which the districts' schools comply with operational requirements.

- b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall ~~assign~~prepare a ~~certificate of~~ recognition status for each school and for each district as a whole, ~~which will be posted on the Illinois State Board of Education's website at <http://www.isbe.net/recognition/default.htm> and shall transmit these certificates to all districts.~~ In each case, the recognition status assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".
- 1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.
 - 2) A school or district shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
 - B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.
 - 3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.
- c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. Any change in status that may occur during the subsequent school year will be posted in accordance with subsection (b) of this Section no later than 30 days after the change in status is determined.
- d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f) of this Section.
- 1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.
- 2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;
 - 2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a district's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)
- 1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.

- 2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.
- j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

- a) Development and Participation
 - 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013)(1999), published by the American Educational Research Association, 1430 K~~1230-17th~~ St., N.W., Suite 1200, Washington, D.C. ~~2000520036~~. (No later amendments to or editions of these standards are incorporated.)
 - 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.
 - 3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.

- 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).*
 - A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code, students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.
 - B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.
- 5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students' IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.
 - b) Assessment Procedures
 - 1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

- 2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
 - 3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.
 - 4) Districts shall administer the Prairie State Achievement Examination (PSAE) or the Illinois Alternate Assessment (IAA), if applicable under subsection (d) of this Section, to students in grade 11. (See Section 2-3.64 of the School Code.) For the purpose of this subsection (b)(4), "grade 11" means the point in time when a student has earned the number of credits necessary for enrollment in grade 11, as determined by his or her school district in accordance with Sections 1.420(b) and 1.440 of this Part. A district shall not promote a student to grade 12 status until that student has taken either the PSAE or IAA, as applicable.
- c) **Accommodations**
Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.
- d) **Illinois Alternate Assessment**
Students with the most significant ~~intellectual~~intellectual~~cognitive~~ disabilities whose IEPs identify the regular State assessment as inappropriate for them even with

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.

- e) **Review and Verification of Information**
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.
- 1) Within 10 days after the preliminary data for the Illinois Standards Achievement Test (ISAT) and the IAA are made available and within five days after preliminary data for the PSAE are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:
 - A) that both its demographic and preliminary data are correct; or
 - B) that it is requesting rescoring of some or all portions of the assessment for specific students.
 - 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.
 - 3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) **Reports of State Assessment Results**
- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.
 - B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
- 2) Each report shall include, as applicable to the receiving entity:
- A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).
- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
- h) **Classification of Scores**
Each score achieved by a student on a regular or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".

- 1) Each score achieved by a student on a regular State assessment (i.e., the ISAT or the PSAE) shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
- 2) Each score achieved by a student on the IAA shall be classified as "entry", "foundational", "satisfactory", or "mastery". Among these scores, those identified as "satisfactory" or "mastery" shall be considered as demonstrating proficiency.
 - i) **Scores Relevant to Adequate Yearly Progress**
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.60 Subgroups of Students; Inclusion of Relevant Scores

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.
- 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
 - 2) For school years through 2009-10, racial/ethnic groups:
 - A) White,
 - B) Black,
 - C) Hispanic,
 - D) American Indian or Alaskan Native,
 - E) Asian/Pacific Islander,
 - F) Multiracial/ethnic;
 - 3) For school year 2010-11 and beyond, racial/ethnic groups:
 - A) Hispanic or Latino of any race,
 - B) For students who are not Hispanic or Latino:
 - i) American Indian or Alaska Native,
 - ii) Asian,
 - iii) Black or African American,
 - iv) Native Hawaiian or Other Pacific Islander,
 - v) White,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- vi) Two or more races;
 - 4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
 - 5) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.
- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any ~~such~~ student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.
 - 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.
- 1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)
 - 2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.
 - 3) A district may apply to the State Superintendent of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of ~~thesesueh~~ students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:
 - A) families of students with the most significant ~~intellectualeognitive~~ disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with the most significant

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

intellectualeognitive disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or

- C) other circumstances exist such that the overrepresentation of students with the most significant intellectualeognitive disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:
- A) scores of students who belong to the fewest subgroups;
 - B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;
 - D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
- 5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.

- d) Targets for scores demonstrating proficiency
- 1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:
 - A) For 2003-04, 40 percent;
 - B) For 2004-05 and for 2005-06, 47.5 percent;
 - C) For 2006-07, 55 percent;
 - D) For 2007-08, 62.5 percent;
 - E) For 2008-09, 70 percent;
 - F) For 2009-10, 77.5 percent;
 - G) For 2010-11, 85 percent;
 - H) For 2011-12 and for 2012-13, 92.5 percent;
 - I) For 2013-14, 100 percent.
 - 2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- e) "Safe Harbor"
A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.77 Educator ~~Licensure Information Certification~~ System ~~(ELIS)~~

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency ~~under Under~~ Title III

This Section implements section ~~68423122~~ of the ~~Elementary and Secondary Education Act (ESEA) No Child Left Behind Act of 2001 (NCLB)~~ (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section ~~68233113(b)(5)~~ of ~~ESEANCLB~~ (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in ~~ESEANCLB~~ section ~~68423122~~.

- a) The three distinct AMAOs address progress, proficiency, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency assessment prescribed by the State Board of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).

- 1) "Progress" relates to the percentage of a school district's or cooperative's students who are making progress in learning English. An individual student is determined to have made progress in English when his or her composite English proficiency level, which is derived from his or her score on a given administration of the English language proficiency assessment, increased in comparison to the previous composite English proficiency level achieved by at least .5 of a proficiency level or, in the second administration of the English language proficiency assessment, the student achieved the maximum composite English proficiency level attainable on the assessment. (Also see subsection (a)(1)(E) of this Section.) The composite English proficiency levels of students tested but whose parents have withdrawn them from not being served in bilingual education programs in accordance with 23 Ill. Adm. Code 228.40(a)(2) (Students' Participation; Records) shall not be counted for this purpose.
 - A) For the purpose of this subsection (a), "composite English proficiency level" means the level associated with the overall scale score achieved on the English language proficiency assessment. The overall scale score is calculated using individual scores achieved in each of the four domains of listening, speaking, reading and writing, with greater value being placed on literacy development (i.e., reading and writing scores are weighted).
 - B) The Illinois annual progress target shall be 54.4 percent of students showing progress for school year 2010-11, which shall increase to 69.6 percent by school year 2015-16.
 - C) The percentage of a district's or cooperative's students who show progress shall increase by a minimum of 3 percent each year.
 - D) The provisions of this subsection (a)(1) shall apply provided that the number of students enrolled during the time in which the State-

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.

- E) A student's composite English proficiency level shall be counted for this purpose only if he or she has participated in at least two consecutive administrations of the State-prescribed English language proficiency assessment, except as provided in [this subsection \(a\)\(1\)\(E\)](#) ~~subsections (a)(1)(D)(i) and (ii) of this Section.~~
- i) For a student who previously was enrolled in an Illinois school district and who re-enrolled in an Illinois school district during the current school year, the level of attainment for making progress shall be determined as prescribed in subsection (a)(1) of this Section using the student's current composite English proficiency level on the State-prescribed English language proficiency assessment compared to the student's most recent, previous composite English proficiency level achieved when he or she was enrolled in an Illinois district.
 - ii) For a student enrolled in an Illinois school district and who, for any reason other than not having been enrolled in an Illinois school district at the time of testing, does not have composite English proficiency levels from two consecutive administrations of the State-prescribed English language proficiency assessment, the level of attainment for making progress shall be calculated by multiplying the number of years between the two most recent administrations of the State-prescribed English language proficiency assessment in which the student has participated by .5. For example, a student who took the test in school year 2010-11 and school year 2008-09 must increase his or her composite English proficiency level by 1.0 of a proficiency level in order to be considered as making progress (.5 of a proficiency level x 2 years = 1.0 of a proficiency level).
- 2) "Proficiency" relates to the percentage of students who attained the scores identified by the State Board of Education ~~(ISBE)~~ as demonstrating

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

English language proficiency and eligibility to exit an English learner program~~bilingual education~~. The scores of students tested but whose parents have withdrawn them from~~not being served in~~ bilingual education programs in accordance with 23 Ill. Adm. Code 228.40(a)(2) (Students' Participation; Records) shall not be counted for this purpose.

- A) The Illinois annual proficiency target shall be six percent of students attaining English proficiency for school year 2009-10, with the target increasing to 15 percent by school year 2015-16.
 - B) The percentage of the district's or cooperative's students attaining proficiency shall increase by 1 or 2 percent each year. The State Superintendent shall inform districts and cooperatives annually of the percentage to be used.
 - C) The provisions of this subsection (a)(2) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.
- 3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when the number of students served is treated as a subgroup under Section 1.60(a) of this Part.
- b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
 - c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

year. When a district changes cooperative membership, the scores of its students from the most recently completed school year will be used to determine whether the new cooperative has met progress under subsection (a)(1) of this Section. The determination for a cooperative shall also apply to each of its member districts.

- d) Section ~~6842(b)3122(b)~~ of ~~ESEANCLB~~ requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.
- e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section ~~6842(b)(4)3122(b)(4)~~ of ~~ESEANCLB~~:
- 1) require the entity to modify its curriculum, program, and method of instruction; or
 - 2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.
- f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:
- 1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], *a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education*, or, ~~as authorized under Sections 13A-5 and 13A-10 of the School Code [105 ILCS 5/13A-5 and 13A-10] with respect to regional safe schools programs~~, the governing board of an Intermediate Service Center ~~operating such a program~~ may petition for:
 - 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates, which may be requested only to stimulate innovation or improve student performance.
- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.
 - 1) Waivers from State Board rules or School Code mandates pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)] are not permitted.
 - A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement ESEA ~~the No Child Left Behind Act of 2001 (Public Law 107-110)~~ shall include all requirements for:
 - i) the entities to be held accountable for the achievement of their students;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ii) the participation of students in the various forms of the State assessment;
- iii) the timing of administration of the State assessment;
- iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;
- v) the use of indicators other than test scores in determining the progress of students;
- vi) the required qualifications of paraprofessionals;
- vii) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
- viii) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
- ix) the appointment of school or district improvement panels for schools or school districts on academic watch status;
- x) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and
- xi) the appeals process set forth in Section 1.95 of this Part, and the authority of the State Board of Education to make final determinations on [thesesueh](#) appeals.

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- B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code [105 ILCS 5/Art. 24A], are not permitted and on September 1, 2014, any previously authorized waiver or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

modification from such requirements shall terminate (Section 2-3.25g(b) of the School Code) after the applicable implementation date specified in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5].

- 2) Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested.
- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
 - 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.
 - 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
 - 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.
 - 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:
 - A) the intent of the rule or mandate to be achieved;
 - B) the manner in which the applicant will meet that intent;
 - C) how the manner proposed by the applicant will be more effective,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

efficient or economical; and

- D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
- 6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
- 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.
- 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.
- 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

superintendent.

10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.

- d) Each applicant must attach to the application a dated copy of the notice of the public hearing that was published in a newspaper of general circulation, ~~and~~ a dated copy of the written notifications about the public hearing provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, and a dated copy of the notice of the public hearing posted on the applicant's website, each of which must comply with the requirements of Section 2-3.25g of the School Code.
- e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
- 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application's return as ineligible for consideration.
 - 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.
 - 3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) of this Section shall be ineligible for

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

consideration and shall be returned to the applicant with an explanation as to the deficiencies.

- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
- 1) is not based upon sound educational practices;
 - 2) endangers the health or safety of students or staff;
 - 3) compromises equal opportunities for learning; or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers ~~Division Unit~~, 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- j) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3) of this Section.
- k) The State Superintendent of Education shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

waivers or modifications submitted by school districts located within their regions.

- l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.110 Appeal Process ~~under~~ Section 22-60 of the School Code

Section 22-60 of the School Code [105 ILCS 5/22-60] authorizes regional superintendents of schools to grant exemptions from certain mandates contained in the School Code [105 ILCS 5] or in administrative rules of the State Board of Education. Any decision of the regional superintendent regarding a school district's or private school's request for an exemption may be appealed to the State Superintendent by the school district, the private school or a resident of the district. For the purposes of this Section, references to "regional superintendent" shall be understood to include the intermediate service centers established in that portion of Cook County located outside of the City of Chicago.

- a) A school district, private school or resident wishing to appeal the decision of the regional superintendent to deny or approve an exemption request may do so by sending a written appeal on or before April 15 by certified mail to the Illinois State Board of Education, ~~Public School Recognition~~~~Governmental Relations~~ Division, 100 ~~West Randolph~~~~North First~~ Street, ~~Suite 14-300S-404~~, ~~Chicago~~~~Springfield~~, Illinois ~~60601~~~~62777~~ or by email to mandateappeal@isbe.net. The written appeal shall include:

- 1) the date the regional office of education acted on the exemption request;
- 2) a copy of the original request that includes the citation of the rule or School Code section involved;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) a copy of the regional superintendent's decision to grant or deny the request;
 - 4) a narrative explanation of the petitioner's objections to the regional superintendent's decision (not to exceed two pages), along with any documentation that directly supports the argument being made; and
 - 5) the name, address, telephone number and contact person of the school district or private school submitting the appeal, or the name, address and telephone number of the resident submitting the appeal.
- b) The State Superintendent of Education shall provide written notice of the date, time, and location of the hearing to consider the appeal to the petitioner not less than 10 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. Copies of the notice of hearing also shall be provided to the school district's regional superintendent of schools and, in the case of a resident's appeal, to the school district superintendent or private school administrator. Any hearing shall be held no later than May 15 of each year.
 - c) A petitioner may present oral testimony at the hearing, not to exceed 30 minutes. Any responses to the petitioner's testimony made by the school district, private school or regional superintendent of schools also shall be limited to no more than 30 minutes.
 - d) The State Superintendent of Education shall consider the net costs associated with the implementation of the mandate and other evidence of its financial impact presented by the school district or private school to determine if implementation or operation is cost-prohibitive. For purposes of this Section, "cost-prohibitive" means that the financial burden of implementing or operating the mandate is greater than the benefits to be received.
 - e) The State Superintendent shall inform the petitioner of his or her decision at the conclusion of the hearing. (See Section 22-60(b) of the School Code.) A written summary of the decision, including reasons for accepting or denying the appeal, shall be provided to each affected party no later than 10 calendar days after the hearing.
 - f) A school district, private school or regional superintendent of schools shall provide to a resident of the district, upon the resident's request, a copy of the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

original exemption request or a copy of the decision regarding the exemption request, along with the reason for the denial or approval, no later than 10 calendar days after the request has been made.

- g) City of Chicago School District 299 or a private school located in the City of Chicago shall submit any request for an exemption from a statutory or regulatory mandate to the Division ~~Supervisor Administrator~~ of the ~~Public School Recognition Educator and School Development~~ Division, 100 ~~West Randolph North First~~ Street, ~~Suite 14-300E-310~~, ~~Chicago Springfield~~, Illinois ~~6060162777~~, within the timelines and in the format specified in Section 22-60 of the School Code.
- 1) The division ~~supervisor administrator~~ shall schedule a public hearing to take testimony from the district and interested residents about the request.
 - 2) A committee comprised of representatives from each department of the State Board of Education with a responsibility for the statutory or regulatory mandate shall review the request and the testimony provided at the public hearing. The committee shall recommend to the division ~~supervisor administrator~~ whether the request should be granted, and the division ~~supervisor administrator~~ shall send written notification of his or her decision to the district or private school on or before March 15, along with reasons why the exemption was granted or denied.
 - 3) A public hearing conducted under this subsection (g) shall comply with the Open Meetings Act [5 ILCS 120].
 - 4) The process for a school district, private school or resident to appeal a decision made pursuant to subsection (g)(2) of this Section shall be as provided in this Section.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

SUBPART B: SCHOOL GOVERNANCE

Section 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Entities that offer professional development activities, such as training organizations, institutions, regional offices of education, firms, professional associations, teachers' unions, and universities and colleges, may apply to the State Board of Education for approval to conduct leadership training activities for members of Illinois boards of education in each of the topics specified in Section 10-16a of the School Code [105 ILCS 5/10-16a].

- a) Except as provided in subsection (b) of this Section, each entity wishing to receive approval to offer the leadership training required under Section 10-16a of the School Code shall submit an application on a form supplied by the State Board of Education. An entity shall submit the application to the State Board of Education any time between March 1 and May 1 of each even-numbered year. Any application received after May 1 shall not be considered for that approval cycle. Each entity shall provide:
 - 1) a description of the intended offerings in each of the required areas;
 - 2) the qualifications and experience of the entity and of each presenter to be assigned to provide the leadership training, which shall include evidence of a presenter's specific skills and knowledge in the area or areas in which he or she will be assigned;
 - 3) the mode of delivery of the professional development (e.g., in-person instruction, distance-learning); and
 - 4) assurances that the requirements of subsection (c) of this Section will be met.
- b) An organization that has one or more affiliates (e.g., regional offices, local chapters) based in Illinois may apply for approval on their behalf.
 - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.
 - 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be removed from the list of approved providers.
 - 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Section.
- c) Each entity approved to provide leadership training under this Section shall:
- 1) verify attendance at its training activities, provide to participants a written confirmation of their completion of the training, and require participants to complete an evaluation of the training; and
 - 2) maintain attendance and evaluation records for each event or activity it conducts or sponsors for a period of not less than five years.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education, in consultation with the Illinois Association of School Boards (IASB), shall respond to each application for approval no later than 30 days after receiving it.
- f) An entity shall be approved to offer leadership training if the entity's application presents evidence that:
- 1) the leadership training that it sponsors or conducts will be developed and presented by persons with education and experience in the applicable areas to which they will be assigned; and
 - 2) the proposed training meets the requirements of Section 10-16a of the School Code.
- g) The State Board of Education shall post on its website at www.isbe.net the list of all approved providers. The website also shall indicate that the IASB is authorized under Section 10-16a(c) of the School Code to provide leadership training.
- h) Approval as a provider shall be valid for two calendar years (i.e., January 1 through December 31). To request renewal of approval, a provider shall submit a

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

renewal application on a form supplied by the State Board of Education, within the timeframe specified in subsection (a) of this Section, and containing:

- 1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred;
 - 2) evidence that the material to be used in the renewal cycle conforms to current statute, rules and procedures of the State Board of Education; and
 - 3) copies of the evaluations of the training that participants completed during the last approval period.
- i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h) of this Section, provided that the State Superintendent has received no evidence of noncompliance with the requirements of this Section.
- j) The State Board of Education may evaluate an approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of leadership training, which the State Board may, at its discretion, monitor at any time. In the event an evaluation indicates that the requirements have not been met, the State Board of Education, in consultation with IASB, may withdraw approval of the provider.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5/24-24] provides for teachers, other ~~licensed~~~~certificated~~ educational employees (except for individuals holding an educator license with stipulations endorsed for paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code [105 ILCS 5/10-20.14 and 24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.
- c) Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285 of this Part. If isolated time out or physical restraint is to be permitted, the policy shall include:
- 1) the circumstances under which isolated time out or physical restraint will be applied;
 - 2) a written procedure to be followed by staff in cases of isolated time out or physical restraint;
 - 3) designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 of this Part when isolated time out or physical restraint is used;
 - 4) the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;
 - 5) a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4) of this Part; and
 - 6) a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
 - A) the number of incidents involving the use of these interventions,
 - B) the location and duration of each incident,
 - C) identification of the staff members who were involved,
 - D) any injuries or property damage that occurred, and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) the timeliness of parental notification and administrative review.
- d) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require ~~such~~ intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code [105 ILCS 5/14-8.05(c)].

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint

Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

- a) "Isolated time out" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.
- 1) Any enclosure used for isolated time out shall:
 - A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;
 - B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

offer the student being isolated sufficient leverage for climbing);
and

- C) be designed to permit continuous visual monitoring of and communication with the student.
- 2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.
- 3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.
- 4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.
- b) "Physical restraint" means holding a student or otherwise restricting his or her movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").
- c) The requirements set forth in subsections (d) through (h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
- 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
- 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) The use of physical restraint shall be subject to the following requirements.
- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
 - A) *the student poses a physical risk to himself, herself, or others,*
 - B) *there is no medical contraindication to its use, and*
 - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (h)(2) of this Section.*
 - 2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
 - 3) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.
 - 4) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
 - 5) Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.
 - 6) In determining whether a student who is being physically restrained should be removed from the area where ~~the such~~ restraint was initiated, the supervising ~~adult~~adult(s) shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 7) If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that ~~this~~ freedom appears likely to result in harm to the student or others.
- e) Time Limits
- 1) A student shall not be kept in isolated time out ~~for longer than is therapeutically necessary, which shall not be~~ for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.
- 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.
- f) Documentation and Evaluation
- 1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each ~~of these records~~ ~~such record~~. Each ~~such~~ record shall include:
- A) the student's name;
- B) the date of the incident;
- C) the beginning and ending times of the incident;
- D) a description of any relevant events leading up to the incident;
- E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;
- F) a description of the incident and/or student behavior that resulted

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

in isolated time out or physical restraint;

- G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint ~~techniques~~ technique(s) used and any other interaction between the student and staff;
 - H) a description of any injuries (whether to students, staff, or others) or property damage;
 - I) a description of any planned approach to dealing with the student's behavior in the future;
 - J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;
 - K) the date on which parental notification took place as required by subsection (g) of this Section.
- 2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
 - 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.
 - 4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
 - A) A ~~licensed educator~~ certified staff person knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
 - B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).

- C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.
- 5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the ~~procedures~~procedure(s) used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.
- A) The district or other entity serving the student shall invite the student's ~~parents~~parent(s) or ~~guardians~~guardian(s) to participate in this review and shall provide ten days' notice of its date, time, and location.
- B) The notification shall inform the ~~parents~~parent(s) or ~~guardians~~guardian(s) that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.
- g) Notification to Parents
- 1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
- 2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of the incident to the student's ~~parents~~parent(s), unless the parent has provided the district or other entity with a written waiver of this requirement for notification. ~~The~~~~Such~~ notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.

h) Requirements for Training

1) Isolated Time Out

Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

2) Physical Restraint

A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received ~~such~~ training within the preceding two years, as indicated by written evidence of participation.

B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:

i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;

ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of restraint is warranted;

- iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
 - iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - vi) demonstration by participants of proficiency in administering physical restraint.
- C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

Administrators and supervisors shall be appropriately ~~licensed~~~~certificated~~, meeting the requirements stated in ~~Sections 21B-20 and 21B-25~~~~Section 21-7.1~~ of the School Code [105 ILCS 5/~~21B-20 and 21B-25~~~~21-7.1~~] and Section 1.705 of this Part.

- a) Chief school business officials, effective July 1, 1977, shall be appropriately ~~licensed~~~~certificated~~, meeting the requirements stated in Section ~~21B-25~~~~21-7.1~~ of the School Code.
- b) Department chairpersons ~~and teacher leaders~~ who are required to supervise and/or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

evaluate teachers shall meet the applicable requirements of Section 1.705 of this Part. (See also Section ~~21B-2521-7.1~~ of the School Code.) This regulation shall apply only to those individuals servicing as department chairs first assigned to this position on or after September 1, 1978 and individuals holding a teacher leader endorsement issued in accordance with 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).

- c) Divided Service
- 1) An administrator, i.e., a superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position.
 - 2) In school districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach (up to ½ day).

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.320 Evaluation of Licensed Educators~~Certified Staff in Contractual Continued Service~~

Each school district shall develop an evaluation plan (the Plan) for the evaluation of all licensed educator~~certified school district employees in contractual continued service~~. Where cooperative educational programs operate between or among school districts, or are operated by regional superintendents of education~~Regional Superintendents of Schools~~, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of the School Code [105 ILCS 5/3-15.14, 10-22.31, and/or 10-22.31a], the Plan shall be developed by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Section, all of these~~such~~ entities are included in the term "school district".

- a) The Plan shall conform to the requirements of Article 24A of the School Code [105 ILCS 5/Art. 24A] and, upon the date, as set forth in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5], by which the school district must implement a performance evaluation system incorporating data and indicators of student growth, meet the requirements of 23 Ill. Adm. Code 50 (Evaluation of Certified Employees under Articles 24A and 34 of the School Code). ~~The, and the~~ school district shall involve teachers in the development of the Plan or, when~~where~~ applicable, develop the Plan in cooperation with the exclusive bargaining representatives. Development of the Plan under a performance evaluation system

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

shall conform to the requirements of Section 24A-4 of the School Code [105 ILCS 5/24A-4].

- b) On or before July 1 of the calendar year in which a school district is required to implement a performance evaluation system incorporating data and indicators of student growth for teachers or principals and assistant principals, a school district shall execute and make available to the State Board of Education, upon request, a signed assurance specific to its principal evaluation plan and one specific to its teacher evaluation plan as to whether the Plan:

- 1) incorporates the State Performance Evaluation Model for Teachers or the State Performance Evaluation Model for Principals, as applicable; or
- 2) incorporates a locally developed principal evaluation plan or teacher evaluation plan that aligns to the provisions of Article 24A of the School Code and 23 Ill. Adm. Code 50.

c) Consulting Teachers

- 1) The school official responsible for selecting a consulting teacher when required under Section 24A-5(j) of the School Code must undertake a diligent effort to identify a consulting teacher, which effort must include, but should not be limited to:
 - A) contacting qualified teachers within the district;
 - B) requesting the regional superintendent of schools to supply a roster of qualified consulting teachers; and
 - C) requesting the exclusive bargaining agent for the district to supply a roster of qualified consulting teachers.
- 2) If the school official cannot identify a qualified consulting teacher after completing the effort described in subsection (c)(b)(1) of this Section, the employing school district's regional office of education shall supply a qualified consulting teacher.
- 3) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period. The consulting teacher shall be informed, through conferences with the evaluator and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to Section 24A-5(k) of the School Code in order to continue to provide assistance to the teacher under a remediation plan.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.330 ~~Toxic~~Hazardous Materials Training

Each district shall maintain an inservice training plan for working with ~~toxic~~hazardous materials (as defined in [Section 3 of the Toxic Substances Disclosure to Employees Act \[820 ILCS 255/3\]](#)) ~~that meets the requirements of Section 16 of the Act~~56 Ill. Adm. Code 205) ~~consisting of the "Right to Know" training offered by the Illinois Department of Labor (Toxic Substances Section)~~. Each district shall ensure that all new staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with ~~toxic~~hazardous materials who have not ~~received education and training~~attended such a program within the past 12 months receive the approved course of training prior to working with ~~toxic~~hazardous materials ([see Section 16 of the Act](#)). Examples may include science teachers, maintenance workers, and cafeteria employees. Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenters, and date of the program.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.410 Determination of the Instructional Program

Subject to the requirements listed [in this Subpart D below](#), the instructional program of a school district shall be determined by the board of education with involvement of parents, students, the professional staff, and the local community. The basic curriculum shall include organized experiences [that which](#) provide each student ample opportunity to achieve the goals [set forth in Appendix D of this Part](#)~~for which the school system exists~~ and [that which](#) meet the minimum program defined by ~~the~~The School Code and the State Board of Education. It is recommended that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in ~~our~~ schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.
 - C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count [thesesueh](#) students when they determine through an assessment of their

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

individual educational development that a second year of kindergarten is warranted.

- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold educator licenses~~certificates~~ that are registered with the regional superintendent of schools~~Regional Superintendent~~ for their county of employment. Other than substitute teachers, license~~certification~~ appropriate to the grade level and subject areas of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
 - A) the name of the building that is being recommended for closure;
 - B) the specific public health emergency that warrants the closure; and
 - C) the anticipated building closure dates recommended by the health department.
- 5) Attendance for General State Aid Purposes

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
- B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.
- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].

- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually, beginning in the 2015-16 school year. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration and establishment of a professional development system for teachers and administrators.
 - A) A school district may be asked to participate in ~~a pilot of the KIDS in the 2012-13 school year or~~ a limited statewide implementation of KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the ~~limited statewide implementation~~ ~~pilot no later than July 1, 2012,~~ and not later than July 1, ~~2013 or July 1, 2014,~~ ~~respectively, for the limited statewide implementation.~~
 - B) Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the ~~pilot or~~ limited statewide implementation. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.
- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- j) Co-Curricular Activities
- 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 ~~and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.~~
 - 4) Teachers instructing in consumer education courses shall hold educator licensure certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
- Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
 - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
 - 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].
- o) Library Media Programs

Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

 - 1) General

The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.

2) Financial Resources

Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities

If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. ~~Each~~No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field~~an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate.~~ Except as otherwise provided in subsection (o)(4)(A) of this Section, the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
 - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.
- p) Physical Education
- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

relates to the physical education program should be incorporated.

- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [of 1987](#) [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
 - A)** Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.
 - B)** A board shall, ~~however,~~ have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) School Support~~Pupil~~ Personnel Services
To assure provision of School Support~~Pupil~~ Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) Social Sciences and History
Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in ~~the~~ world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions*

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);

- 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses~~vocational arts~~ and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA~~ANSI~~ Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions~~additions~~ or amendments to these standards are incorporated by this Part.
- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8].

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.470 Adult and Continuing Education

- a) Local school districts, in accordance with Section 10-20.12 of ~~the~~The School Code ~~[105 ILCS 5/10-20.12]~~, shall provide for the educational needs of adults ~~younger than~~~~under~~ 21 years of age who wish to re-enter high school to acquire a high school diploma ~~(subject to the limitations of 105 ILCS 5/26-2)~~ or an equivalency certificate. Local boards of education may permit other adults to re-enter high school under this provision.
- b) Local school districts may establish special classes for the instruction
- 1) of persons of age 21 years or ~~older~~~~over~~, and
 - 2) of persons ~~younger~~~~less~~ than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community and youth whose schooling has been interrupted with educational programs appropriate to the needs of these individuals. ~~(See Section 10-22.20 of the School Code [105 ILCS 5/10-22.20].)~~ If a program is approved by the State Board of Education, a school may issue credit for a course on the basis of qualitative attainment rather than on the time element. ~~(Section 10-22.20 of The School Code)~~
- c) Awarding of Credit
- 1) Local school districts, as provided in a definite policy of the boards of education, may offer credit through proficiency testing, correspondence courses, military experiences, life experiences and other nonformal educational endeavors.
 - 2) Secondary schools may obtain credit recommendations for service experience by submitting the form, "Request for Evaluation of Service School Training" to the ~~American Council on Education~~~~Commission on Accreditation of Service Experiences~~, 1 DuPont Circle, ~~N.W.~~, Washington, D.C. 20036.

AGENCY NOTE: The State Board of Education recommends that a high school grant credit toward a diploma for the successful completion of the following service educational experiences:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

United States Armed Forces Institute courses;
United States Armed Forces Institute subject examinations;
High School courses offered through USAFI by cooperating colleges and universities, credit upon transfer from the school offering the course;
Marine Corps Institute courses;
Service School training;
High school credit toward a diploma for basic or recruit training is not recommended.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

SUBPART E: SUPPORT SERVICES

Section 1.515 Training of School Bus Driver Instructors

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], regional superintendents of schools are responsible for conducting training programs for school bus drivers. These programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules titled School Bus Driver Permit (92 Ill. Adm. Code 1035).

- a) 92 Ill. Adm. Code 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to this certification.
 - 1) The person must be at least 21 years of age.
 - 2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current ~~professional educator license~~~~teaching certificate~~ endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.
 - 3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) The person must have assisted a certified instructor in conducting an initial school bus driver training course and a refresher course; the person must also have taught each of these types of courses under the observation of a certified instructor and have received a satisfactory evaluation of overall teaching performance.
- 5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individuals in question and using a form supplied by the State Superintendent of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.
- b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
- c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.520 Home and Hospital Instruction~~School Food Services (Repealed)~~

The provisions of this Section apply to any student who has not been identified as eligible for special education services, in accordance with 23 Ill. Adm. Code 226 (Special Education), and who receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition, and for which the resident school district is seeking reimbursement under Section 14-13.01(a) of the School Code [105 ILCS 5/14-13.01(a)]. Requirements pertaining to home and hospital instruction for students with disabilities shall be as set forth in 23 Ill. Adm. Code 226.300 (Continuum of Placement Options).

- a) When a student has a medical condition that will cause an absence for two or more consecutive weeks (i.e., 10 school days) of school or ongoing intermittent absences, as defined in Section 14-13.01(a) of the School Code, the school district for that child shall consider the need for home or hospital services. The provision

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of home or hospital services shall be based upon a written statement from a physician licensed to practice medicine in all its branches that specifies:

- 1) the child's medical condition;
 - 2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and
 - 3) the anticipated duration or nature of the child's absence from school.
- b) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week. In the event that the child's illness or a teacher's absence reduces the number of hours in a given week to which the child is entitled, the school district shall work with the child's teachers and the child's parents to provide the number of hours missed, as medically advisable for the child.
- c) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.
- d) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.
- e) For the purpose of determining average daily attendance, school districts shall calculate days of attendance for hospitalized or homebound students in accordance with the provisions of [Section 18-8.05\(F\)\(2\)\(e\) of the School Code](#).
- f) Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Personnel Required to be Qualified), except that the use of an individual who holds only a substitute teaching license is permissible if the individual provides instruction under the supervision of an individual who holds a professional educator license endorsed in a teaching field and is the teacher in whose class the student is enrolled. A school district using the services of a substitute teacher for home or hospital instruction pursuant to this subsection (f),

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

however, is not eligible for reimbursement under Section 14-13.01 of the School Code.

g) A school district is not obligated to provide home and hospital instruction when the referral for the services is presented when two weeks or less remains in the school year.

h) Homebound instruction shall be provided for students who are pregnant according to the provisions set forth in Section 10-22.6a of the School Code.

(Source: Old Section repealed at 29 Ill. Reg. 15789, effective October 3, 2005; new Section added at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.530 Health Services

- a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance with 23 Ill. Adm. Code 375 (Student Records).
- 1) School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.
 - 2) Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.

- b) Students participating in interscholastic athletics shall have an annual physical examination. A district shall include as part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition information relative to the school board's adopted concussion and head injury policy. (See 105 ILCS 5/10-20.54 and 34-18.46.)
- c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

SUBPART F: STAFF ~~LICENSURE~~CERTIFICATION REQUIREMENTS**Section 1.610 Personnel Required to be Qualified**

All professional employees of public schools and school districts shall be properly ~~licensed~~certified as required by Section ~~21B-1521-1~~ of the School Code [105 ILCS 5/~~21B-1521-1~~].

- a) No one shall teach or supervise in a public school unless that individual holds an educator license appropriate~~a certificate of qualification~~ for the position to which that individual has been assigned, ~~or unless the requirements of 23 Ill. Adm. Code 25.464 have been met.~~ (See Appendix A Appendices A and B of this Part.) Schools' and districts' compliance with these requirements shall be a factor in their recognition status, as discussed in Section 1.20 of this Part.
- b)a) No one shall be ~~licensed~~certified to teach or supervise in the public schools of the State of Illinois who is not of good character, as defined in Section 21B-15 of the School Code, good health, a citizen of the United States or legally present and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~authorized for employment~~ and at least 2019 years of age ~~(Section 21-1 of the School Code [105 ILCS 5/21-1])~~.

- b) ~~A person not a citizen of the United States but who meets the other requirements of subsection (a) of this Section may be issued a certificate valid for teaching or supervising in all grades of the common schools. An applicant for a certificate who is not a citizen of the United States must sign and file with the State Board of Education a letter of intent indicating that, either within 10 years after the date that the letter is filed or at the earliest opportunity after the person becomes eligible to apply for U.S. citizenship, the person will apply for U.S. citizenship. (Section 21-1 of the School Code)~~

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.630 Paraprofessionals; Other Unlicensed~~Nonecertificated~~ Personnel

- a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b) Paraprofessionals; ~~Teacher Aides~~
- 1) School boards may further utilize volunteer ~~nonecertificated~~ personnel or employ ~~nonecertificated~~ personnel who do hold an educator license with stipulations endorsed for paraprofessional educator to serve as paraprofessionals (or "teacher aides") to assist in the instruction of pupils, so long as each ~~nonecertificated~~ individual is under the immediate supervision of a teacher who holds a valid professional educator license endorsed for the teaching field of assignment~~certificated~~ and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To "assist in the instruction of pupils", i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Beginning July 1, 2013, an individual employed as a paraprofessional shall meet the requirements set forth in 23 Ill. Adm. Code 25.510 (Paraprofessionals) except in the following circumstances.
- A) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange), may continue to serve as a paraprofessional subject to any limitations of his or her approval.
- B) An individual who holds an educator license indicative of completion of a bachelor's degree may serve as a paraprofessional without obtaining an educator license with stipulations endorsed for paraprofessional educator.
- C) An individual who holds an educator license with stipulations endorsed for career and technical educator may serve as a paraprofessional without obtaining an additional endorsement for paraprofessional educator.

~~Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program that serves students with disabilities shall be subject to this requirement as of July 1, 2007, and except that an individual who holds any certificate indicative of completion of at least a bachelor's degree, or who holds a provisional vocational certificate, may serve as a paraprofessional without a statement of approval.~~

- 3) Each paraprofessional shall be under the direct supervision and control of a fully ~~licensed~~~~certificated~~ teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully ~~licensed~~~~certificated~~ teacher. The ~~fully licensed~~~~certificated~~ teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The ~~fully licensed~~~~certificated~~ teacher shall be continuously aware of the paraprofessional's activities, i.e., the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.

- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of ~~fully licensed~~~~certificated~~ teachers, and they shall not have equivalent responsibilities. ~~Fully licensed~~~~Certificated~~ teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
- 5) Each school district shall:
 - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
 - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval, if applicable, or verification of his or her holding an educator license with stipulations endorsed for paraprofessional educator ~~and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510~~; and
 - C) be responsible for ensuring that no individual is employed as a paraprofessional without an educator license with stipulations endorsed for paraprofessional educator ~~a statement of approval~~, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals whose paraprofessional approval was continued are assigned only to tasks for which their approval is valid.
- c) Other Unlicensed Personnel
 - 1) School boards may designate ~~unlicensed~~~~noncertificated~~ persons of good character, as defined in Section 21B-15 of the School Code, to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- d) ~~School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (see Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b]).~~
- 2)e) ~~Unlicensed~~~~Nonecertificated~~ personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).
- 3)f) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize ~~unlicensed~~~~nonecertificated~~ persons who are completing their clinical experiences and/or student teaching.
- A)1) A candidate participating in clinical experiences shall not be required to hold an educator license with stipulations endorsed for a statement of approval as a paraprofessional if:
- i)A) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;
- ii)B) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid ~~professional educator license~~~~certificate~~ and is directly engaged in teaching the subject matter or conducting other learning activities; and
- iii)C) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.
- B)2) ~~Unlicensed~~~~Nonecertificated~~ personnel enrolled in a student teaching course at a college or university are not required to be under the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).

~~C)g)~~ In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize ~~unlicensed noncertified~~ persons *to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill*. The regional superintendent shall approve an assignment of this type when:

- ~~i)1)~~ the ~~individual certified teacher~~ holding a professional educator license endorsed in a teaching field under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;
- ~~ii)2)~~ the district superintendent has identified in writing the selected individual's professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;
- ~~iii)3)~~ the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and
- ~~iv)4)~~ the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: STAFF QUALIFICATIONS

Section 1.760 Standards for School Support~~Pupil~~ Personnel Services

- a) School psychologists, school social workers ~~in schools~~, and school guidance counselors, speech-language pathologists (nonteaching) and school nurses, except as provided in subsection (c) of this Section, shall hold a professional educator license endorsed for school support personnel in their respective area~~Type 10 or Type 73 Certificate with the appropriate endorsement~~.
- b) Registered Professional Nurse means any nurse who is licensed to practice professional nursing in Illinois in accord with the Nurse Practice Act [225 ILCS 65]~~The Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3401 et seq.)~~ and whose license is active and in good standing as determined by the Illinois Department of Financial and Professional Regulation~~Registration and Education~~.
- c) School Nurse means any registered professional nurse who holds a professional educator license endorsed for school support services~~Type 73 School Service Personnel Certificate with an endorsement~~ in school nursing, or any ~~noncertificated~~ registered professional nurse who does not hold the professional educator license but was employed in the school district of current employment before July 1, 1976. School districts may employ noncertificated registered professional nurses to perform professional nursing services [105 ILCS 5/10-22.23].
- d) School boards that employ school nurses shall be responsible for verifying that each ~~such~~ person holds a valid nursing license and professional educator license~~certificate~~ except as provided in subsection (c) of this Section.
- e) School boards that employ one or more school nurses for the purpose of providing professional nursing services shall develop and keep on file a written job description defining the duties of ~~theirsaid~~ school nurses~~nurse(s)~~.
- f) Any job description prepared pursuant to subsection (e) of this Section will be accepted by the State Board of Education as complying with Section 10-22.23 of ~~the~~The School Code ~~(Ill. Rev. Stat. 1985, ch. 122, par. 10-22.23)~~ if it contains at least:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) the duty to provide registered professional nursing practiceservices as defined in Section 50-10 of the Nurse Practice Act ~~The Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3405 (4)(1))~~; and
 - 2) at least one or more additional duties as the school board shall select from subsection (g) of this Section.
- g) Additional duties of the school nurse shall include one or more of the following:
- 1) assessment of health care needs through screening for deficits in vision, hearing, growth and development, immunization status, and other physical defects (e.g., orthopedic, malnutrition, asthma, metabolic disorders, blood pressure, obesity-seoliosis, hernia);
 - 2) identifying student health problems, making referrals for their diagnosis, treatment and remediation, and providing follow-up for each referral;
 - 3) recommending modification of the school programs for a student who requires a change because of a health deficit and developing health care plans when students need special physical health care procedures to be provided at school;
 - 4) establishing a communicable disease prevention and control program, including blood-borne pathogen control programs, in collaboration with State and local health departments and federal and State occupational safety and health agencies;
 - 5) assessing the health status of students and providing health counseling (e.g., on diet, exercise) for students, parents and school staff;
 - 6) processing physicians' orders, administering and monitoring medication and treatment given in school (subject to local policy regarding the administration of medication at school);
 - 7) providing crisis intervention for students and/or staff in the advent of sudden illness or injury;
 - 8) establishing an accident prevention program in collaboration with the district's administration;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 9) acting as liaison between the home, school, community health agencies and the private medical sector;
 - 10) participating in the identification, evaluation and placement of students into special education programs; (e.g., as a referring agent, a consultant to parents, teachers, ~~etc.~~, and/or as a member of a multidisciplinary team pursuant to the provisions of 23 Ill. Adm. Code 226 (Special Education));
 - 11) collecting and analyzing health-related data (e.g., immunization records, medical records, incidence of specific diseases), ~~and~~ making recommendations based upon these data, and reporting the data to State agencies as may be required;
 - 12) maintaining accurate school health records and ensuring the confidentiality of their contents in accordance in accord with the Illinois School Student Records Act [105 ILCS 10], ~~(Ill. Rev. Stat. 1985, ch. 122, par. 50-1 et seq.)~~ and 23 Ill. Adm. Code 375 (Student Records), and the Family Educational Rights and Privacy Act (20 USC 1232g);
 - 13) carrying out other specified duties ~~that~~which the school nurse is qualified to perform, provided that the school nurse shall not provide instruction to students~~be assigned teaching duties~~ unless the nurse holds the appropriate teaching ~~endorsement certificate~~; however, this subsection (g)(13) does not preclude a school nurse from providing limited classroom instruction as may be requested by the licensed teacher on specific health or illness topics (e.g., asthma, HIV prevention, puberty):-
 - 14) coordinating and managing student health through care management, including delegating nursing tasks included in the individual student health plan (e.g., screening tests, diabetes monitoring) to licensed and unlicensed persons, in accordance with the Nurse Practice Act; and
 - 15) providing instruction to or practicum experience for nursing students enrolled in community health/public health/pediatrics courses through a written agreement between the nursing education program and the school district.
- h) The duty to provide registered professional nursing practices, services as defined

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

in ~~Section 50-10 of the Nurse Practice Act, "The Illinois Nursing Act"~~ shall not be included among the functions assigned to any school district personnel not covered by the job description required for school nurses.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.762 Supervision of Speech-Language Pathology Assistants

- a) Pursuant to Section 14-6.03 of the School Code [105 ILCS 5/14-6.03], school districts and cooperative entities may employ licensed speech-language pathology assistants ("SLPAs"), ~~as well as speech language pathology paraprofessionals who are approved by the State Board of Education ("paraprofessionals")~~. These individuals are required by that Section to serve under the supervision of experienced speech-language pathologists, who are further required by Section 3.5(b) of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/3.5(b)] to be licensed under that Act. Therefore, a school district or cooperative entity shall not assign a speech-language pathologist with a professional educator license issued~~certified~~ under Article ~~21B21~~ of the School Code [105 ILCS 5/Art. ~~21B21~~] but not licensed under the Illinois Speech-Language Pathology and Audiology Practice Act to supervise any SLPA ~~or paraprofessional~~.
- b) Except as provided in subsection (d) of this Section, a speech-language pathologist who supervises one or more SLPAs shall provide evidence of having completed training of at least ten hours' duration that was provided by an organization approved by the Illinois Department of Financial and Professional Regulation pursuant to the Department's rules titled "The Illinois Speech-Language Pathology and Audiology Practice Act" (68 Ill. Adm. Code 1465) and that addressed all the following topics:
- 1) Establishing and maintaining effective working relationships;
 - 2) Ethical, legal, regulatory, and reimbursement aspects of the profession;
 - 3) Strategies for direct and indirect supervision (supervisory process and practices, effective use of assistants);
 - 4) Evaluating the performance of assistants;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) The scope of assistants' responsibility; and
- 6) Instructing and assisting SLPAs with:
 - A) the execution of goals and objectives, data collection, and student outcomes,
 - B) standards and strategies for oral and written communication,
 - C) techniques, materials, and equipment utilized in the profession, and
 - D) the maintenance of records.
- c) In order to be eligible to supervise SLPAs, a speech-language pathologist shall provide to the employing district or cooperative a copy of a signed certificate of completion of the training furnished by the provider. The employing district or cooperative shall maintain this written evidence on file.
- d) ~~The requirements of subsections (b) and (c) of this Section shall not apply to speech language pathologists who supervise paraprofessionals only.~~ A speech-language pathologist who supervises one or more SLPAs shall be exempt from the requirements of subsections (b) and (c) of this Section provided that he or she presents to the employing district or cooperative entity, and the employer maintains, written evidence demonstrating that the speech-language pathologist had acquired at least one full school year's experience in supervising paraprofessional speech-language pathology staff serving individuals of school age prior to January 1, 2003.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.770 Standards for Special Education Personnel

Individuals who provide special education services shall meet the requirements set forth in Subpart I of 23 Ill. Adm. Code 226; (Special Education) and Subpart B of 23 Ill. Adm. Code 25 (Educator Licensure).

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.780 Standards for Teachers in Bilingual Education Programs

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) No individual shall be assigned as a bilingual education teacher in prekindergarten, kindergarten or any of ~~grades~~Grades 1-12 unless he or she:
- 1) holds a ~~valid professional educator license endorsed certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education that is specific to the language of instruction, issued pursuant to Section 1.781 of this Part; or
 - 2) holds a ~~valid educator license with stipulations endorsed for~~ transitional bilingual ~~educator certificate~~ specific to the language of instruction, issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 3) holds a ~~valid educator license with stipulations endorsed for visiting international educator and~~Visiting International Teaching Certificate that is valid for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or
 - 4) was employed in a State-approved bilingual education program prior to September 1, 1985 and continues to hold a ~~valid professional educator license endorsed certificate that is valid~~ for the grade level or levels of the students to be served.
- b) No individual shall be assigned as a teacher of English as a Second Language (ESL) in prekindergarten, kindergarten or any of ~~grades~~Grades 1-6 unless he or she:
- 1) holds a ~~valid professional educator license endorsed certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or English as a New Language (ENL), issued pursuant to Section 1.782 of this Part; or
 - 2) holds a ~~valid professional educator license endorsed certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education or ENL with a language designation; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) holds a valid educator license with stipulations endorsed for transitional bilingual ~~educator certificate~~ issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 4) holds a valid educator license with stipulations endorsed for visiting international educator and~~Visiting International Teaching Certificate that is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or
 - 5) was employed in an approved bilingual education program prior to September 1, 1985; and continues to hold a valid professional educator license endorsed~~certificate that is valid~~ for the grade level or levels of the students to be served.
- c) No individual shall be assigned as a teacher of English as a Second Language in any of ~~grades~~Grades 7-12 unless he or she:
- 1) holds a valid professional educator license endorsed~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or ENL, issued pursuant to Section 1.782 of this Part; or
 - 2) holds a valid educator license with stipulations endorsed for visiting international educator and~~Visiting International Teaching Certificate that is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).
- d) Additional requirements for teachers in grades 5 through 8 serving students with home languages other than English shall be as set forth in Section 1.720 of this Part.
- e) Additional requirements for teachers in State-supported early childhood programs serving students with home languages other than English shall be as set forth in 23 Ill. Adm. Code 228.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) Bilingual education teachers employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange)).
- b) On September 1, 1985 and thereafter, bilingual education teachers in State-approved bilingual education programs must:
- 1) Possess a valid educator license with stipulations endorsed for transitional bilingual educator~~Transitional Bilingual Certificate~~ issued in accordance with 23 Ill. Adm. Code 25.90; or
 - 2) Possess a valid professional educator license endorsed for bilingual educator~~Illinois teacher certificate and either an endorsement or a statement of approval issued by the State Board of Education~~ when evidence is presented demonstrating that the following requirements have been met:
 - A) Verification of reading, writing, grammar skills, and speaking proficiency in the non-English language for which the endorsement or approval is sought (either graduating from an institution where the non-English language was the medium of instruction or through passage of the test of language proficiency in that language); and
 - B) 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months teaching experience in a bilingual education program:
 - i) Foundations of bilingual education,
 - ii) Assessment of the bilingual student,
 - iii) Methods and materials for teaching ~~limited~~ English learners (ELs)~~proficient (LEP) students~~ in bilingual programs,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- iv) Methods and materials for teaching English as a Second Language, and
 - v) Cross-cultural studies for teaching ELs/LEP students.
- 3) Hold a valid educator license with stipulations endorsed for visiting international educator and Visiting International Teaching Certificate that is valid for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual teachers ~~currently~~presently teaching English as a Second Language and employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange)).
- b) On September 1, 1985 and thereafter, teachers of English as a Second Language in State-approved bilingual education programs must:
 - 1) Possess a valid professional educator license endorsed for special K-12 and certificate endorsed for teaching English as a Second Language, issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25 (Certification); or
 - 2) Possess a valid professional educator license endorsed for English as a Second Language Illinois teaching certificate and either an endorsement or a statement of approval issued by the State Board of Education when evidence is presented of having completed 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months experience teaching English as a Second Language:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) Linguistics (including English and non-English phonology and syntax);
 - B) Theoretical foundations of teaching English as a Second Language;
 - C) Assessment of the bilingual student;
 - D) Methods and materials for teaching English as a Second Language; and
 - E) Cross-cultural studies for teaching LEP students; or
- 3) Hold an educator license with stipulations endorsed for visiting international educators ~~Visiting International Teaching Certificate~~ that is valid for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.783 Requirements for Administrators of Bilingual Education Programs

Beginning July 1, 2014, no individual shall be assigned to administer a bilingual education program with 200 or more students unless he or she is licensed~~certified~~ in accordance with Section 1.705(m) of this Part and meets the requirements of either subsection (a) or (b) of this Section, as applicable. Individuals assigned to administer a bilingual education program with fewer than 200 students shall meet the requirements of 23 Ill. Adm. Code 228.35(d)(2) or (3), as applicable.

- a) Transitional Bilingual Education
 - 1) A person designated to administer a transitional bilingual education program shall:
 - A) hold the bilingual education approval~~or~~ endorsement issued pursuant to Section 1.781 of this Part; or
 - B) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part, with a language designation; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) present evidence of having completed 18 semester hours distributed among the following:
- i) Foundations of bilingual education,
 - ii) Assessment of the bilingual student,
 - iii) Methods and materials for teaching ~~ELs limited English proficient (LEP) students~~ in bilingual programs,
 - iv) Methods and materials for teaching English as a Second Language, and
 - v) Cross-cultural studies for teaching ~~ELs LEP students~~.
- 2) Either linguistics (including English and non-English phonology and syntax) or bilingualism and reading shall be required in instances in which the distribution of coursework among each of the five areas in subsection (a)(1)(C) of this Section does not total 18 semester hours.
- b) Transitional Program of Instruction
A person designated to administer a transitional program of instruction shall:
- 1) hold the bilingual ~~education approval or~~ endorsement issued pursuant to Section 1.781 of this Part; or
 - 2) hold the English as a second language ~~approval or~~ endorsement issued pursuant to Section 1.782 of this Part; or
 - 3) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part; or
 - 4) present evidence of having completed the coursework enumerated in subsection (a)(1)(C) of this Section, subject to the provision of subsection (a)(2).

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

Section 1.790 Substitute Teacher

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) ~~A person substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting.~~ 1) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) certificate as specified in Section 21-9 of the School Code [105 ILCS 5/21B-20(3)21-9]. Any individual who holds a valid and active Illinois educator license indicative of completion of at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
- b) ~~2) A teacher holding a substitute teaching license teacher certificate may teach only in the place of a licensed certified teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)~~
- c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:
- 1) A person who holds only a substitute teaching license may teach; for no longer than a period not to exceed 90 paid school days for any one licensed teacher who is under contract with the school district or 450 paid hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as five hours (Section 21-9 of the School Code).
 - 2) A person who holds a professional educator license endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.
- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.
- b) ~~Substitute teachers who hold a substitute certificate or a certificate for grades other than the class being taught may teach only when a teacher certified for the grade is not available (Section 21-9 of the School Code).~~

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 1.APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessment and the Illinois Kindergarten Individual Development Survey are designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES,
SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative, [National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512](http://www.corestandards.org/the-standards/english-language-arts-standards) and posted at <http://www.corestandards.org/the-standards/english-language-arts-standards>. No later amendments to or editions of these standards are incorporated by this Section.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative, [National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512](http://www.corestandards.org/the-standards/mathematics) and posted at <http://www.corestandards.org/the-standards/mathematics>. No later amendments to or editions of these standards are incorporated by this Section.

SCIENCE

The science goals and standards set forth below shall be applicable through the 2015-16 school year. Beginning in the 2016-17 school year, there are no State Goals for Learning in this area and the applicable standards shall be the "Next Generation Science Standards" (2013) published by Achieve, Inc., 1400 16th Street NW, Suite 510, Washington DC 20036 and posted at <http://www.nextgenscience.org/>. No later amendments to or editions of these standards are incorporated by this Section.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological design.

State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

Know and apply the accepted practices of science.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Know and apply concepts that describe the interaction between science, technology and society.

SOCIAL SCIENCE

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:

Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations. (NOTE: Not applicable to kindergarten.)

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues. (NOTE: Not applicable to kindergarten.)

Understand the development of United States political ideas and traditions. (NOTE: Not applicable to kindergarten.)

State Goal 15: Understand economic systems, with an emphasis on the United States.

Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers. (NOTE: Not applicable to kindergarten.)

Understand trade as an exchange of goods or services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Understand the impact of government policies and decisions on production and consumption in the economy. (NOTE: Not applicable to kindergarten.)

State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world social history. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world environmental history. (NOTE: Not applicable to kindergarten.)

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems. (NOTE: Not applicable to kindergarten.)

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

Understand how social systems form and develop over time. (NOTE: Not applicable to kindergarten.)

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement and motor skills and understand concepts necessary~~needed~~ to engage in moderate to vigorous~~health-enhancing~~ physical activity.

Standards:

Demonstrate physical competency in a variety of motor skills and~~individual and team sports, creative~~ movement patterns~~and leisure and work-related activities~~.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related and skill-related fitness as applied to learning and performance of physical activities.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop ~~team-building~~ skills necessary to become a successful member of a team by working with others through physical activity.

Standards:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Demonstrate ~~personal~~individual responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety, including how to access valid information, products and services.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

Describe how to advocate for the health of individuals, families and communities.

State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

Describe and explain the structures and functions of the brain and how they are affected by different types of physical activity and levels of fitness.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual, family and community health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life. (NOTE: Not applicable to kindergarten.)

Understand how the arts shape and reflect history, society and everyday life. (NOTE: Not applicable to kindergarten.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Code of Ethics for Illinois Educators
- 2) Code Citation: 23 Ill. Adm. Code 22
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
22.10	Amend
22.20	Amend
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: February 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17352
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule should be directed to:

Vicki Phillips, Division Administrator
Division of Career and College Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield IL 62777

217/782-4620

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 22

CODE OF ETHICS FOR ILLINOIS EDUCATORS

Section

22.10 Purpose and Applicability

22.20 Code of Ethics

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

SOURCE: Adopted at 34 Ill. Reg. 17427, effective October 28, 2010; amended at 38 Ill. Reg. 6224, effective February 27, 2014.

Section 22.10 Purpose and Applicability

This Part establishes core principles, values and responsibilities that shall apply to all Illinois educators.

- a) The purpose of this Part is to set expectations for educators; guide educational practice; and inspire professional excellence in relation to federal, State, and local policies and rules, and locally established collective bargaining agreements.
- b) For the purpose of this Part, "educator" refers to individuals who:
 - 1) hold or are applying for a valid Illinois [professional educator license endorsed in a teaching, school support personnel](#) or administrative [field certificate](#) issued pursuant to Article [21B of the School Code](#)²⁴ [105 ILCS 5/Art. [21B24](#)];
 - 2) are not required to hold a [professional educator license or an educator license with stipulation certificate](#) but who hold or are applying for approval (e.g., [certain](#) paraprofessionals [and](#), ~~teacher aides~~, educational interpreters) for their positions issued pursuant to requirements set forth in 23 Ill. Adm. Code 25 ([Educator Licensure](#)); and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) are enrolled in an Illinois ~~educator~~~~preservice education~~ preparation program.
- c) Neither this Part nor any provisions within this Part shall be construed to ~~in any way~~ affect in any way the State Superintendent of Education's authority to initiate an action under Article ~~21B24~~ of the School Code to suspend, sanction or revoke an educator's license~~certificate~~.

(Source: Amended at 38 Ill. Reg. 6224, effective February 27, 2014)

Section 22.20 Code of Ethics

- a) Responsibility to Students
The Illinois educator is committed to creating, promoting, and implementing a learning environment that is accessible to each student, enables students to achieve the highest academic potential, and maximizes their ability to succeed in academic and employment settings as a responsible member of society. Illinois educators:
 - 1) Embody the Standards for the School ~~Support~~~~Service~~ Personnel Endorsements~~Certificate~~ (23 Ill. Adm. Code 23), the Illinois Professional Teaching Standards (23 Ill. Adm. Code 24.13024), and Standards for Administrative Endorsements~~Certification~~ (23 Ill. Adm. Code 29), as applicable to the educator, in the learning environment;
 - 2) Respect the inherent dignity and worth of each student by assuring that the learning environment is characterized by respect and equal opportunity for each student, regardless of race, color, national origin, sex, sexual orientation, disability, religion, language or socio-economic status;
 - 3) Maintain a professional relationship with students at all times;
 - 4) Provide a curriculum based on high expectations for each student that addresses individual differences through the design, implementation, and adaptation of effective instruction; and
 - 5) Foster in each student the development of attributes that will enhance skills and knowledge necessary to be a contributing member of society.
- b) Responsibility to Self

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Illinois educators are committed to establishing high professional standards for their practice and striving to meet these standards through their performance.

Illinois educators:

- 1) Assume responsibility and accountability for their performance and continually strive to demonstrate proficiency and understanding of current trends in both content knowledge and professional practice;
- 2) Develop and implement personal and professional goals with attention to professional standards through a process of self-assessment and professional development;
- 3) Represent their professional credentials and qualifications accurately; and
- 4) Demonstrate a high level of professional judgment.

c) Responsibility to Colleagues and the Profession

The Illinois educator is committed to collaborating with school and district colleagues and other professionals in the interest of student learning. Illinois educators:

- 1) Collaborate with colleagues in their respective schools and districts to meet local and State educational standards;
- 2) Work together to create a respectful, professional, and supportive school climate that allows all educators to maintain their individual professional integrity;
- 3) Seek out and engage in activities that contribute to the ongoing development of the profession;
- 4) Promote participation in educational decision-making processes;
- 5) Encourage promising candidates to enter the education profession; and
- 6) Support the preparation, induction, mentoring, and professional development of educators.

d) Responsibility to Parents, Families and Communities

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

The Illinois educator will collaborate, build trust, and respect confidentiality with parents, families, and communities to create effective instruction and learning environments for each student. Illinois educators:

- 1) Aspire to understand and respect the values and traditions of the diversity represented in the community and in their learning environments;
 - 2) Encourage and advocate for fair and equal educational opportunities for each student;
 - 3) Develop and maintain professional relationships with parents, families, and communities;
 - 4) Promote collaboration and support student learning through regular and meaningful communication with parents, families, and communities; and
 - 5) Cooperate with community agencies that provide resources and services to enhance the learning environment.
- e) Responsibility to the Illinois State Board of Education
Illinois educators are committed to compliance with the School Code [\[105 ILCS 5\]](#) and its implementing regulations, and to State and federal laws and regulations relevant to their profession. Illinois educators:
- 1) Provide accurate communication to the Illinois State Board of Education concerning all [educator licensurecertification](#) matters;
 - 2) Maintain appropriate [educator licensurecertification](#) for employment; and
 - 3) Comply with State and federal laws and regulations.

(Source: Amended at 38 Ill. Reg. 6224, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for School Support Personnel Endorsements
- 2) Code Citation: 23 Ill. Adm. Code 23
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
23.100	Amend
23.110	Amend
23.120	Amend
23.130	Amend
23.140	Amend
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: February 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes; see Sections 23.100(a)(1) and (u)(1)(D), 23.120(f)(2)(G), 23.130(j)(2)(A), and 23.140(a)(2)(D) and (i)(1)(A).
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17358
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 23.110(u)(2)(E), a correction was made in the federal statutory citation for the Family Educational Rights and Privacy Act.

In Section 23.120(f)(2)(G), the address for obtaining the national standards for school nurses was updated, and the incorporated relevance was updated to the 2nd Edition.
- 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 rule currently in effect? No

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

Additionally, national standards referenced in Part 23 for school counselor, school nurse, school psychologist and school social worker have been updated to reflect incorporation of the most recent versions available.

- 16) Information and questions regarding this adopted rule should be directed to:

Vicki Phillips, Division Administrator
Division of Career and College Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield IL 62777

217/782-4620

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER b: PERSONNEL

PART 23

STANDARDS FOR THE SCHOOL ~~SUPPORTSERVICE~~
 PERSONNEL ~~ENDORSEMENTS CERTIFICATE~~

Section

23.100	Purpose and Effective Dates
23.110	Standards for the School Counselor
23.120	Standards for the School Nurse
23.130	Standards for the School Psychologist
23.140	Standards for the School Social Worker

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

SOURCE: Adopted at 26 Ill. Reg. 9743, effective June 19, 2002; amended at 38 Ill. Reg. 6230, effective February 27, 2014.

Section 23.100 Purpose and Effective Dates

This Part establishes the standards that shall apply to the issuance of school ~~supportservice~~ personnel ~~endorsements on professional educator licenses~~~~certificates~~ pursuant to Section ~~21B-2521-25~~ of the School Code [105 ILCS 5/~~21B-2521-25~~]. The standards set forth in this Part shall apply both to candidates for ~~educator licensure~~~~certification~~ and to the programs that prepare them. That is:

- a) beginning July 1, 2004, approval of any preparation program or course of study ~~in~~ leading to the issuance of a school ~~supportservice~~ personnel ~~endorsement~~~~certificate~~ pursuant to the State Board's rules for ~~Educator Licensure~~~~Certification~~ (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the applicable standards identified in this Part; and
- b) beginning July 1, 2005, the ~~test~~~~examination(s)~~ required for issuance of a school ~~supportservice~~ personnel ~~endorsement~~~~certificate~~ shall be based on the applicable

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

standards identified in this Part.

(Source: Amended at 38 Ill. Reg. 6230, effective February 27, 2014)

Section 23.110 Standards for the School Counselor

- a) Academic Development Domain
The competent school counselor understands the learning process and the academic environment and develops programs and interventions that promote the achievement of all students.
 - 1) Knowledge Indicators – The competent school counselor:
 - A) understands the national standards related to the academic development of students across all grade levels. (See "The [ASCA National Standards for ~~Students~~School Counseling Programs](#)" (~~2004~~1997), published by the American School Counselor Association, ~~1101 King~~801 North Fairfax Street, Suite ~~6253~~10, Alexandria, Virginia 22314 and posted at <http://ascamodel.timberlakepublishing.com/files/NationalStandards.pdf>. ~~No; no~~ later amendments to or editions of these standards are incorporated by this Section.)
 - B) understands the concepts, principles, and strategies that enable students to achieve and be academically successful.
 - C) understands the relationship of academic performance to the world of work, family life, and community service.
 - D) provides positive direction for academic program planning and for implementing academic support systems.
 - 2) Performance Indicators – The competent school counselor:
 - A) implements strategies and activities that enhance students' academic development.
 - B) provides students across grade levels with academic assistance to overcome barriers to academic growth and achievement.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) works collaboratively with all school personnel and parents to insure student academic achievement.
 - D) initiates interventions that maximize learning, identifies learning styles, teaches study skills, enhances test-taking skills, and motivates students to learn and achieve.
- b) Career Development Domain
The competent school counselor is knowledgeable about the world of work, career theories, and related life processes and develops programs and interventions to promote the career development of all students.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands the standards referred to in subsection (a)(1)(A) of this Section related to the career and vocational development of students across all grade levels.
 - B) understands career development theories and decision-making models applicable for grade levels.
 - C) applies education-to-career principles and student outcomes to the career program.
 - D) understands career development program planning, organization, implementation, administration, and evaluation.
 - E) understands the world of work, labor market information, and job trends.
 - F) understands the phases of career development (awareness, exploration, orientation, and preparation) and how they are applied across grade levels.
 - G) understands career and educational planning, placement, and follow-up.
 - H) understands the use of technology in career planning.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- I) understands career counseling processes, techniques, resources, and tools, including those applicable to specific populations.
- 2) Performance Indicators – The competent school counselor:
 - A) integrates career and counseling theories into a comprehensive approach to career counseling.
 - B) enhances students' self-awareness through individual appraisal, appropriate career information, course selection alternatives, and career exploration activities.
 - C) assists students to identify and understand their abilities, interests, problem-solving abilities, aptitudes, and goal-setting strategies.
 - D) develops programs and involves parents with respect to their child's career development.
 - E) provides career development consultation and resources to teachers for infusing career development activities into the curriculum.
 - F) collaborates with community business and industry representatives to promote work-based learning opportunities and support.
 - G) helps students develop skills in locating, evaluating, and interpreting career information.
 - H) guides students in the use of career resources such as occupational and labor market information, visual and printed media, computer-based career systems, electronic systems, and the use of the internet.
 - I) administers and interprets assessment tools such as interest inventories, aptitude batteries, personality inventories and self-assessment tools to help students with educational and career decisions.
 - J) assists students with work-based opportunities such as job-

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

shadowing and internships.

- c) Personal/Social Development Domain
The competent school counselor understands the developmental needs of the school-aged population and develops programs and interventions that promote optimum personal and social development.
- 1) Knowledge Indicators – The competent school counselor:
- A) understands the standards referred to in subsection (a)(1)(A) of this Section related to the personal/social development of students across all grade levels.
 - B) understands the concepts and strategies that lead to attitudes, knowledge, and interpersonal skills that help students understand and respect themselves and others.
 - C) understands programs that promote school safety and violence prevention.
 - D) understands strategies for helping students make decisions, set goals and develop resiliency.
 - E) understands the skills necessary for developing effective communication skills that promote cooperation, understanding, and interest in others.
 - F) understands the processes of conflict resolution and anger management.
 - G) understands methods that help students appreciate differences between people and promotes tolerance.
- 2) Performance Indicators – The competent school counselor:
- A) enables students to acquire knowledge of their personal strengths, assets, personal values, beliefs, and attitudes.
 - B) fosters students' sense of self-esteem, efficacy, and personal

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

dignity so they develop positive attitudes toward themselves as unique and worthy individuals.

- C) helps students identify and express feelings.
 - D) assists students to set healthy personal boundaries and to understand and assert their rights of privacy.
 - E) helps students understand and apply the need for self-control and management of anger.
 - F) teaches ways for students to get along with peers, parents, and authority figures.
 - G) assists students with maintaining healthy family relationships, including teaching the dynamics of family interaction.
 - H) helps students understand the consequences of decisions and choices.
 - I) helps students understand the relationship among rules, laws, safety, and the protection of individual rights.
 - J) assists students in understanding the emotional and physical dangers of abuses, e.g., substance, sexual, physical.
 - K) addresses issues of stress and anxiety and teaches students appropriate strategies for coping with peer pressure and managing life's events.
 - L) provides resources to students who are in need of additional professional help.
- d) Classroom Instruction and Counseling Curriculum
The competent school counselor understands instructional planning and designs developmental counseling curriculum based upon knowledge of the student, the community and the overall educational program.
- 1) Knowledge Indicators – The competent school counselor:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) understands basic classroom management.
 - B) understands the counseling curriculum as a component of the developmental approach.
 - C) understands and encourages a team approach with classroom teachers.
 - D) understands multiple definitions of intelligence in order to adapt, adjust, and diversify instructional methodologies.
 - E) understands the concept and process of program evaluation.
- 2) Performance Indicators – The competent school counselor:
- A) utilizes classroom management skills to focus students' attention and engagement.
 - B) develops, organizes, and implements the curriculum around the personal/social, career/vocational, and academic/educational domains and their goals.
 - C) coordinates, plans, and delivers the program in a team format with teachers.
 - D) presents lessons, programs, etc., using varied strategies to meet the needs of a diverse student body.
 - E) uses knowledge of normal growth and development to promote positive mental health and assist students in acquiring and using life skills.
 - F) designs, interprets, and applies program evaluations and feedback to improve service delivery systems.
- e) Responsive Service: Crisis Intervention
The competent school counselor understands and implements appropriate responses to crises and utilizes a variety of intervention strategies for students,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

families, and communities facing emergency situations.

- 1) Knowledge Indicators: The competent school counselor:
 - A) understands what defines a crisis, the appropriate process responses, and a variety of intervention strategies to meet the needs of the individual, group, or school community.
 - B) understands the theory and techniques needed to implement a school-wide crisis plan.
 - 2) Performance Indicators: The competent school counselor:
 - A) implements appropriate techniques for and interventions to assist students and their families facing crisis situations.
 - B) provides leadership to the school and community in a crisis.
 - C) involves appropriate school and community professionals as well as the family in a crisis situation.
 - D) intervenes appropriately and ethically with students who may be suicidal or homicidal.
- f) Responsive Service: Individual Counseling
The competent school counselor understands and utilizes a variety of individual counseling strategies and provides appropriate referral services.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands the theory and process of various individual counseling approaches for crisis or short-term situations (brief counseling strategies).
 - B) understands the responsive services as a component of a developmental approach.
 - C) understands the specialized needs and resources available for students who are disabled, gifted, or at risk or who have dropped

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

out.

- D) understands appropriate strategies for students expressing difficulties dealing with relationships, personal, educational, or career planning concerns, and/or normal developmental tasks.
- 2) Performance Indicators – The competent school counselor:
- A) chooses and utilizes appropriate counseling techniques for individual students.
 - B) assists students in clarifying problems, considering causes, and identifying alternative solutions and possible consequences so that appropriate action can be taken.
 - C) counsels students on personal and social issues and facilitates development of long-and short-term goals.
 - D) addresses a variety of students' developmental problems.
 - E) makes referrals to appropriate professionals when necessary.
 - F) provides activities to meet the immediate needs of students that may be identified by students, parents, teachers, or other referrals.
- g) Responsive Service: Group Counseling
The competent school counselor understands and implements principles of group work in the school setting.
- 1) Knowledge Indicators – The competent school counselor:
- A) understands principles of group dynamics, including group process components, developmental stage theories, group members' roles and behaviors, and therapeutic factors of group work.
 - B) understands group leadership styles and approaches.
 - C) understands theories of group counseling, including commonalities, distinguishing characteristics and pertinent research literature.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Performance Indicators – The competent school counselor:
 - A) utilizes group counseling methods, including group counselor orientations and behaviors, appropriate selection criteria, and methods of evaluation of effectiveness.
 - B) implements various approaches used for other types of group work, including task groups, focus groups, prevention groups, support groups, psycho-educational groups, therapy groups, and developmental groups, which will infuse the counseling curriculum.
 - C) practices professional standards for group work as advocated by the national and State professional counseling organizations.

h) Individual Student Planning

The competent school counselor understands and uses a variety of strategies to encourage students' development of academic, personal/social, and career competencies.

- 1) Knowledge Indicators – The competent school counselor:
 - A) understands methods for helping students monitor and direct their own learning and personal/social and career development.
 - B) understands individual student planning as a component of the developmental model.
 - C) understands how to apply knowledge about individual appraisal by using tests and non-test information to assist students with academic and career planning.
 - D) understands applications of technology in student planning, e.g., electronic portfolio, use of internet, ~~ete~~.
- 2) Performance Indicators – The competent school counselor:
 - A) helps students develop and evaluate personal goals and educational

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

and career plans.

- B) provides individual advisement to students to enhance their personal/social development and to help them acquire skill in setting and achieving academic and career goals.
- C) applies knowledge about individual appraisal by using tests and non-test information to help students assess their abilities, interests, skills, and achievements to develop short- and long-range plans.
- D) provides placement activities to assist all students with transitions from one educational program to another, from one school to another, and from school to work.
- E) incorporates technology when working with students in individual planning.

i) Consultation

The competent school counselor understands various consultation models and maintains collaborative relationships within and outside the school community.

- 1) Knowledge Indicators – The competent school counselor:
 - A) understands the role of the school counselor as consultant and is knowledgeable of various consulting models.
 - B) understands the necessity for empowering families to act on behalf of their children.
 - C) understands the necessity for programs designed to address academic/educational, personal/social, career/vocational, and other developmental needs of the students.
 - D) understands the counselor's role, function, and relationship to other student service providers.
- 2) Performance Indicators – The competent school counselor:
 - A) utilizes various consulting models.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) guides and/or facilitates families' assumption of responsibility for problem solving.
 - C) provides a multi-dimensional approach to consultation in academic/educational, personal/social, career/ vocational, and other developmental areas.
 - D) participates in multi-disciplinary team meetings and demonstrates the ability to make appropriate referrals to outside agencies and other student service providers within the school system.
 - E) consults with parents, teachers, student services staff, other educators, and community agencies regarding strategies for helping students.
- j) Systems Support
The competent school counselor understands the overall educational system, acts as a facilitator of change, and engages in planning and management tasks needed to support the comprehensive developmental school counseling program.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands systems support as a component in the developmental approach.
 - B) understands program development that is comprehensive and educational.
 - C) understands the commitment to life-long learning.
 - 2) Performance Indicators – The competent school counselor:
 - A) provides activities that establish, maintain, and enhance the developmental school counseling program as well as other educational programs.
 - B) demonstrates a commitment to life-long learning.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) develops and implements activities to orient staff and community to the counseling program through regular efforts to enhance and maintain staff and community relations.
 - D) serves on departmental curriculum committees, school improvement committees, or advisory boards and assists in developing curricula that meet students' developmental needs.
 - E) engages in planning and management tasks needed to support activities of the comprehensive school counseling program.
 - F) participates in continuous professional development.
- k) Program Development
The competent school counselor understands and utilizes organizational and management tools needed to implement an effective developmental program.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands data gathered from groups and individuals as they relate to student outcomes and learning standards.
 - B) understands the need for and the process of planning, developing, and implementing a comprehensive school counseling program.
 - C) understands the need for developing school counseling programs based on the needs of students and the school to become an effective learning community.
 - D) understands the comprehensive developmental school counseling concept.
 - E) understands the necessity for goals and objectives in a school counseling program.
 - F) understands competency levels as related to student achievement.
 - G) understands the importance of planning and time management within a comprehensive developmental school counseling

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

program.

- 2) Performance Indicators – The competent school counselor:
 - A) uses available resources in implementing a comprehensive counseling program, including funding and staff resources.
 - B) uses data compiled from needs assessments in planning the counseling program.
 - C) uses data from multiple sources, including surveys, interviews, focus groups, and needs assessments, to enhance students' outcomes.
 - D) designs, implements, monitors, and evaluates a comprehensive developmental school counseling program with an awareness of the various systems affecting students, parents, and school faculty and staff.
 - E) implements and evaluates specific strategies designed to meet program goals and objectives for enhancing students' competencies.
 - F) identifies student achievement competencies and implements activities and processes to assist students in achieving these competencies.
 - G) prepares a counseling calendar reflecting appropriate time commitments and priorities within a comprehensive developmental school counseling program.
- 1) Prevention Education and Training
The competent school counselor is aware of and implements prevention education programs.
 - 1) Knowledge Indicators – The competent school counselor:
 - A) is aware of student and school problems that could limit or diminish the capacity of students to learn and achieve at their

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

highest levels.

B) is knowledgeable of prevention measures to overcome or resolve problems or barriers to learning.

2) Performance Indicators – The competent school counselor:

A) identifies early signs and predictors of learning problems.

B) is able to organize and present prevention programs for students, staff, parents, and community members, as appropriate.

m) Assessment

The competent school counselor understands basic concepts of, technology for, and implications of various assessment and evaluative instruments.

1) Knowledge Indicators – The competent school counselor:

A) understands the purposes and meaning of assessment from multiple perspectives: historical, sociological, and educational.

B) understands the basic concepts of standardized and non-standardized testing and other assessment techniques.

C) understands the use of technology in assessment.

D) understands the statistical concepts, including scales of measurement, measures of central tendency, indices or variability, shapes and types of distributions, and correlation.

E) understands reliability (theory of measurement error, models of reliability, and the use of reliability information) and validity (evidence of validity, types of validity), and the relationship between reliability and validity.

F) understands the implications of age, gender, sexual orientation, ethnicity, language, disability, culture, spirituality, and other factors related to assessment and evaluation.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Performance Indicators – The competent school counselor:
 - A) analyzes testing information needed and selects appropriate tests, methods and/or materials to gather information and/or perform assessments.
 - B) uses various strategies for selecting, administering, and interpreting assessment and evaluation instruments and techniques in counseling.
 - C) interprets and accurately uses the statistical concepts, including scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions, and correlation.
 - D) accurately selects and interprets assessment tools based on reliability and validity when appropriate.
 - E) interprets assessments accurately with understanding of diversity and its implications.
 - F) uses and applies appropriate technology in assessment.
- n) Research and Program Evaluation
The competent school counselor understands the importance of, and engages in, research and program evaluation.
 - 1) Knowledge Indicators – The competent school counselor:
 - A) understands various types of research methods such as qualitative, quantitative, single-case designs, action research, and outcome-based research.
 - B) understands statistical methods used in conducting research.
 - C) understands the use of technology in conducting research and in program evaluation.
 - D) understands the principles and applications of needs assessment and program evaluation.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) understands the importance of research in the practice of school counseling.
- 2) Performance Indicators – The competent school counselor:
- A) identifies and applies research designs appropriate to various counseling situations and problems.
 - B) analyzes data with appropriate statistical methods and computer statistical packages.
 - C) uses formal and informal methods of needs assessment and program evaluation to design and modify developmental counseling programs.
 - D) conducts research and program evaluations within ethical and legal parameters.
 - E) uses appropriate research to demonstrate accountability.
 - F) uses technology in conducting research and program evaluation.
- o) Professional Orientation and Identity
The competent school counselor understands and actively participates within the profession.
- 1) Knowledge Indicators – The competent school counselor:
- A) understands the importance of active participation and leadership in the appropriate school counseling professional organizations.
 - B) understands community, environmental, and institutional barriers that impede and/or enhance students' academic success and overall development.
 - C) understands the unique characteristics of the school environment and K-12 curriculum.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Performance Indicators – The competent school counselor:
 - A) joins and takes an active part in appropriate local, State, and national school counseling professional organizations.
 - B) uses community resources to enhance academic and social/emotional growth, plans appropriate interventions within the context of the community, and advocates for programmatic efforts to eliminate barriers to students' success.
 - C) designs and implements a developmental counseling curriculum that provides all students at all grade levels with knowledge and assistance in acquiring and using life skills.
 - D) participates in continuing professional development activities.
- p) History of School Counseling and Current Trends
The competent school counselor understands the history and current trends and issues of the profession and includes this knowledge when establishing comprehensive developmental counseling programs.
 - 1) Knowledge Indicators – The competent school counselor:
 - A) understands history, philosophy, and current trends and issues in school counseling.
 - B) understands the counselor's roles, functions and relationships with other school and student service providers.
 - C) understands technology and computer applications in counseling.
 - 2) Performance Indicators – The competent school counselor:
 - A) addresses current trends and issues daily in the school.
 - B) incorporates current trends into the developmental curriculum.
 - C) works collaboratively with other school and student service providers.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- D) uses technology and computer applications directly with students.
- q) Human Growth and Development
The competent school counselor understands the individual diversity of human growth, development, and learning and provides experiences that promote the physical, intellectual, social, and emotional development of the student.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands theories of individual and family development and transitions across the life span.
 - B) understands that students' physical, social, emotional, ethical, and cognitive development influences learning.
 - C) understands theories of learning, personality development, child and adolescent development, and the range of individual variation.
 - D) understands how students construct knowledge, acquire skills, and develop habits of mind.
 - E) understands that differences in approaches to learning and performance interact with development.
 - F) understands the developmental stages of children and adolescents as they relate to counseling approaches and appropriate interventions.
 - G) understands human behaviors, including developmental crises, disability, addictive behavior, and psychopathology, and situational and environmental factors as they affect both normal and abnormal behavior.
 - H) understands the characteristics and effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect, and substance abuse.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- I) understands the role of drug therapy as it affects students' behavior.
 - J) understands the characteristics of normal, delayed, and disordered patterns of communication and interaction and their impact on learning.
- 2) Performance Indicators – The competent school counselor:
- A) uses theories of learning, personality, and human development to plan activities and experiences that respond to students' individual and group needs at the appropriate level of development.
 - B) analyzes individual and group performance in order to design interventions that meet learners' current needs in the cognitive, social, emotional, ethical, and physical domains at the appropriate grade level.
 - C) plans interventions appropriate to students' developmental levels.
 - D) utilizes strategies for facilitating optimum student development over the life-span.
 - E) recognizes the characteristics of individuals with various disabilities and the effects these may have on individuals.
 - F) implements interventions relevant to students' developmental levels.
 - G) recognizes the effect that addictive behavior, psychopathology, and situational and environmental factors have on both normal and abnormal behavior.
 - H) recognizes the effects of cultural and environmental factors on students' performance.
 - I) recognizes that medications can have effects on the educational, cognitive, physical, social, and emotional behaviors of individuals.
- r) Standards and Best Practices in School Counseling

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

The competent school counselor knows and applies the standards referred to in subsection (a)(1)(A) of this Section in developing his or her role and function in establishing school counseling programs.

- 1) Knowledge Indicators – The competent school counselor:
 - A) understands the requirements of professional credentialing, certification, and licensure.
 - B) understands the unique characteristics of school counseling as a profession as defined in Sections 10-22.24a and 10-22.24b of the School Code [105 ILCS 5/10-22.24a and 10-22.24b].
 - C) understands the standards referred to in subsection (a)(1)(A) of this Section.
- 2) Performance Indicators: The competent school counselor:
 - A) designs school counseling services to include the functions listed in Section 10-22.24b of the School Code as appropriate to the setting and student grade levels.
 - B) manages time to include individual student planning, responsive services, system support, and developmental counseling curriculum activities.
 - C) participates in professional development and keeps current on State and national initiatives.
- s) The Helping Relationship
The competent school counselor possesses knowledge and skills necessary to establish helping relationships appropriate to the school setting.
 - 1) Knowledge Indicators – The competent school counselor:
 - A) understands various counseling theories, including traditional models, multicultural models, brief counseling interventions, and systems and family theories, as appropriate to school counseling.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) understands how individual student characteristics, including age, gender, ethnic differences, race, culture, learning abilities and styles, and value dimensions, relate to the helping process.
 - C) understands the limitations of his or her ability and training and is aware of referral resources.
 - D) understands the counseling process and is aware of various skills, methods, and behaviors used in both prevention and intervention.
 - E) understands the skills necessary to build a therapeutic and trusting relationship with a client.
 - F) understands how to develop long- and short-term intervention plans consistent with curriculum, learner diversity, and learning theory.
- 2) Performance Indicators – The competent school counselor:
- A) uses established counseling theory in the counseling process and applies it to the developmental needs of the client.
 - B) exhibits flexibility in adapting counseling technique to client diversity.
 - C) makes necessary and appropriate referrals.
 - D) demonstrates skills in developing therapeutic relationships, goal setting, intervention strategies, and evaluation of counseling outcomes with clients.
 - E) demonstrates appropriate skills in working with parents.
 - F) uses developmental and counseling theories to design and implement comprehensive and developmental programs.
 - G) creates long-term and short-term intervention plans.
 - H) applies appropriate diagnoses and case conceptualization skills to

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

clients.

- t) **Social and Cultural Diversity**
The competent school counselor possesses the knowledge and skills to appropriately address issues of diversity, cultural difference, and change.
- 1) **Knowledge Indicators – The competent school counselor:**
- A) is aware of and sensitive to the implications of his or her own social and cultural background.
 - B) is aware of how his or her own cultural background and experiences influence his or her attitudes, values, and biases about psychological processes.
 - C) is knowledgeable about diverse groups with which she or he may work.
 - D) understands how race, culture, ethnicity, sexual orientation, physical and mental characteristics, and other areas of diversity affect personality formation, vocational choice, and manifestation of difficulties and strengths in academic, career, and personal/social development.
 - E) understands how gender affects personality formation, academic choice, vocational choice, and manifestations of difficulties and strengths in academic, career, and personal and social development.
 - F) understands the impact of sexual harassment on students' personal, social, emotional, and academic development.
- 2) **Performance Indicators – The competent school counselor:**
- A) incorporates an approach to social and cultural diversity that is equitable for all students.
 - B) adopts intervention skills appropriate to the specific diverse needs of the student.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) develops programs for students that acknowledge their diversity and meet special needs as appropriate.
 - D) incorporates a gender-equitable and culturally sensitive approach in dealing with students, families, staff, and the community.
 - E) utilizes appropriate non-traditional strategies in career and academic counseling.
 - F) adopts appropriate methods to intervene when students use inappropriate language or behaviors relating to issues of social and cultural diversity.
 - G) teaches how oppression, racism, discrimination, intolerance, homophobia, heterosexism, and stereotyping may affect students personally and their work.
- u) Ethical Concerns and Legal Matters
The competent school counselor is aware of current legal issues and ethical guidelines of the profession and acts accordingly.
- 1) Knowledge Indicators – The competent school counselor:
 - A) understands the standards referred to in subsection (a)(1)(A) of this Section with regard to professional ethics.
 - B) understands legal standards, including ~~Illinois'~~~~the Illinois~~ School Code [\[105 ILCS 5\]](#) and ~~the Illinois~~-Mental Health and [Developmental Disabilities](#) Code [\[405 ILCS 5\]](#), that apply to the counseling process.
 - C) understands the school counselor's responsibility for knowing and complying with federal, State, and local legislation, regulations, and policies.
 - D) understands that, in the event conflict arises among competing expectations, the school counselor shall be guided by the [ACA Code of Ethics \(2005\)](#), published by the [American Counseling](#)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Association, 5999 Stevenson Avenue, Alexandria VA 22304 and available at <http://www.counseling.org/Resources/aca-code-of-ethics.pdf> and the "Ethical Standards for School Counselors" (2010), published by the American School Counselor Association, 1101 King Street, Suite 625, Alexandria VA 22314 and available at <http://www.counseling.org/Resources/aca-code-of-ethics.pdf>. No later amendments to or editions of these standards are incorporated by this Section. ~~ACA/ASCA code of ethics.~~

- 2) Performance Indicators – The competent school counselor:
 - A) demonstrates commitment to the values and ethics of the school counseling profession.
 - B) adheres to ACA and ASCA professional standards and codes of ethics as a guide to ethical decision-making.
 - C) maintains adequate safeguards for the privacy and confidentiality of information.
 - D) informs students of their ethical rights and the limitations of the counseling relationship and of confidentiality.
 - E) follows State and federal laws, including the School Code, the Mental Health and Developmental Disabilities Code, the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (FERPA; 20 USC 1232g).

- v) Practicum
The competent school counselor develops basic counseling skills, under qualified supervision, with a school-based population.
 - 1) Knowledge Indicator – The competent school counselor understands counseling practice through interaction with individuals and groups.
 - 2) Performance Indicators – The competent school counselor:
 - A) demonstrates the ability to develop individual and group counseling relationships with a school-aged population.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) meets the standards regarding the helping relationship, individual counseling, and group counseling set forth in subsections (f), (g), and (s) of this Section.
- w) **Internship**
The competent school counselor completes an internship that provides the opportunity to perform, with a school-based population, under qualified supervision, a variety of counseling activities that a professional school counselor is expected to perform.
- 1) **Knowledge Indicators – The competent school counselor:**
 - A) understands the requirements of a supervised, clinical, field-based internship in a school setting focusing on the duties of a school counselor.
 - B) understands the comprehensive developmental school counseling model.
 - 2) **Performance Indicators – The competent school counselor:**
 - A) participates in an internship, under qualified supervision, that must involve direct services (individual and group counseling required, family counseling recommended) to students, parents, teachers, and other parties interested in the welfare of students.
 - B) demonstrates completely the variety of activities a regularly employed school counselor would be expected to perform.
 - C) participates in a comprehensive developmental school counseling approach that integrates the basic components of: counseling curriculum; individual planning; responsive services; system support; consultation; and program planning, assessment, and evaluation (see subsections (d) through (n) of this Section).

(Source: Amended at 38 Ill. Reg. 6230, effective February 27, 2014)

Section 23.120 Standards for the School Nurse

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) Content Knowledge
The ~~certificated~~ school nurse with a professional educator license endorsed in school support services for school nurse (i.e., educator licensed school nurse) understands and practices within a framework of professional nursing and education to provide a coordinated school health program that encourages all students to achieve their optimal potential.
- 1) Knowledge Indicators – The competent school nurse:
 - A) understands that professional nursing is the foundation for clinical decision-making through assessment, diagnosis, outcome identification, planning, implementation, and evaluation, as it applies to all students in a holistic and ethical manner.
 - B) understands the concepts of health promotion and disease prevention when addressing the health care needs of all students and others in the school community.
 - C) understands the intent of local, State, and federal rules and regulations, their application to learners with disabilities, and their potential impact on the school community.
 - D) understands the significance of practicing within the legal boundaries of professional school nursing.
 - E) understands various technology-based productivity tools and their application to school nursing practice.
 - F) understands the concepts of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D) when providing coordinated school health services that integrate principles of health and education.
 - G) understands the principles of public health as they apply to the school population.
 - 2) Performance Indicators – The competent school nurse:
 - A) acquires and continues to maintain current knowledge and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- competency in school nursing practice in a holistic and ethical manner.
- B) collects accurate data in a systematic, organized, and ongoing manner.
 - C) analyzes and prioritizes data, utilizes scientific principles, and applies professional judgment in determining an appropriate nursing diagnosis.
 - D) identifies expected outcomes derived from nursing diagnoses and develops an individualized plan of care that specifies interventions to attain expected outcomes.
 - E) implements interventions identified in the plan of care and evaluates progress toward attainment of outcomes in a systematic, continuous, and criterion-based manner.
 - F) demonstrates skills in assessment and appropriate nursing interventions and seeks available resources when addressing acute and chronic health care needs of individuals in the school community.
 - G) acts as liaison between the home, school, and community to enhance the health and wellness of all individuals.
 - H) acts as a resource integrating principles of health teaching, health promotion, and disease prevention in the school community.
 - I) participates in the development and evaluation of health curricula, health instructional materials, and other health education activities.
 - J) implements public health mandates and participates in environmental safety and health activities that promote self-care and safety.
 - K) participates as a member of the multidisciplinary team in the identification, evaluation, and placement of students into special education programs and incorporates components of the individual

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

health care plan into the Individualized Educational Program or Section 504 Plan when indicated.

- L) recommends modifications of the school program for students who require accommodations due to health needs.
 - M) practices within the legal boundaries inherent in the nursing license and evaluates school nursing practice in relation to professional practices, standards, regulations, and policies.
 - N) assigns and/or delegates tasks as defined in the ~~Nurse~~Nursing and Advanced Practice Nursing Act [225 ILCS 65] and its implementing rules at 68 Ill. Adm. Code 1300.
 - O) maintains confidentiality within legal, regulatory, and ethical parameters of health and education.
 - P) utilizes available technology, as appropriate to the work setting, assuring that the information stored in the system is maintained in a confidential manner.
 - Q) applies the components of the Illinois Learning Standards when implementing a coordinated school health program.
- b) Human Development and Learning
The ~~educator licensed~~certificated school nurse understands human growth and development and provides a continuum of care and learning experiences for the general and special education populations that support the cognitive, social, emotional, and physical well-being of all students.
- 1) Knowledge Indicators – The competent school nurse:
 - A) understands the characteristics of normal, delayed, and disordered patterns of human development and their impact on learning.
 - B) understands the principles of brain development and the interrelationship with physical, emotional, social, and intellectual growth across the life span.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) understands the effects of biological, psychosocial, economic, environmental, and technological conditions that influence human growth and development and their impact on learning.
 - D) understands the complex interactions of medications on the educational, cognitive, physical, social, and emotional behaviors of all students.
 - E) recognizes how environment, culture, linguistic background, socioeconomic level, abuse/neglect, violence, and substance use affect growth and development.
- 2) Performance Indicators – The competent school nurse:
- A) applies knowledge of human growth and development and developmental differences when providing health assessment, direct physical care, health teaching, and guidance to all students.
 - B) provides formal and informal instruction based on the Illinois Learning Standards.
 - C) recommends appropriate accommodations for individual students with learning differences or needs, based on their level of development.
 - D) assists all students to develop appropriate skills based on age and developmental level that will help them advocate for themselves and become knowledgeable health care consumers.
 - E) demonstrates awareness of health issues and their impact in different school-aged populations: preschool, primary, middle grade, and young and older teens.
- c) Diversity
- The ~~educator licensed~~~~certificated~~ school nurse understands how students, families, and communities differ in their perspectives and approaches to health care and learning and creates opportunities that are adapted to diverse learners.
- 1) Knowledge Indicators – The competent school nurse:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) understands how health practices and learning are influenced by developmental/cognitive ability, individual strengths and needs, prior learning, life experiences, gender, culture, family, community values, racial and ethnic diversity, literacy, language, and socio-economic status.
 - B) understands and is sensitive to cultural, racial, gender, and ethnic diversity.
 - C) understands ways in which similar behaviors may have different meanings in different cultures and that some similar behaviors exist among cultures.
 - D) understands the impact of gender bias and sex-role stereotyping.
 - E) recognizes that a student's basic human needs must be met for effective learning.
 - F) understands the areas of exceptionality in learning as defined in the federal and State statutes.
- 2) Performance Indicators – The competent school nurse:
- A) demonstrates sensitivity to differences in students from diverse ethnic, social, cultural, family compositions, and religious backgrounds.
 - B) delivers care in a nonjudgmental and nondiscriminatory manner that is sensitive to and respectful of student and family diversity.
 - C) facilitates learning in which individual differences and cultural diversity are respected.
 - D) designs assessments and intervention strategies appropriate to students' gender, culture, stage of development, learning styles, strengths, and needs.
 - E) makes referrals for additional services or resources to assist

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

students with diverse needs that have an impact on learning.

- F) develops an individualized plan of care appropriate to developmental/cognitive ability, individual strengths and needs, prior learning, life experiences, gender, culture, family, community values, racial and ethnic diversity, literacy, and language.

d) Assessment and Evaluation

The ~~educator licensed~~~~certified~~ school nurse understands various formal and informal assessment and evaluation components of the nursing process to support the continual development, optimal health, and learning potential of all students.

1) Knowledge Indicators – The competent school nurse:

- A) understands the significance of the critical relationship between health and learning.
- B) understands the role of assessment in evaluating how students learn, what they know and are able to do, and experiences that support their optimal growth and development.
- C) understands the multidisciplinary components of a student case study evaluation in determining special education eligibility and implementation of health related services.
- D) understands the application of assessment and evaluation results in the development of individual student program modifications.
- E) understands the role of assessment, planning, implementation, and evaluation in a coordinated health program.
- F) recognizes and supports the rights of students/parents/guardians in regard to assessment and evaluation.

2) Performance Indicators – The competent school nurse:

- A) collects, prioritizes, and documents health data from students, families, staff, and service agencies in a systematic, organized, and ongoing manner.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) uses health assessment and evaluation results to support appropriate provision of educational and school health services.
- C) recommends modifications of the school program for students who require accommodations due to health needs.
- D) utilizes appropriate assessment and evaluation strategies to enhance health promotion, disease prevention, and safety.
- E) apprises the student/parent/guardian of their rights in regard to assessment and evaluation.

e) Planning and Intervention

The ~~educator licensedeertificated~~ school nurse uses the planning and intervention components of the nursing process to develop and plan for a coordinated school health program that meets the needs of students, families, staff, and community.

- 1) Knowledge Indicators – The competent school nurse:
 - A) understands the principles of planning and intervention when implementing a coordinated school health program.
 - B) recognizes that a plan includes measurable goals and objectives as applicable to individual student health and learning needs.
 - C) understands that plans and interventions are educationally relevant, developmentally appropriate, and sensitive to the social, cultural and linguistic background of the child, family and staff.
 - D) understands the development of plans and interventions that comply with local, State, and federal laws and regulations.
 - E) understands the need for collaboration with students, family, staff, and community in the development of a plan.
 - F) understands the application of current standards of school nursing practice to planning and intervention.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) understands how to access and utilize information relative to student health and learning issues.
 - H) understands how to prioritize when developing a plan and implementing interventions that provide for continuity of care and optimal learning.
 - I) understands the legal implications of timely documentation pertaining to planned interventions and evaluations.
 - J) understands how to develop and implement disease prevention, health promotion, and screening programs.
 - K) understands the development and implementation of health related curricula.
 - L) understands the importance of integrating technology in appropriate aspects of health services.
- 2) Performance Indicators – The competent school nurse:
- A) collaborates and establishes a plan and interventions that correlate with the expectations of student goals based on health and learning needs.
 - B) develops student-focused plans with measurable goals and objectives.
 - C) develops educationally relevant and developmentally appropriate plans and interventions that are sensitive to the social, cultural, and linguistic background of the child, family, and staff.
 - D) collaborates in the development of plans and interventions that comply with local, State, and federal law and regulations.
 - E) applies current standards of school nursing practice when developing plans and interventions that integrate technology into school health services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) utilizes multiple sources of information when prioritizing and developing plans and interventions that provide for continuity of care and optimal learning.
- G) develops and implements disease prevention, health promotion, and screening programs based on individual, school, and community needs.
- H) documents plans and interventions in a retrievable format.
- I) collaborates in the development and implementation of health-related curricula that address the issues and needs of students, family, staff, and community.

f) Service Delivery

The ~~educator licensed/certificated~~ school nurse understands and uses various intervention strategies in the development of a coordinated school health program that assists students, families, staff, and community to achieve optimal levels of wellness and learning.

- 1) Knowledge Indicators – The competent school nurse:
 - A) understands the assessment process in the delivery of school health services in a coordinated school health program.
 - B) understands classroom methods of instruction based on current learning standards and theory appropriate to students' developmental levels and diversity.
 - C) understands the principles of individual and group health counseling and teaching.
 - D) understands the design, development, and evaluation of health education curricula and other instructional materials.
 - E) understands the role and responsibility of a health resource professional with respect to students, staff, families, and community.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) understands the application of holistic health principles.
 - G) understands developmentally appropriate self-care.
 - H) understands the implications of independent professional nursing judgment in the delivery of school health services.
 - I) understands the legal and ethical basis for policies and guidelines that address management of medications, specialized care, and confidentiality.
 - J) understands the importance of seeking and maintaining current knowledge and understanding of mandated health examinations, immunizations, and screening.
- 2) Performance Indicators – The competent school nurse:
- A) evaluates the delivery of school health services in a coordinated school health program.
 - B) provides classroom health instruction based on current learning standards and theory, appropriate to students' developmental levels and diversity.
 - C) provides individual and group health counseling and teaching that incorporate individual strengths, offer maximum opportunity to make informed health choices, and promote students' participation in health care decisions and learning.
 - D) participates in the design and development of health education curricula, instructional materials, and other health education activities.
 - E) promotes self-care through education of students, families, and staff by providing health information and resource materials.
 - F) applies holistic health principles.
 - G) applies current professional standards of nursing practice (see

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~"Standards of Professional-School Nursing, Scope and Standards of Practice", 2nd Edition (2011+1998)~~, published by the National Association of School Nurses, Inc., ~~1100 Wayne Avenue #925, Silver Spring, Maryland 20910 P.O. Box 1300, Scarborough, Maine 04070-1300~~ and available at www.nasn.org; no later amendments to or editions of these standards are incorporated by this Section) and uses independent nursing judgment when delivering school health services.

- H) contributes to the development and implementation of health-related policies and procedures that comply with the ~~NurseIllinois Nursing and Advanced Practice Nursing Act~~ and the School Code.
- I) implements health-related ~~policiespolices~~ and procedures.
- J) administers medications and performs specialized procedures in compliance with State and district policy guidelines.

g) Learning Environment
The ~~educator licensedcertificated~~ school nurse understands and uses principles of health promotion and disease prevention to promote a safe and healthy learning environment.

- 1) Knowledge Indicators – The competent school nurse:
 - A) understands principles of health promotion and disease and injury prevention.
 - B) understands how to conduct school health assessments to identify current health issues and the need for programs.
 - C) understands how to develop and implement health programs that support a safe and healthy learning environment.
 - D) understands how to collaborate with school community, board of education, health authorities, and community health agencies to develop and implement health policies and procedures based on current standards of practice that support a safe and healthy learning environment.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) understands how to evaluate interventions and appropriately communicate findings.
 - F) understands the responsibilities of orienting, training, documenting competency, supervising, and evaluating tasks delegated to health assistants, aides, and unlicensed assistive personnel as appropriate to the school setting.
 - G) understands how to adapt technology for school health services.
 - H) understands how environmental health concepts affect school health and safety.
 - I) understands how individual actions affect the environment.
- 2) Performance Indicators – The competent school nurse:
- A) incorporates principles of health promotion and disease prevention.
 - B) conducts school health assessments to identify current health issues and the need for programs.
 - C) develops and implements health programs based on current professional standards of practice in nursing and health care, current trends, sources of funding, school policies, and local, State, and federal laws/regulations.
 - D) develops and implements health policies and procedures in collaboration with the school community, board of education, and health authorities, and community health agencies.
 - E) evaluates ongoing health and safety issues for outcomes of quality care and appropriately communicates findings.
 - F) orients, trains, and supervises the performance of tasks delegated to health assistants and unlicensed assistive personnel as appropriate to the school setting.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) incorporates and utilizes technology for school health services.
 - H) incorporates principles of environmental health into the provision of school health services.
 - I) teaches the consequences of individual actions as they relate to the environment.
- h) Communication
- The ~~educator licensed~~~~certificated~~ school nurse understands and uses effective communication and technology to foster active inquiry, collaboration, and partnerships that address the health, safety, and learning needs of all students.
- 1) Knowledge Indicators – The competent school nurse:
 - A) understands language development, communication techniques, and the role of communication in learning.
 - B) understands the value, ethics, and dynamics of communication.
 - C) understands written, verbal, nonverbal, and visual communication processes.
 - D) understands technology-based productivity tools and their application to school nursing practice.
 - E) understands the impact of diversity on effective communication.
 - F) understands the professional and legal implications of confidentiality and personal privacy, including the [Illinois School Student Records Act](#) and Family Educational Rights and Privacy Act (~~FERPA; 20 USC 1232(g)~~).
 - G) understands how the development of professional networking enhances the health and learning of school-age populations.
 - 2) Performance Indicators – The competent school nurse:
 - A) promotes and models positive, effective communication.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) uses various communication methods and tools to enrich learning opportunities.
 - C) utilizes various strategies to communicate effectively in a diverse school community.
 - D) utilizes available technology to enhance communication.
 - E) promotes and models ethical practices for confidential and private communication.
 - F) interprets and articulates health-related information and its potential impact on students' learning within the school and the community.
 - G) promotes informational linkages within the health care community.
- i) Collaborative Relationships
The ~~educator licensed~~~~certificated~~ school nurse understands and develops collaborative relationships with colleagues, families, and the community to support students' learning and well-being.
- 1) Knowledge Indicators – The competent school nurse:
 - A) understands schools as organizations within the context of the larger community.
 - B) understands the dynamics of interdisciplinary collaboration that enhances health and learning.
 - C) understands how diversity influences collaboration with families and the school community.
 - D) recognizes the need for cooperative action in order to implement an effective, coordinated school health program.
 - E) understands how partnerships among schools and families, businesses, community groups, government agencies, and higher

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

education maximize the use of resources and promote health and learning.

- 2) Performance Indicators – The competent school nurse:
 - A) initiates contact with and acts as a liaison among the home, school, community health agencies, community organizations, and private medical sector to enhance the health and wellness of the school community.
 - B) collaborates with the student, family, staff, and community in the development of goals, time-lines, and decisions related to health care, service delivery, and healthy lifestyles.
 - C) considers cultural factors when cooperating with families and the school community to facilitate student health and learning.
 - D) participates in collaborative decision-making and problem-solving with other professionals to promote students' success.

j) Professional Conduct and Ethics

The ~~educator licensedeertified~~ school nurse understands school nursing as a professional specialty and maintains standards of professional conduct and ethics.

- 1) Knowledge Indicators – The competent school nurse:
 - A) understands that the school nurse is the only health professional in the school setting who is prepared in both education and nursing.
 - B) understands how federal/State/local laws and regulations govern school health practice.
 - C) understands the school nurse's position within the school organization.
 - D) understands current health and educational policies and guidelines.
 - E) understands the professional code of conduct and ethical practice guidelines embodied in the standards referred to in subsection

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(f)(2)(G) of this Section and the ~~Nurse~~Illinois Nursing and Advanced Practice Nursing Act.

- 2) Performance Indicators – The competent school nurse:
 - A) maintains professional credentials and participates in regular relevant continuing education.
 - B) practices within the regulatory parameters of health and practices within the organizational structure of the school system.
 - C) practices within current health and educational policies and guidelines.
 - D) practices within the code of professional conduct delineated in the standards referred to in subsection (f)(2)(G) of this Section and follows current health and education directives.
 - E) delivers care that promotes and preserves students' and families' autonomy, dignity, cultural differences, and rights.

k) Reflection and Professional Growth

The ~~educator licensed~~certificated school nurse is a reflective practitioner who actively seeks opportunities to grow professionally.

- 1) Knowledge Indicators – The competent school nurse:
 - A) understands that lifelong learning is an integral part of professional growth.
 - B) understands that the process of continuous improvement is necessary to advance school health services.
 - C) understands current areas of research and resources that are available for professional development.
 - D) understands and participates in self-assessment, critical thinking, and problem-solving.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) understands the importance of acquiring and maintaining the skills to practice in the specialty area of school nursing.
- F) understands that professional growth is evaluated in relation to the standards referred to in subsection (f)(2)(G) of this Section, relevant statutes, guidelines, policies, and research.

2) Performance Indicators – The competent school nurse:

- A) participates in regular professional dialogue and continuous learning to support personal development as a lifelong learner and health educator.
- B) uses observation, data collection, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.
- C) consults with and utilizes the expertise of others as resources for problem-solving, for generating new ideas, and for seeking and giving feedback.
- D) assesses his or her own practice and needs and plans for continuing professional development.
- E) analyzes, evaluates, and reflects on the effectiveness of interventions in relation to outcomes.
- F) participates as a member of professional nursing and educational organizations.

l) Leadership and Advocacy

The ~~educator licensed~~~~certificated~~ school nurse is a member of the educational team, a leader and facilitator of change, and an advocate for students, the school, and the community.

1) Knowledge Indicators – The competent school nurse:

- A) understands the importance of the school nurse's leadership and advocacy roles.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) understands the changing parameters of the professional school nurse's scope of practice.
 - C) recognizes the impact of social, economic, and political issues and the legislative process on the nature and provision of health services to students and the community.
 - D) understands effective models, programs, and services available in the school/community environment.
 - E) understands the components of resource management relative to school health services.
 - F) understands the process of referral and follow-up in the provision of health and educational services.
 - G) understands the impact of cultural diversity and family dynamics on students' learning.
 - H) understands the need to support students' self-advocacy.
- 2) Performance Indicators – The competent school nurse:
- A) empowers the school community to effectively use health and wellness resources to make informed decisions.
 - B) serves as mentor and role model for students, families, and peers.
 - C) increases public awareness of school nurses' role and positive impact on student success.
 - D) develops and implements a plan for professional leadership.
 - E) promotes school nursing as a professional nursing specialty.
 - F) uses research and best practice guidelines to develop appropriate problem-solving strategies.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) participates in policy making on local, State, and federal levels that have an impact on the school community.
- H) identifies areas of health needs and utilizes appropriate consultation, resources, and services.
- I) participates in resource management of the school health services.
- J) advocates for the school health community.
- K) makes appropriate and timely referrals, including provisions for continuity of care and follow-up.
- L) provides services that acknowledge cultural diversity and family dynamics.
- M) extends services to students that build on individual strengths, provide opportunities for positive lifestyle choices, and encourage planning and direction for their own health care.

(Source: Amended at 38 Ill. Reg. 6230, effective February 27, 2014)

Section 23.130 Standards for the School Psychologist

- a) **Data-Based Decision-Making and Accountability**
The competent school psychologist has knowledge of varied models and methods of assessment that yield information useful in identifying strengths and needs, in understanding problems, and in measuring progress to collect data and other information, translate assessment results into empirically-based decisions about service delivery, and evaluate the outcomes of services. Data-based decision-making permeates every aspect of professional practice.
 - 1) **Knowledge Indicators – The competent school psychologist:**
 - A) understands effective, data-based decision-making and problem-solving processes.
 - B) understands the purposes, characteristics, strengths, and limitations of formal and informal models and methods of assessment (e.g.,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

interviewing techniques, norm-referenced cognitive and achievement tests, curriculum-based assessment, authentic assessment, portfolio assessment, criterion-referenced assessment, functional assessment, behavioral assessment, behavioral observation, social developmental history, and adaptive behavior assessment) for the purposes of data collection.

- C) understands child development, learning theory, and diversity as well as their relationship to data-based decision-making.
- D) understands psychometric theory, test development, and research as applied to data-based decision-making.
- E) understands nondiscriminatory evaluation procedures.
- F) understands the process of linking assessment results with the development of interventions.
- G) understands the importance of linking system-wide assessment data with districts' curricular decisions.
- H) understands the importance of considering cultural, linguistic, and other experiential factors when interpreting and using data.
- I) understands the importance of collecting data across environments.
- J) understands how to modify intervention plans based on data.
- K) understands the use of technology in data-based decision-making.
- L) understands the use of data in evaluating the integrity of interventions.
- M) understands the use of data in determining whether students have disabilities.
- N) understands parents'/guardians' and students' rights regarding assessment and evaluation.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- O) understands the principles and importance of professional accountability for confidentiality and record keeping.
- 2) Performance Indicators – The competent school psychologist:
- A) applies child development, learning theory, diversity, and the relationship of curriculum to data-based decision-making.
 - B) collects assessment results and other data to identify student learning needs, establish goals, align and modify curriculum and instruction, and design intervention strategies.
 - C) uses data to evaluate outcomes of services and to facilitate accountability.
 - D) uses environmental data (e.g., data from home, school, community) to plan interventions.
 - E) applies psychometric theory to the evaluation of assessment materials and techniques.
 - F) applies knowledge of research findings and methodology to the evaluation of curricula and other instructional materials.
 - G) uses nondiscriminatory evaluation procedures.
 - H) analyzes group performance to design interventions that meet learners' needs.
 - I) uses technology to monitor programs and to assist in the assessment of individual, group, and system-wide interventions.
 - J) uses technology to administer, score, and interpret psychological assessment techniques in a professionally appropriate and ethical manner.
 - K) prepares clearly written reports that address referral questions appropriately, report data accurately, and provide guidance for interventions.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- L) articulates assessment findings in a manner that is understandable for the intended audience.
 - M) uses data to identify factors that influence learning and behavior at the classroom or building level.
 - N) assists school personnel and other agency administrators with the interpretation of data to evaluate classroom- and/or building-level programs.
 - O) follows legal, regulatory, and ethical parameters in data-based decision-making and record keeping.
- b) **Consultation and Collaboration**
The competent school psychologist has knowledge of behavioral, mental health, collaborative, and/or other consultation models and methods and of their applications to particular situations. The competent school psychologist collaborates effectively with others in planning and decision-making processes at the individual, group, and system level.
- 1) **Knowledge Indicators – The competent school psychologist:**
 - A) understands behavioral, mental health, collaborative, and other consultative approaches and their application to particular situations.
 - B) understands the dynamics of communication applicable to collaboration and consultation in professional practice.
 - C) understands the importance of interpersonal skills in the consultative process.
 - D) understands schools as organizations within the larger community context.
 - E) understands skills necessary to facilitate communication with students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) understands skills necessary to facilitate communication among teams of school personnel, families, community professionals, and others.
 - G) understands the important features of collaboration with individuals of diverse cultures, values, and experiences.
 - H) understands technological tools for accessing, managing, and disseminating information to enhance the consultative process.
- 2) Performance Indicators – The competent school psychologist:
- A) applies knowledge of consultation and collaboration skills.
 - B) uses knowledge and skills in consultation and collaboration to promote change at the individual, classroom, building, district, and/or other agency levels.
 - C) initiates collaboration to enhance student learning.
 - D) participates in collaborative decision-making and problem-solving with other professionals to achieve student success.
 - E) demonstrates positive interpersonal skills and shows patience in difficult situations through use of active listening, conflict resolution and group facilitation skills.
 - F) uses effective collaboration skills with individuals of diverse cultural, racial, and ethnic backgrounds.
 - G) communicates clearly with diverse audiences (e.g., parents, teachers, school boards, policy makers, community leaders, colleagues).
 - H) promotes and models ethical practices of confidential communication with others.
 - I) uses a variety of communication modes (e.g., written, verbal, nonverbal, visual, technological) to communicate effectively with

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

a diverse constituency.

- J) uses technological resources to access, manage, and disseminate information to enhance the consultation process.

c) Learning and Instruction

The competent school psychologist has knowledge of human learning processes, of techniques for assessing these processes, and of direct and indirect services, including instructional interventions and consultation, applicable to the development of cognitive and academic skills. The competent school psychologist, in collaboration with others, develops appropriate cognitive and academic goals for students with different abilities, disabilities, strengths, and needs; implements interventions to achieve those goals; and evaluates the effectiveness of the implemented interventions.

1) Knowledge Indicators – The competent school psychologist:

- A) understands theories of cognitive development, learning, and teaching and their application to the development of instructional strategies.
- B) understands how students' conceptual frameworks can influence learning.
- C) understands how students acquire knowledge and skills.
- D) understands that students' cognitive, physical, social, emotional, and moral development influences learning.
- E) understands individual differences in approaches to learning and performance.
- F) understands language development, communication styles, and the role of communication in learning.
- G) understands the process of second language acquisition and strategies for supporting students' learning.
- H) understands the unique instructional needs of students with diverse

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

abilities.

- I) understands the impact of gender, race, culture, disability, and environment on learning.
 - J) understands formal and informal assessment techniques for evaluating students' learning.
 - K) understands intervention strategies that promote students' critical thinking, problem-solving, and performance skills.
 - L) understands the importance of continuing education in the areas of learning and instruction.
 - M) understands the importance of aligning instruction with the Illinois Learning Standards and related objectives.
 - N) understands factors that influence motivation and engagement in students' learning.
- 2) Performance Indicators – The competent school psychologist:
- A) works effectively with school personnel to promote supportive learning environments.
 - B) assists school personnel in developing cognitive and academic goals for all students.
 - C) supports schools' efforts to use evaluation techniques that measure cognitive and academic progress of all students.
 - D) uses formal and informal assessment techniques to evaluate the performance and progress of students.
 - E) uses assessment results to identify students' learning needs, develop instructional strategies, and contribute to recommendations regarding students' eligibility for and placement in special education.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) participates in the development and implementation of instructional strategies and interventions to promote learning in students at different stages of development and from diverse backgrounds.
 - G) develops intervention plans consistent with curriculum, learners' diversity, and learning theory.
 - H) considers instructional methods and materials, students' interests, and career needs when planning interventions.
 - I) uses intervention strategies and resources that encourage students' development of critical thinking, problem-solving, and performance skills.
 - J) monitors and adjusts interventions in response to feedback.
 - K) identifies and uses community resources to enhance students' learning and to provide opportunities for students to explore career alternatives.
 - L) accesses current information and research regarding advances in curriculum and instruction and shares this information and research with others.
 - M) collaborates with school personnel to develop appropriate academic goals and interventions for all students who do not meet the Illinois Learning Standards or locally developed objectives.
- d) **Socialization and Development of Life Skills**
The competent school psychologist has knowledge of human developmental processes and techniques for assessing these processes and of direct and indirect services, including consultation, behavioral assessment/intervention, and counseling, applicable to the development of academic, behavioral, affective, adaptive, social, and career goals. The competent school psychologist, in collaboration with others, develops appropriate behavioral, affective, adaptive, social, and career goals for students of varying abilities, disabilities, strengths, and needs; implements interventions to achieve those goals; and evaluates the effectiveness of interventions. InterventionsSuch interventions include, but are

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

not limited to, consultation, behavioral assessment/ intervention, and counseling.

- 1) Knowledge Indicators – The competent school psychologist:
 - A) understands the developmental processes involved in the behavioral, social, affective, and adaptive domains.
 - B) understands career goals and planning as part of the developmental process.
 - C) understands the principles of behavioral change within the behavioral, social, affective and adaptive domains.
 - D) understands direct/indirect intervention strategies appropriate for students from diverse backgrounds and experiences.
 - E) understands consultation, behavior management, and counseling strategies as they apply to the enhancement of students' behavior.
 - F) understands multiple approaches to classroom management.
 - G) understands how to use assessment information to address students' behavioral, affective, adaptive, social, academic, and career needs.
 - H) understands that medications may affect the academic, cognitive, physical, social, and emotional behavior of students.
 - I) understands how language, communication, and behavior affect socialization.
 - J) understands the characteristics and effects of culture and environment on students and families.
- 2) Performance Indicators – The competent school psychologist:
 - A) applies the principles of behavior change through the provision of consultation, behavioral assessment and intervention, and counseling services to enhance student behavior.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) develops methods to assist teachers and families in teaching pro-social behavior to students.
 - C) applies the principles of generalization and transfer of training to the development of interventions.
 - D) assists parents and other caregivers with the development and implementation of behavior change programs in the home in order to facilitate the learning and development of their children.
 - E) identifies factors that lead to successful interventions.
 - F) facilitates the implementation of strategies to improve instructional environments, and maximizes students' academic learning time.
 - G) develops classroom management interventions.
 - H) develops intervention programs to facilitate successful transitions of students from one environment to another (e.g., program to program, early childhood to school, school to work).
 - I) links assessment information to the development of strategies that address individual students' goals.
- e) Diversity
- The competent school psychologist understands individual differences, abilities, and disabilities and the potential influence of biological, social, cultural, ethnic, experiential, socioeconomic, gender-related and linguistic factors in development, learning, and communication skills. The competent school psychologist demonstrates sensitivity and other skills needed to work with individuals of diverse characteristics and to implement strategies selected and/or adapted based on individual characteristics, strengths, and needs.
- 1) Knowledge Indicators – The competent school psychologist:
 - A) understands his/her own cultural perspectives and biases and the impact of these biases on interactions with others.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) understands cultural, racial, ethnic, gender, and linguistic diversity.
 - C) understands the impact of familial, socio-cultural, and political contexts on interpersonal relationships.
 - D) understands diverse family systems and how they affect students' development, learning and communication skills.
 - E) understands how individual experiences, talents, disabilities, gender, prior learning, language, culture, family, religion, and community values influence students' learning.
 - F) understands that similar behaviors may have different meanings in different cultures.
 - G) understands cultural differences in approaches to learning and performance.
 - H) understands the process of second language acquisition and its impact on student learning.
 - I) understands the impact of bias and stereotyping in the educational environment.
 - J) understands the implications of State and federal legislation; rules and regulations; and case law on educational programming for all students.
 - K) understands the importance of professional practices that are consistent with ethical standards when dealing with students from diverse cultures and backgrounds.
 - L) understands the characteristics and educational needs of students with disabilities.
 - M) understands the characteristics and educational needs of gifted, creative, and talented students.
- 2) Performance Indicators – The competent school psychologist:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) recognizes the subtle racial, class, gender, cultural, and other biases and the ways in which these biases influence decision-making, instruction, behavior, and long-term outcomes for students.
- B) demonstrates sensitivity and other skills needed to work with families, students, and staff with diverse characteristics.
- C) demonstrates respect for cultural diversity.
- D) promotes practices that help students and families of all backgrounds feel welcome and appreciated in the school and community.
- E) assists with acknowledging, supporting, and integrating the activities and talents of all students into instructional programs and other settings.
- F) facilitates learning communities in which individual differences are respected.
- G) practices gender equity and avoids sex-role stereotyping.
- H) develops strategies for promoting an understanding of the role of cultural barriers in educational outcomes.
- I) uses strategies to mediate cross-cultural conflicts and to teach interpersonal skills.
- J) integrates students' cultural, racial, and ethnic diversity to enrich educational experiences.
- K) recognizes that experiential and linguistic differences can result in learning difficulties and apparent disabilities for students.
- L) incorporates information about students, families, cultures, and communities in assessments, interventions, and evaluations of progress.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- M) designs assessments and intervention strategies appropriate to each student's gender, culture, stage of development, learning style, exceptionality, strengths and needs.
 - N) considers students' abilities in their primary and secondary languages and the effects of second language learning when designing assessments and planning interventions.
 - O) develops academic and social/behavioral interventions that reflect knowledge and understanding of students' and families' culture, background, and individual learning characteristics.
 - P) identifies when and how to access and/or make referrals for additional services or resources to assist students with diverse learning needs.
 - Q) participates in professional continuing education to minimize biases and to enhance training and expertise.
- f) **School and Systems Organization, Policy Development, and Climate**
The competent school psychologist has knowledge of general education, special education, and other educational and related services. The competent school psychologist understands schools and other settings as systems. The competent school psychologist works with individuals and groups to facilitate policies and practices that create and maintain safe, caring, supportive, and effective learning environments for children and others.
- 1) **Knowledge Indicators – The competent school psychologist:**
 - A) understands the organization and operation of school systems.
 - B) understands effective principles of systems theory (e.g., organization development).
 - C) understands the importance of and the need for involvement in policy development.
 - D) understands the importance of policies and policy development

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

processes in school systems and agencies.

- E) understands the impact of school and public policy on schools, communities, and ecosystems.
- F) understands the factors that contribute to safe, caring, and supportive learning environments.

2) Performance Indicators – The competent school psychologist:

- A) contributes to the development of practices that provide beneficial programs and services for students and their families.
- B) promotes learning, prevention, and intervention by helping to create climates that foster mutual respect and caring for all students and their families/guardians.
- C) participates in decision-making that promotes effective services for students and their families/guardians.

g) Prevention, Crisis Intervention, and Mental Health

The competent school psychologist has knowledge of human development and psychopathology and of associated biological, cultural, and social influences on human behavior. The competent school psychologist provides or contributes to prevention and intervention programs that promote the mental health and physical well-being of students.

1) Knowledge Indicators – The competent school psychologist:

- A) understands the influence of child and adolescent development on behavior.
- B) understands the influence of child psychopathology on behavior.
- C) understands biological influences on behavior.
- D) understands human diversity and cultural and social influences on behavior.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) understands the influences of societal stressors on behavior.
 - F) understands crises in schools and communities and how they affect students' behavior.
 - G) understands effective prevention strategies.
 - H) understands crisis intervention strategies.
 - I) understands health issues influencing children and adolescents (e.g., diet, eating disorders, teenage pregnancy, AIDS prevention, and stress management).
 - J) understands resources for addressing a wide variety of behavioral, learning, and mental and physical health problems.
 - K) understands how to access and make appropriate referrals for services provided by the district, community, and State resources.
 - L) understands the role of diversity in the development and implementation of prevention, crisis intervention, and mental health programs.
 - M) understands how individuals and groups influence one another and how they function in society.
 - N) understands how to help students to work cooperatively and productively.
 - O) understands factors that influence motivation and engagement and how to help students become self-motivated.
 - P) understands that medications can affect the educational, cognitive, physical, social, and emotional behavior of individuals.
 - Q) understands the appropriate use of confidentiality in prevention, crisis intervention, and mental health services.
- 2) Performance Indicators – The competent school psychologist:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) identifies and recognizes behaviors that are precursors to academic, behavioral, and personal difficulties (e.g., conduct disorders, internalizing disorders, drug and alcohol abuse).
 - B) reviews crisis intervention plans used in the schools.
 - C) promotes mental health in the schools and other agencies.
 - D) addresses, through prevention programs, diverse health issues (e.g., diet, eating disorders, teenage pregnancy, AIDS prevention, and stress management).
 - E) collaborates with other health care professionals to promote behaviors that lead to good health.
 - F) uses resources to address a wide variety of cognitive, social-emotional, and physical problems.
 - G) empowers students, their families/guardians, educators, and others to gain access to and effectively use school and community resources.
 - H) analyzes educational environments to develop strategies that encourage motivation and engagement in productive work through mutual respect and cooperation.
 - I) works effectively within the school and community to create/enhance supportive learning environments.
 - J) analyzes individual and group performance in order to design interventions that are consistent with the learner's cognitive, social, emotional, and physical developmental levels and with relevant ethical principles/practices.
- h) Home/School/Community Collaborations
The competent school psychologist has knowledge of diverse family systems (e.g., single parent, foster parents, bi-racial parents, sexual orientation of parents) and understands influences on students' development, learning, and behavior.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Further, the competent school psychologist has knowledge of methods for involving families in education and service delivery. The competent school psychologist works effectively with families, educators, and others in the community to promote and provide comprehensive services to children and families.

- 1) Knowledge Indicators – The competent school psychologist:
 - A) understands how diverse family systems affect students.
 - B) understands the importance of family involvement in education.
 - C) understands methods of promoting collaboration and partnerships between families/guardians and educators that improve outcomes for students.
 - D) understands the implications of cultural diversity on family, home, school, and community collaborations.
 - E) has knowledge of school and community resources and agencies available to students and families/guardians.
- 2) Performance Indicators – The competent school psychologist:
 - A) designs, implements, monitors, and evaluates programs that promote school, family, and/or community partnerships and enhance academic and behavioral outcomes for students.
 - B) facilitates collaboration between schools and parents/guardians by designing educational interventions.
 - C) identifies resources and facilitates communication between schools, families/guardians, and community agencies.
- i) Research and Program Evaluation
The competent school psychologist has knowledge of research, statistics, and evaluation methods; evaluates research; translates research into practice; and understands research design and statistics in sufficient depth to plan and conduct investigations and program evaluations leading to the improvement of services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Knowledge Indicators – The competent school psychologist:
 - A) understands research design.
 - B) understands research and statistics in order to evaluate published research.
 - C) understands statistical procedures and data analysis methods to answer research questions.
 - D) understands measurement principles and psychometric standards and methods when selecting and using assessment techniques and published tests in program or systems-level evaluation.
 - E) understands findings from intervention research when designing educational, mental health, or treatment programs for children.
 - F) understands technological methods and applications for research and evaluation (e.g., statistical and behavior monitoring software programs).
- 2) Performance Indicators – The competent school psychologist:
 - A) applies research design and data analysis techniques when conducting and evaluating research.
 - B) evaluates psychometric properties when selecting assessment methods.
 - C) applies knowledge of professional literature and research findings to all aspects of professional practice, including service delivery improvements.
 - D) applies knowledge of intervention research in designing psycho-educational and mental health programs for children.
 - E) provides information about relevant research findings to school personnel, parents, and the public.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- j) **School Psychology Practice and Development**
The competent school psychologist has knowledge of the history and foundations of the profession; of various service models and methods; of public policy development applicable to services to children and families; and of ethical, professional, and legal standards. The competent school psychologist practices in ways that are consistent with applicable standards, is involved in the profession, and has the knowledge and skills needed to acquire career-long professional development.
- 1) **Knowledge Indicators – The competent school psychologist:**
 - A) understands professional, ethical, and legal standards in order to enhance the quality of services and to protect the rights of all parties.
 - B) understands the standards, models, methods, and practices of the profession.
 - C) understands the history and foundations of school psychology.
 - D) understands relevant aspects of related areas in psychology and education (e.g., developmental psychology, cross-cultural psychology, mental health/health, bilingual education, and special education).
 - E) understands how the practice of school psychology affects students and families from diverse backgrounds.
 - F) understands the importance of collaborating with other professionals in the school community.
 - G) understands the importance of continued professional development.
 - H) understands the obligations, procedures, and applications of being a mandated reporter of suspected child abuse and neglect.
 - I) understands the importance of active involvement and participation

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

in professional organizations (e.g., Illinois School Psychologists Association, National Association of School Psychologists, Council for Exceptional Children, ~~etc.~~).

- J) understands the full range of school psychological services.
- 2) Performance Indicators – The competent school psychologist:
- A) practices in full accordance with the "Principles for Professional Ethics" expressed in the "Model Guidelines for Comprehensive and Integrated the Provision of School Psychological Services" (2010~~2000~~), published by the National Association of School Psychologists, 4340 East West Highway, Suite 402, Bethesda MD 20814 and posted at http://www.nasponline.org/standards/2010standards/2_PracticeModel.pdf. ~~No; no~~ later amendments to or editions of these standards are incorporated by this Section.
 - B) provides school psychological services consistent with the legal, ethical, and professional guidelines referred to in subsection (j)(2)(A) of this Section.
 - C) maintains accepted standards in assessment, consultation, intervention, and general professional practice.
 - D) complies with legal requirements for professional practice.
 - E) participates in personal continuing professional development.
 - F) shares professional resources with teachers, parents, and others to enhance services to students.
 - G) maintains useful and accurate records and communicates information responsibly to families/guardians, students, colleagues, and community members as appropriate.
- k) Technology Standards
The competent school psychologist has knowledge of relevant informational sources and technology; and accesses, evaluates, and uses informational sources and technology in ways that safeguard or enhance the quality of services.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Knowledge Indicators – The competent school psychologist:
 - A) understands how to review, evaluate, and use technology for educational purposes.
 - B) has knowledge about assistive technology and other technological resources for children.
 - C) understands methods and standards for using informational technology.
 - D) understands methods of access to informational sources.
 - E) understands the ethical issues and social implications of using technology.
 - F) understands the strengths and limitations of professional computer software (e.g., test scoring, interpretive and psychological report writing programs, behavior analysis programs).

- 2) Performance Indicators – The competent school psychologist:
 - A) practices ethical, legal, and socially responsible behavior when using technology and computer software.
 - B) adheres to copyright laws and guidelines in the access and use of information from various technologies.
 - C) uses technology (e.g., CD/DVD ROM, the World Wide Web, e-mail, interactive video, distance learning) to acquire information, current research findings, and continuing professional development.
 - D) uses current technology resources when designing, implementing, and evaluating instructional programs or interventions for children.
 - E) uses technology-based productivity tools (e.g., word processing, data base, spread sheets, test scoring programs) to function more

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

effectively and efficiently.

- F) uses multimedia resources to support and deliver oral presentations.
- G) demonstrates awareness of resources for adaptive/assistive devices for students with special needs.
- H) uses technology in communicating, collaborating, and conducting research.
- I) maintains useful and accurate records and communicates information responsibly to families/guardians, students, colleagues, and community as appropriate.

(Source: Amended at 38 Ill. Reg. 6230, effective February 27, 2014)

Section 23.140 Standards for the School Social Worker

- a) Content
The competent school social worker understands the theories and skills needed to provide individual, group, and family counseling; crisis intervention; case management; advocacy; consultation; in-service and parent education; prevention programs; conflict resolution services; and community organization and development. The school social worker utilizes these theories and skills to enhance the environment of the local educational agency (LEA).
- 1) Knowledge Indicators – The competent school social worker:
 - A) has attained a master's degree in social work with a specialization in school social work from a program accredited by the Council on Social Work Education (CSWE).
 - B) understands methods of practice, including counseling, crisis intervention, case work, and individual, group, and family therapies.
 - C) understands and develops skills in advocacy, case management, consultation, classroom groups, and community organization.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- D) understands theories of normal and exceptional development in early childhood, middle childhood, adolescence, and early adulthood and their application to all students.
 - E) understands the effects of mental illness on students' ability to participate in learning.
 - F) understands the person-in-environment context of social work.
 - G) understands the effects of biological, family, social, health, and cultural factors on human development and social functioning.
 - H) understands characteristics and implications for education of children with academic and/or behavioral challenges.
 - I) understands systems theories as they relate to classrooms, schools, families, and community.
 - J) understands methods of advocacy on behalf of individuals, families, and school systems.
 - K) understands the application of social learning theories to identify and develop broad-based prevention and intervention programs.
- 2) Performance Indicators – The competent school social worker:
- A) uses empathy in interpersonal relationships.
 - B) uses diverse interview techniques and written communication with all persons within the student's system.
 - C) gathers and interprets appropriate information to document and assess environmental, emotional, cultural, socioeconomic, educational, biological, medical, psychosocial, and legal factors that affect children's learning.
 - D) makes accurate mental health diagnoses based on the Diagnostic and Statistical Manual of Mental Disorders, ~~Fourth~~ Fifth Edition

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(~~2013~~1994), published by the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington VA 22209. ~~No 1400 K St., N.W., Washington, DC 20005;~~ no later amendments to or editions of these standards are incorporated by this Section.

- E) selects and applies the most appropriate methods of intervention to enhance students' educational experience.
 - F) demonstrates effective leadership of and participation in interdisciplinary teams.
- b) Service Delivery
- The competent school social worker utilizes a variety of intervention strategies that support and enhance students' educational and emotional development.
- 1) Knowledge Indicators – The competent school social worker:
 - A) understands methods of individual, group, family, and crisis counseling.
 - B) understands methods of social work service delivery.
 - C) understands and develops skills in advocacy, case management, community organization, consultation and in-service training.
 - D) understands the application of social learning theories to identify and develop broad-based prevention and interventions.
 - E) understands the interdisciplinary approach to service delivery within the educational environment.
 - F) understands how to integrate content knowledge for service delivery.
 - G) understands the role of mandated reporters of suspected child abuse and neglect and the function of the State's child welfare agency.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Performance Indicators – The competent school social worker:
 - A) develops and implements prevention and intervention plans that enable children to benefit from their educational experiences.
 - B) provides individual, group, and/or family counseling and other services to enhance success in the educational process.
 - C) provides crisis intervention counseling and other services to the school community.
 - D) provides consultation to teachers, administrators, parents, and community agencies.
 - E) develops and provides training and educational programs in the school and community.
 - F) conducts diagnostic assessments and participates in eligibility conferences for special education and other programmatic options, students' educational planning conferences, and conferences with parents.
 - G) initiates referrals and linkages to community agencies and maintains follow-up services on behalf of identified students.
 - H) mobilizes the resources of the school and community to meet the needs of children and their families.
 - I) initiates reports of suspected child abuse and neglect to the State's child welfare agency.
- c) Planning
The competent school social worker designs services based upon knowledge of the educational setting, as well as information about the students, families, and community.
 - 1) Knowledge Indicators – The competent school social worker:
 - A) understands learning theory and human development as it applies

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

to the content and curriculum of educational planning and intervention.

- B) understands the process of needs assessment, referral, and resource development.
 - C) understands how to develop long- and short-term intervention plans consistent with curriculum and students' diversity and strengths, life experiences, and social/emotional factors.
 - D) understands environmental factors when planning interventions to create an effective bridge between students' experiences and goals.
 - E) understands how to integrate and use technology for assessments, interventions, and information management.
- 2) Performance Indicators – The competent school social worker:
- A) assists in establishing expectations for student learning consistent with students' strengths and educational systems' goals.
 - B) conducts needs assessments to plan for service delivery.
 - C) assists students in creating long- and short-term plans to meet expectations for learning.
 - D) creates and adapts learning opportunities and materials to provide effective interventions.
 - E) plans interventions that integrate students' life experiences and future career goals.
 - F) maintains relevant data to assist in planning, management and evaluation of school social work.
 - G) collects, analyzes and interprets data to evaluate and modify interventions when necessary.
 - H) supports approaches to learning that address individual student

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

needs.

- I) integrates and uses technology for assessments, interventions, and information management.
- d) **Assessment and Evaluation**
The competent school social worker understands various formal and informal assessment and evaluation strategies and uses them to support the development of all students.
- 1) **Knowledge Indicators – The competent school social worker:**
 - A) understands strength-based assessments and practices that support growth and development.
 - B) understands various types of research, measurement theory, and concepts of validity, reliability, bias, scoring, and interpretation of results.
 - C) understands multiple assessment techniques, such as observation, structured/clinical interviews, and standardized assessments, and their purposes, characteristics, and limitations.
 - D) understands how to conduct formal and informal assessment of adaptive behavior, self-esteem, social skills, attitudes, behavior, interests, and emotional/mental health.
 - E) understands the use of assessment as a means to evaluate the student's emotional/mental health and social functioning, including:
 - i) the child's physical, cognitive, and emotional development;
 - ii) family history and factors that influence the child's overall functioning;
 - iii) the child's behavior and attitude in different settings;
 - iv) patterns of interpersonal relationships in all spheres of the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- child's environment;
 - v) patterns of achievement and adjustment at critical points in the child's growth and development;
 - vi) adaptive behavior and cultural factors that may influence learning.
- F) understands the social-developmental study with its focus on the student's functioning within the educational environment.
- G) is familiar with the components of the case study evaluation.
- H) understands the relationship between assessment, eligibility, and placement decisions, including the development of Individualized Education Programs.
- I) understands parent/guardian and student rights regarding assessment and evaluation.
- J) is familiar with the diagnostic tools used by other professionals in the school.
- K) understands the use of assessment and evaluation results to develop student interventions.
- 2) Performance Indicators – The competent school social worker:
- A) appropriately uses a variety of non-discriminatory formal and informal tools and techniques, including observation, interview and standardized instruments, to evaluate the understanding, progress, and performance of students in the school environment.
 - B) uses assessment results to identify student learning needs and to assist in aligning and modifying instruction and designing intervention strategies.
 - C) uses assessment and evaluation results to make appropriate interventions, including recommendations for eligibility and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

placement.

- D) involves students in self-assessment activities to help them become aware of their strengths and needs and to establish goals.
 - E) presents assessment results in an easily understandable manner.
 - F) documents assessment and evaluation results.
 - G) collaborates with parents/guardians and other professionals regarding the assessment process.
 - H) informs parents/guardians of their rights and the rights of students regarding assessment.
 - I) uses a variety of non-discriminatory formal and informal tools and techniques to help determine the efficacy of intervention and programs.
- e) Consultation and Collaborative Relationships
The competent school social worker develops consultative and collaborative relationships with colleagues, parents, and the community to support students' learning and well being.
- 1) Knowledge Indicators – The competent school social worker:
 - A) understands the principles, practices, and processes of individual and organizational consultation.
 - B) understands the collaborative process with parents, school personnel, community-based organizations, and agencies to enhance the student's educational functioning.
 - C) understands the school's role within the context of the larger community.
 - D) understands the variations in beliefs, traditions, and values across cultures and their effect on interactions among group members.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) understands the importance of audience and purpose when selecting ways to communicate ideas.
 - F) understands how formal and informal political implications affect communication.
 - G) understands language development, communication techniques, and the role of communication in the learning environment.
 - H) understands the role of school personnel as mandated reporters of child abuse and neglect.
- 2) Performance Indicators – The competent school social worker:
- A) initiates, develops, and implements consultative relationships.
 - B) models and promotes ethical practices for confidential communication.
 - C) collaborates with colleagues, parents/guardians, and community personnel about students' needs.
 - D) encourages relationships among colleagues to promote a positive learning environment.
 - E) participates in collaborative decision-making and problem-solving to promote students' success.
 - F) facilitates a collaborative relationship between general and special education systems to promote a unified system of education.
 - G) models and promotes effective communication among group members or between groups.
 - H) uses a variety of effective communication modes with diverse target groups.
 - I) assists mandated reporters of child abuse and neglect in relaying and documenting information to the State's child welfare agency.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- f) **Advocacy and Facilitation**
The competent school social worker advocates and facilitates change that effectively responds to the needs of students, families, and school systems.
- 1) **Knowledge Indicators – The competent school social worker:**
 - A) understands the role of advocacy and facilitation at all levels of the systems that affect students and their families.
 - B) is familiar with available resources for students and families within the school and community.
 - C) understands when and how to make referrals for programs and services at the district, community, and State levels.
 - D) understands the need to improve access to services and resources.
 - 2) **Performance Indicators – The competent school social worker:**
 - A) works to empower children, their families, educators, and others to gain access to and effectively use school and community resources.
 - B) identifies areas of need and accesses or creates resources and services.
 - C) makes referrals to community and school resources.
 - D) advocates for students with other members of the educational community to enhance students' functioning in the learning environment.
 - E) supports students' transitions across environments.
 - F) uses research and technologies to help students, families, school, and community to access resources.
- g) **Learning Community**
The competent school social worker encourages effective social interaction, active

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

engagement in learning, and self-motivation to create a positive learning community.

- 1) Knowledge Indicators – The competent school social worker:
 - A) understands principles of and strategies for effective behavior and social management within the school environment.
 - B) understands small- and large-group dynamics.
 - C) understands how people's attitudes within the educational environment influence behavior of individuals.
 - D) understands how to help students work cooperatively and productively.
 - E) understands the importance of parents' participation in fostering students' positive development.
 - F) understands mediation and conflict-resolution strategies.
 - G) understands effective interventions within a group or classroom.
 - H) understands principles of and strategies for organizational functioning.
 - I) understands how to work with administrators and other school personnel to make changes within the school environment.
 - J) understands how service learning and volunteerism promote the development of personal and social responsibility.
- 2) Performance Indicators – The competent school social worker:
 - A) encourages the development of a learning community where students assume responsibility, participate in decision-making, and work independently as well as collaboratively in learning activities.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) analyzes educational environments and works effectively to create/enhance a supportive learning climate.
 - C) develops strategies to encourage motivation and engagement through mutual respect and cooperation.
 - D) develops conflict resolution programs within the school environment.
 - E) develops needs assessments and works as a change agent to create identified services.
 - F) collaborates with community agencies in school-linked service learning projects or other programs.
 - G) promotes the effective utilization of school social work services.
 - H) promotes understanding of factors that affect the educational environment and facilitates systems improvement.
 - I) designs, implements, and evaluates programs that enhance a student's social participation in school, family, and community.
 - J) promotes active parental participation within the educational environment.
 - K) collaborates with community agencies to increase access to services and resources.
- h) Diversity
The competent school social worker understands the broad range of backgrounds and experiences that shape students' approaches to learning and helps create opportunities adapted to diverse populations of learners.
- 1) Knowledge Indicators – The competent school social worker:
 - A) understands how students' learning is influenced by culture, family, community values, individual experiences, talents, gender, sexual orientation, language, and prior learning.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) understands and identifies differences in approaches to learning and performance, including different learning styles, performance modes, and variations of perception.
 - C) understands and respects the impact of cultural, racial, ethnic, socioeconomic, and gender diversity and sexual orientation in the educational environment.
 - D) understands the issues of second language acquisition, the immigrant experience, and the need to develop strategies to support students and families.
 - E) understands ways in which similar behaviors may have different meanings to people in different cultures.
 - F) understands various disabilities.
- 2) Performance Indicators – The competent school social worker:
- A) facilitates a learning community in which individual differences are respected.
 - B) practices gender equity and avoids sex-role stereotyping.
 - C) provides services that promote multi-cultural sensitivity.
 - D) develops strategies to decrease negative effects of cultural barriers on education.
 - E) utilizes students' diversity to enrich the educational experiences of all students.
 - F) interprets information about students' families, cultures, and communities in assessments, interventions, and evaluations of student progress.
 - G) utilizes appropriate assessment tools and intervention strategies that reflect diverse student needs.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- H) designs intervention strategies appropriate to student's culture, gender, sexual orientation, developmental stage, learning styles, strengths and needs.
 - I) makes referrals for additional services or resources to assist students with diverse learning needs.
- i) Professional Conduct and Ethics
The competent school social worker understands education and social work as professions, maintains standards of professional conduct and ethics, and provides leadership to improve students' learning and well-being.
- 1) Knowledge Indicators – The competent school social worker:
 - A) understands the professional code of conduct and ethical practice guidelines stated in "NASW Standards for School Social ~~Workwork~~ Services" (2012~~1992~~), published by the National Association of Social Workers, 750 First Street NE, Suite 700, Washington, D.C. 20002-4241 and posted at <http://www.naswdc.org/practice/standards/NASWSchoolSocialWorkStandards.pdf>. ~~No; no~~ later amendments to or editions of these standards are incorporated by this Section.
 - B) understands federal and State laws and regulations as they pertain to ethical practice.
 - C) understands the legal and ethical principles of confidentiality as they relate to the practice of school social work.
 - D) understands the organization and operation of school systems.
 - E) understands school policies and procedures.
 - F) understands legal issues in education, with special emphasis on persons with disabilities; child welfare; mental health; confidentiality; children's and adolescents' rights; and current trends.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) understands the importance of active participation and leadership in professional education and social work organizations.
- 2) Performance Indicators – The competent school social worker:
- A) follows the professional code of conduct and ethical practice guidelines referred to in subsection (i)(1)(A) of this Section.
 - B) maintains current knowledge of and abides by federal and State laws and regulations, with emphasis on persons with disabilities, child welfare, mental health, confidentiality, and children's and adolescents' rights.
 - C) participates in district activities such as policy design, curriculum implementation, staff development, and organizations involving parents/guardians and students.
 - D) abides by current legal directives, school policies, and procedures.
 - E) promotes the rights of students.
 - F) models and promotes ethical practices for confidential communication.
- j) Professional Development
The competent school social worker actively seeks opportunities to grow professionally.
- 1) Knowledge Indicators – The competent school social worker:
- A) understands the importance of taking responsibility for self-evaluation as a competent and ethical practitioner.
 - B) understands the impact of personal strengths and needs on service delivery.
 - C) understands methods of inquiry and frameworks for self-assessment and self-improvement.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- D) understands how to use supervision, consultation, collaboration, and continuing education to identify areas for ~~ongoing~~~~en-going~~ professional development.
- E) understands how to interpret and utilize research to evaluate and guide professional interventions.
- F) understands the use of empirically based practice resources available for intervention and program development.
- 2) Performance Indicators – The competent school social worker:
- A) uses continuing education, research, professional literature, observations and experiences to enhance professional growth and to guide evaluation of professional practice.
- B) maintains an awareness of personal attitudes, perspectives, strengths, and needs as they relate to professional practice.
- C) uses self-assessment and performance evaluations to identify areas for professional growth.
- D) actively seeks consultation to improve professional practice.
- E) recognizes the limits and boundaries of the professional role.
- F) demonstrates a capacity and willingness to assume the roles of learner and facilitator/educator in maintaining a broad knowledge base for professional development.
- G) participates in professional activities and organizations that promote and enhance school social work practice.
- H) assumes responsibilities for enhancing practice through various professional development activities.

(Source: Amended at 38 Ill. Reg. 6230, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
28.10	Amend
28.100	Amend
28.200	Amend
28.210	Amend
28.220	Amend
28.230	Amend
28.240	Amend
28.300	Amend
28.310	Amend
28.320	Amend
28.330	Amend
28.340	Amend
28.350	Amend
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: February 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Sections 28.100(h)(2)(C) and 28.230(d)(1)(C).
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17439
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 28.100(h)(2)(C), a link was added for individuals to find online the standards for professional and ethical behavior for special education personnel.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

In Section 28.220(c)(1)(D), the full incorporation was included for access to the federal policy guidance concerning referral and placement procedures for students who are deaf and hard of hearing.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.
- 16) Information and questions regarding this adopted rule shall be directed to:

Vicki Phillips, Division Administrator
Division of Career and College Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield IL 62777

217/782-4620

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 28

STANDARDS FOR ~~ENDORSEMENTS~~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 21B and authorized by Sections 2-3.6 and 21-28 of the School Code [105 ILCS 5/Art. 21B, 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; amended at 38 Ill. Reg. 6313, effective February 27, 2014.

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 [Section 21-28](#)~~Article 21~~ of the School Code [105 ILCS

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

5/21-28 Art. 21]. The 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 Educator Licensure 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

care and assistive technology, to individuals with all types of disabilities across the age range;

- 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:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) the cognitive processes associated with various kinds of learning and how these processes can be stimulated and developed;
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- M) the effects of second language acquisition on communication patterns;
 - 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,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- stanines, measures of central tendency, standard deviations, and standard error of measurement;
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) evaluates learning environments and matches necessary supports to individual learners' needs; and
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- L) short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory;
 - 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,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

social, emotional, and physical domains at the appropriate level of development in the least restrictive environment;

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- E) laws, rules and regulations, procedural safeguards, and ethical considerations regarding management of behaviors of individuals with disabilities;
 - 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 paraprofessional educators~~paraeducators~~.
- 2) Performance – The competent special education teacher:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) identifies, uses and evaluates appropriate reinforcers to enhance learning and motivation;
- 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 [paraprofessionals](#)~~paraeducators~~, volunteers, and/or peer tutors;
- K) coordinates activities with related services personnel to maximize instruction and time;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- L) uses procedures to help individuals develop self-awareness, self-control, self-reliance, self-esteem, and self-determination and manage their own behavior;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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);
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) plans and conducts collaborative conferences with families or primary caregivers;
 - 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, paraprofessional educators~~paraeducators~~, and other school and community personnel in integrating individuals with disabilities into various social and learning environments;
 - G) communicates with general educators, administrators, paraprofessional educators~~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 paraprofessional educators~~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:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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 and available at <http://www.cec.sped.org/~media/Files/Standards/News%20and%20Reports/Redbook%202009.pdf>. (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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(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 [special K-age 21 Learning Behavior Specialist I \(LBS I\) endorsement](#) (~~either on a professional educator license~~[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 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 career and technical~~vocational~~ skills across life skill domains (i.e., domestic, recreation/leisure, vocational, and community);
 - 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 career and technical~~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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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 ~~career and technical~~~~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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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 career and technical~~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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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, ~~paraprofessional educators~~~~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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

community) and ~~paraprofessional educators~~ ~~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;
 - 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 special preschool-age 21 Teacher of Students who are Blind or Visually Impaired (~~either on a professional educator license~~~~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;
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) the roles of ~~paraprofessionals~~ paraprofessional educators 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 paraprofessional educators ~~paraprofessionals~~ or peer tutors who work with students with visual impairments; and
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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 special preschool-age 21 Teacher of Students who are Deaf or Hard of Hearing (~~either on a professional educator license 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;
 - 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);

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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, 1992+1993, published by the U.S. Department of Education's Office of Civil Rights, and available at <http://www2.ed.gov/about/offices/list/ocr/docs/hq9806.html>; no later amendments to or editions of this guidance are incorporated by this rule) for students who are deaf or hard of hearing.
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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);
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
 - 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,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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
 - 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

Section 28.230 Standards for the Speech-Language Pathologist

Beginning January 1, 2002, an individual who completes an approved program and elects to receive the speech-language pathologist's endorsement on a professional educator license endorsed for school support service personnel (non-teaching) certificate rather than ~~for~~ a teaching field certificate shall be subject to the standards set forth in this Section but not to those

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 a school support personnel endorsement as a for special preschool-age 21 Speech-Language Pathologist ~~(either on a professional educator license 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 (i.e., non-teaching or teaching speech-language pathologist) 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:
 - A) provides screening, identification, assessment, diagnosis, treatment, intervention, and follow-up services for disorders of:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - A) considers student development factors when interpreting evaluative data and designing interventions; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 ~~thesesueh~~ 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]~~~~[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
 - C) considers students' abilities in their primary and secondary languages and the effects of second language learning when designing assessments and planning intervention.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 ~~infor~~ Speech-Language Pathology" (2007) published by the American Speech-Language-Hearing Association, 2200 Research Boulevard, Rockville, Maryland 20850 and posted at <http://www.asha.org/policy/SP2007-00283/>. 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;
 - E) creates and adapts effective learning materials and learning experiences based on curriculum, students' prior knowledge, and students' needs;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - C) practices effective listening and provides students with constructive feedback.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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 in 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.
- 1) Knowledge – The competent speech-language pathologist understands:
- A) the collaborative process; and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - C) engages in self-evaluation, making ongoing adjustments to assessment and intervention techniques as needed to improve services to students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 1) Knowledge – The competent speech-language pathologist understands:
 - A) the educator's advocacy role;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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 [professional educator license endorsed for early childhood](#)~~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:
 - A) major concepts, assumptions, debates, principles, theories, and processes of inquiry that are central to early childhood special

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - D) promotes children's skills in using technologies to support learning across content and developmental areas, including technologies

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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, as well as the standards set forth at 23 Ill. Adm. Code 235.Appendix A and Appendix B, 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- I) 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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 professional educator licenses~~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 of this type shall prohibit a ~~licensee certificate holder~~ from providing services to students outside the area of specialization encompassed by that endorsement.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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 career and technical~~vocational~~ education, rehabilitation, labor, and civil rights;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
- 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) career and technical~~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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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, ~~career and technical~~ ~~vocational~~ training, and other community environments;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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, paraprofessional educators~~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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

Section 28.320 Standards for the LBS II/Technology Specialist

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Knowledge – The competent technology specialist understands:
 - A) the importance of collaboration with teachers, administrators, ~~school support-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:
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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;
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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:
 - 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 ~~paraprofessional educators~~~~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, ~~paraprofessional educators~~~~paraprofessionals~~, and students.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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:
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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~~ paraprofessional educators, 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
- 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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;
 - 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- D) directs, observes, evaluates, and provides feedback to [paraprofessional educators](#)~~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, 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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 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, paraprofessional educators~~paraprofessionals~~, and students.
- 1) Knowledge – The competent behavior intervention specialist understands:
 - 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 paraprofessional educators~~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;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) designs, implements, and evaluates inservice trainings for teachers, related service personnel, and ~~paraprofessional educators~~[paraprofessional 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 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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.

(Source: Amended at 38 Ill. Reg. 6313, effective February 27, 2014)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards for Administrative Endorsements
- 2) Code Citation: 23 Ill. Adm. Code 29
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
29.10	Amend
29.100	Amend
29.120	Amend
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rule: February 27, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 29.100.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: November 8, 2013; 37 Ill. Reg. 17551
- 10) Has JCAR issued a Statement of Objection to these rulemakings? No
- 11) Differences between Proposal and Final Version: Non-substantive technical changes regulated by JCAR (in Authority note, changed "21" to "21B" twice).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 97-607, effective August 26, 2011, changes the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Code). References to certification and related terms were changed to align this set of rules to the licensure system, which became effective July 1, 2013.

Additionally, acknowledgement has been made in Section 29.120 that the general administrative endorsement will no longer be issued starting September 1, 2014. The endorsement is being replaced by the principal endorsement; requirements for receipt of that endorsement are set forth in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois). Alignment also has been made between Parts 29 and 30 in that Part 29 has incorporated by reference the ISLLC 2008, Educational Leadership Policy Standards, adopted by the National Policy Board for Educational Administration and set forth in Part 30.

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

Vicki Phillips, Division Administrator
Division of Career and College Readiness
Illinois State Board of Education
100 North First Street, C-215
Springfield IL 62777

217/782-4620

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 29

STANDARDS FOR ADMINISTRATIVE ~~ENDORSEMENTS~~CERTIFICATION

Section

29.10	Purpose and Effective Dates
29.100	Illinois Professional School Leader Standards
29.110	Chief School Business Official
29.120	General Administrative Endorsement (<u>Through August 31, 2014</u>)
29.130	Superintendent
29.140	Director of Special Education
29.150	New Credential Required – Directors and Assistant Directors of Special Education (Repealed)

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

SOURCE: Adopted at 26 Ill. Reg. 6493, effective April 22, 2002; amended at 27 Ill. Reg. 5800, effective March 21, 2003; amended at 28 Ill. Reg. 8681, effective June 1, 2004; amended at 38 Ill. Reg. 6429, effective February 27, 2014.

Section 29.10 Purpose and Effective Dates

This Part establishes the standards that shall apply to the issuance of administrative ~~certificates~~ and the endorsements available on a professional educator licensure~~those certificates~~. The standards set forth in this Part shall apply both to candidates for the respective endorsements and to the programs that prepare them. That is:

- a) beginning July 1, 2003, approval of any preparation program or course of study in any field covered by this Part pursuant to the State Board's rules for Educator Licensure~~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; and
- b) beginning on October 1, 2004, the ~~test~~examination(s) required for issuance of an

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~endorsement certificate endorsed~~ in any field covered by this Part shall be based on the relevant standards set forth herein.

(Source: Amended at 38 Ill. Reg. 6429, effective February 27, 2014)

Section 29.100 Illinois Professional School Leader Standards

The standards ~~that set forth in this Section~~ shall apply to all candidates for ~~any~~ the administrative endorsement are the Educational Leadership Policy Standards: ISLLC 2008, adopted by the National Policy Board for Educational Administration, 1615 Duke Street, Alexandria, Virginia 22314 and posted at http://npbea.org/wp-content/uploads/2012/06/Educational_Leadership_Policy_Standards_2008.pdf. No later amendments to or editions of these standards are incorporated by this Section ~~certificate~~.

- a) ~~Facilitating a Vision of Learning—A school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.~~
 - 1) ~~Knowledge Indicator—The administrator has knowledge and understanding of:~~
 - A) ~~learning goals in a pluralistic society.~~
 - B) ~~the principles of developing and implementing long-term plans.~~
 - C) ~~theories of educational leadership.~~
 - D) ~~information sources, data collection, and data analysis strategies.~~
 - E) ~~effective communication.~~
 - F) ~~effective consensus-building and negotiation skills.~~
 - G) ~~the philosophy and history of education.~~
 - 2) ~~Performance Indicator—The administrator facilitates processes and engages in activities ensuring that:~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) ~~the vision and mission of the school are collaboratively developed.~~
 - B) ~~the vision and mission are effectively communicated through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.~~
 - C) ~~the core beliefs of the school vision are modeled.~~
 - D) ~~progress toward the vision and mission is communicated to everyone.~~
 - E) ~~the school community is involved in school improvement efforts.~~
 - F) ~~the vision and mission shape the educational programs, plans, and actions of the school.~~
 - G) ~~data related to student learning are used to develop the school's mission and goals.~~
 - H) ~~relevant demographic data pertaining to students and their families are used in developing the school's mission and goals.~~
 - I) ~~an implementation plan is developed in which objectives and strategies for achieving the vision and goals are clearly articulated.~~
 - J) ~~barriers to achieving the vision, mission, and goals are identified, clarified, and addressed.~~
 - K) ~~financial, human, and material resources are sought and obtained to support the implementation of the school's mission and goals.~~
 - L) ~~the vision, mission, goals, and implementation plans are regularly monitored, evaluated, and revised.~~
- b) School Culture and Instructional Program—A school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to students' learning and staff's professional growth.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~Knowledge Indicator—The administrator has knowledge and understanding of:~~
 - A) ~~school cultures.~~
 - B) ~~the continuum of students' growth and development.~~
 - C) ~~applied learning theories.~~
 - D) ~~curriculum design, implementation, evaluation, and refinement.~~
 - E) ~~principles of effective instruction and best practices.~~
 - F) ~~measurement, evaluation, and assessment strategies.~~
 - G) ~~diversity and its meaning for educational programs.~~
 - H) ~~adult learning and professional development models.~~
 - I) ~~the change process for systems, organizations, and individuals.~~
 - J) ~~the role of technology in promoting students' learning and professionals' growth.~~
 - K) ~~classroom management.~~
- 2) ~~Performance Indicator—The administrator facilitates processes and engages in activities ensuring that:~~
 - A) ~~all individuals are treated with fairness, dignity, and respect.~~
 - B) ~~professional development promotes a focus on students' learning consistent with the school's vision and goals.~~
 - C) ~~students and staff are valued.~~
 - D) ~~the responsibilities and contributions of each individual are acknowledged.~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~E) barriers to students' learning are identified, clarified, and addressed.~~
 - ~~F) diversity is considered in developing learning experiences.~~
 - ~~G) life-long learning is encouraged and modeled.~~
 - ~~H) there is a culture of high expectations for self, students, and staff's performance.~~
 - ~~I) appropriate technologies are used in teaching and learning.~~
 - ~~J) students' and staff's accomplishments are recognized.~~
 - ~~K) multiple opportunities to learn are available to all students.~~
 - ~~L) the school is organized and aligned for success.~~
 - ~~M) curricular, co-curricular, and extra-curricular programs are designed, implemented, evaluated, and refined.~~
 - ~~N) decisions about curriculum are based on research, standards developed by learned societies, and the needs of the community.~~
 - ~~O) the school's culture and climate are assessed on an ongoing basis.~~
 - ~~P) multiple sources of information are used to make decisions.~~
 - ~~Q) students' learning is assessed using a variety of techniques.~~
 - ~~R) multiple sources of data regarding performance are used by staff and students.~~
 - ~~S) various supervisory and evaluation models are employed.~~
 - ~~T) pupil personnel programs are developed to meet the needs of students and their families.~~
- e) ~~Management~~—A school administrator is an educational leader who promotes the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.~~

- 1) ~~Knowledge Indicator—The administrator has knowledge and understanding of:~~
 - A) ~~theories and models of organizations and the principles of organizational development.~~
 - B) ~~local operational policies and procedures.~~
 - C) ~~principles and issues relating to school safety and security.~~
 - D) ~~management and development of human resources.~~
 - E) ~~principles and issues relating to fiscal operations in school management.~~
 - F) ~~principles and issues relating to school facilities and the use of space.~~
 - G) ~~legal issues affecting school operations.~~
 - H) ~~current technologies that support managerial functions.~~
- 2) ~~Performance Indicator—The administrator facilitates processes and engages in activities ensuring that:~~
 - A) ~~knowledge of learning, teaching, and students' development is used to make management decisions.~~
 - B) ~~operational procedures are designed and managed to maximize opportunities for learning.~~
 - C) ~~emerging trends are recognized, studied, and applied as appropriate.~~
 - D) ~~operational plans and procedures to achieve the vision and goals of the school are in place.~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~E) collective bargaining and other contractual agreements related to the school are effectively managed.~~
 - ~~F) the school's plant, equipment, and support systems operate safely, efficiently, and effectively.~~
 - ~~G) time is managed to maximize attainment of organizational goals.~~
 - ~~H) potential problems and opportunities are identified, confronted, and resolved in a timely manner.~~
 - ~~I) resources are aligned to the goals of schools.~~
 - ~~J) organizational systems are monitored on an ongoing basis and modified as needed.~~
 - ~~K) responsibility is shared to maximize ownership and accountability.~~
 - ~~L) effective problem framing and problem solving skills are used.~~
 - ~~M) there is effective use of technology to manage school operations.~~
 - ~~N) the resources of the school are managed ethically, legally, efficiently, and effectively.~~
 - ~~O) a safe, clean, and aesthetically pleasing school environment is created and maintained.~~
- d) Collaboration with Families and Communities—A school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
- 1) Knowledge Indicator—The administrator has knowledge and understanding of:
 - A) emerging issues and trends that potentially affect the school community.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~B) the conditions and dynamics of the diverse school community.~~
 - ~~C) community resources.~~
 - ~~D) community relations and marketing strategies and processes.~~
 - ~~E) successful models of school, family, business, community, government, and higher education partnerships.~~
 - ~~F) hierarchic relationships and political organizations.~~
- 2) ~~Performance Indicator—The administrator facilitates processes and engages in activities ensuring that:~~
- ~~A) visibility, involvement, and communication with the larger community are priorities.~~
 - ~~B) relationships with community leaders are identified and nurtured.~~
 - ~~C) information about family and community concerns, expectations, and needs is used continuously.~~
 - ~~D) there are relationships with business, religious, political, and service agencies and organizations.~~
 - ~~E) individuals and groups with diverse values and opinions are treated equitably.~~
 - ~~F) the school and community serve one another as resources.~~
 - ~~G) partnerships are established with area businesses, institutions of higher education, and community groups to strengthen programs and support school goals.~~
 - ~~H) community resources and social services are integrated to enhance both common goals and educational goals.~~
 - ~~I) multi-cultural awareness, gender sensitivity, community~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~collaboration, and racial and ethnic appreciation are promoted and modeled.~~
- J) ~~media relations are developed and maintained.~~
- K) ~~a comprehensive program of community relations is established and implemented.~~
- L) ~~opportunities for staff to develop collaborative skills are provided.~~
- e) ~~Acting with Integrity, Fairness, and in an Ethical Manner—A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.~~
- 1) ~~Knowledge Indicator—The administrator has knowledge and understanding of:~~
- A) ~~the purpose of education and the role of leadership in modern society.~~
- B) ~~various ethical frameworks and perspectives on ethics.~~
- C) ~~the values and challenges of the diverse school community.~~
- D) ~~professional codes of ethics.~~
- 2) ~~Performance Indicator—The administrator:~~
- A) ~~examines personal and professional values.~~
- B) ~~demonstrates a personal and professional code of ethics.~~
- C) ~~demonstrates values, beliefs, and attitudes that inspire others to higher levels of performance.~~
- D) ~~serves as a role model.~~
- E) ~~considers the impact of his or her administrative practices on others.~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) ~~uses the influence of the office to enhance the educational program.~~
 - G) ~~treats people fairly, equitably, and with dignity and respect.~~
 - H) ~~protects the rights and confidentiality of others.~~
 - I) ~~demonstrates appreciation for and sensitivity to the diversity in the school community.~~
 - J) ~~recognizes and respects the legitimate authority of others.~~
 - K) ~~examines and considers the prevailing values of the diverse school community.~~
 - L) ~~expects that others in the school community will demonstrate integrity and exercise ethical behavior.~~
 - M) ~~opens the school to public scrutiny.~~
 - N) ~~fulfills legal and contractual obligations.~~
 - O) ~~applies laws and procedures fairly, wisely, and considerately.~~
 - P) ~~demonstrates the importance of equity in a democratic society.~~
- f) ~~The Political, Social, Economic, Legal and Cultural Context—A school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.~~
- 1) ~~Knowledge Indicator—The administrator has knowledge and understanding of:~~
 - A) ~~principles of representative governance that undergird the system of American schools.~~
 - B) ~~the role of public education in developing and renewing a~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ~~democratic society and an economically productive nation.~~
- C) ~~the law as related to education.~~
 - D) ~~the political, social, cultural, and economic systems and processes.~~
 - E) ~~models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.~~
 - F) ~~global issues and forces affecting teaching and learning.~~
 - G) ~~the dynamics of policy development and advocacy under our democratic political system.~~
- 2) ~~Performance Indicator—The administrator facilitates processes and engages in activities ensuring that:~~
- A) ~~communication occurs within the school community concerning trends, issues, and potential changes in the environment in which schools operate.~~
 - B) ~~there is ongoing dialogue with and between representatives of diverse community groups.~~
 - C) ~~the school community works within the framework of policies, laws, and regulations enacted by local, State, and federal authorities.~~
 - D) ~~public policy is shaped to provide quality education for students.~~
 - E) ~~lines of communication are developed with decision makers outside the school community.~~

(Source: Amended at 38 Ill. Reg. 6429, effective February 27, 2014)

Section 29.120 General Administrative Endorsement (Through August 31, 2014)

Each candidate for the general administrative endorsement shall be required to meet the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

standards set forth in this Section in addition to those set forth in Section 29.100 of this Part. No candidates currently are being admitted to general administrative endorsement programs (see 105 ILCS 5/21B-25(2)(A)). For candidates currently enrolled, no general administrative endorsement shall be issued after August 31, 2014. Requirements for the issuance of the principal's endorsement, which replaces the general administrative endorsement, are set forth at 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois).

- a) Facilitating a Vision of Learning – The competent school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.
 - 1) Knowledge Indicators – The competent administrator:
 - A) has knowledge and understanding of learning goals in a pluralistic society.
 - B) comprehends the principles of developing and implementing long-term plans.
 - C) recognizes theories of educational leadership.
 - D) understands information sources, data collection, and data analysis strategies.
 - E) understands effective communication.
 - F) understands effective consensus-building and negotiation skills.
 - G) has knowledge of the philosophy and history of education.
 - 2) Performance Indicators – The competent administrator:
 - A) designs curricula with consideration for philosophical, sociological, and historical foundations, democratic values, and the community's values, goals, social needs, and changing conditions.
 - B) facilitates the development and implementation of a shared vision and strategic plan for the school or district that focuses on teaching

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

and learning.

- C) analyzes, evaluates, and monitors operational plans and processes to accomplish strategic goals using practical applications of organizational theories.
 - D) solicits and uses financial, human, and material resources to support the implementation of the school's mission and goals.
 - E) identifies and critiques several theories of leadership and their application to various school environments.
 - F) conducts needs assessments and uses qualitative and quantitative data to plan and assess school programs.
 - G) analyzes and interprets educational data, issues and trends.
 - H) uses appropriate interpersonal skills and applies appropriate and effective communications strategies when using written, verbal, and nonverbal communication.
 - I) engages in effective consensus-building and displays effective negotiation skills.
 - J) frames, analyzes, and resolves problems using appropriate problem-solving techniques and decision-making skills.
 - K) analyzes school problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
- b) School Culture and Instructional Program – The competent school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to students' learning and staff's professional growth.
- 1) Knowledge Indicators – The competent administrator:
 - A) has knowledge and understanding of school cultures.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) understands the continuum of students' growth and development.
 - C) knows the procedures used in the assessment of the learning environment.
 - D) understands applied learning theories.
 - E) understands curriculum design, implementation, evaluation, and refinement.
 - F) recognizes the components of a special education evaluation.
 - G) understands principles of effective instruction and best practices.
 - H) comprehends measurement, evaluation, and assessment strategies.
 - I) understands diversity and its meaning for educational programs.
 - J) is familiar with adult learning and professional development models.
 - K) understands the change process for systems, organizations, and individuals.
 - L) recognizes the role of technology in promoting students' learning and professionals' growth.
 - M) understands classroom management.
- 2) Performance Indicators – The competent administrator:
- A) creates with teachers, parents, and students a positive school culture that promotes learning.
 - B) promotes an inclusive educational culture.
 - C) articulates the district's or school's vision, mission, and priorities to the community and media.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- D) builds community support for a district's or school's priorities and programs.
- E) promotes an environment where all individuals are treated with fairness, dignity, and respect.
- F) develops a culture of high expectations for self, students, and staff's performance where accomplishments are recognized.
- G) applies the principles of students' growth and development to the learning environment and the educational program.
- H) utilizes procedures in the assessment of the learning environment.
- I) develops collaboratively a learning organization that supports instructional improvement, builds an appropriate curriculum, and incorporates best practice.
- J) develops collaboratively curriculum and developmentally appropriate instruction for varied teaching and learning styles as well as specific needs of students, considering gender, ethnicity, culture, social class, and exceptionalities.
- K) analyzes various staffing patterns, student grouping plans, class scheduling forms, and school organizational structures and facilitates design processes to support various teaching strategies and desired outcomes for students.
- L) assesses students' progress using a variety of appropriate techniques.
- M) bases curricular decisions on research, applied theory, informed practice, the recommendations of learned societies, and State and federal policies and mandates.
- N) aligns curricular goals and objectives with the Illinois Learning Standards (see 23 Ill. Adm. Code 1.Appendix D).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- O) facilitates the design, implementation, and evaluation of curricular, co-curricular, and extracurricular programs for continuous improvement.
- P) uses resources to support instructional programs and best practices and incorporates a variety of supervisory models to improve teaching and learning.
- Q) uses qualitative and quantitative data to plan and assess school programs.
- R) promotes an inclusive educational culture.
- S) identifies needs for professional development and incorporates adult learning strategies and assessment in the formulation of self-development plans for staff.
- T) facilitates the change process for systems, organizations, and individuals by using qualitative and quantitative data to plan and assess school programs.
- U) studies best practices, relevant research, and demographic data to analyze their implications for school improvement.
- V) develops, analyzes and implements operational plans and processes to accomplish strategic goals using practical applications of organizational theories.
- W) applies a systems perspective and monitors and assesses the progress of activities, making adjustments and formulating new action steps as necessary.
- X) uses technology, telecommunications, and information systems to enrich curriculum and instruction.
- Y) develops and implements long-range plans for school and district technology information systems.
- Z) uses a variety of supervisory models to improve teaching and

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

learning.

- AA) uses and implements collaboratively developed policies and procedures that provide a safe school environment and promote health and welfare.
- c) Management – The competent school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
- 1) Knowledge Indicators – The competent administrator:
 - A) understands theories and models of organizations and the principles of organizational development.
 - B) is aware of local operational policies and procedures.
 - C) understands principles and issues relating to school safety and security.
 - D) has knowledge of management and development of human resources.
 - E) comprehends principles and issues relating to fiscal considerations in school management.
 - F) understands principles and issues relating to school facilities and use of space.
 - G) recognizes legal issues relating to school operations.
 - H) has knowledge of current technologies that support management's functions.
 - 2) Performance Indicators – The competent administrator:
 - A) applies theories to create conditions that motivate staff, students, and families to achieve the school's vision.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
 - C) applies effective job-analysis procedures, supervisory techniques, and performance appraisal for instructional and non-instructional staff.
 - D) utilizes appropriate policies, criteria, and processes for the recruitment, selection, induction, compensation, and separation of personnel, with attention to issues of equity, diversity, and exceptionalities.
 - E) develops and implements an efficient building-level budget planning process that is driven by school priorities.
 - F) understands federal, State and local statutory and regulatory provisions and judicial decisions governing education.
 - G) applies common legal and contractual requirements and procedures in an educational setting.
 - H) applies and assesses current technologies for school management and business procedures.
- d) Collaboration with Families and Communities – The competent school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs and mobilizing community resources.
- 1) Knowledge Indicators – The competent administrator:
 - A) recognizes emerging issues and trends that potentially affect the school community.
 - B) comprehends parents' rights, including the right to an independent evaluation and the use of that evaluation by the student's IEP team (see 23 Ill. Adm. Code 226.75).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- C) understands the conditions and dynamics of the diverse school community.
 - D) has knowledge of community resources.
 - E) understands community relations and marketing strategies and processes.
 - F) is aware of successful models of school, family, business, community, government, and higher education partnerships.
- 2) Performance Indicators – The competent administrator:
- A) assesses emerging issues and trends to determine their impact on the school community.
 - B) engages in activities that address parents' rights, including the right to an independent evaluation and the use of that evaluation by the student's IEP team.
 - C) analyzes community and district power structures and identifies major opinion leaders and their relationships to school goals and programs.
 - D) identifies and analyzes the major sources of fiscal and non-fiscal resources for schools.
 - E) develops and implements an effective staff communication plan and public relations program.
 - F) articulates the district's or school's vision, mission, and priorities to the community and media and understands how to build community support for the district's or school's priorities and programs.
- e) Acting with Integrity, Fairness, and in an Ethical Manner – The competent administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Knowledge Indicators – The competent administrator:
 - A) understands the purpose of education and the role of leadership in modern society.
 - B) recognizes various ethical frameworks and perspectives on ethics.
 - C) understands the values and challenges of the diverse school community.
 - D) is aware of professional codes of ethics.
- 2) Performance Indicators – The competent administrator:
 - A) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
 - B) manifests a professional code of ethics and values.
 - C) bases decisions on the moral and ethical implications of policy options and political strategies.
 - D) promotes the values and challenges of the diverse school community.
 - E) communicates effectively with various cultural, ethnic, racial, and special interest groups and other diverse populations in the community.
 - F) treats people fairly, equitably and with dignity and respect and protects the rights and confidentiality of others.
 - G) encourages others in the school community to demonstrate integrity and exercise ethical behavior.
- f) The Political, Social, Economic, Legal and Cultural Context – The competent school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political,

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

social, economic, legal, and cultural context.

- 1) Knowledge Indicators – The competent administrator:
 - A) comprehends principles of representative governance that undergird the system of American schools.
 - B) recognizes the role of public education in developing and renewing a democratic society and an economically productive nation.
 - C) understands the law as related to education.
 - D) understands State and federal requirements regarding the least restrictive environment (including placement based on the student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP); see 23 Ill. Adm. Code 226.75) for students from birth through 21 years of age.
 - E) has knowledge of the political, social, cultural, and economic systems and processes.
 - F) understands models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.
 - G) knows about global issues and forces affecting teaching and learning.
 - H) recognizes the dynamics of policy development and advocacy under our democratic political system.
 - I) understands federal, State and local statutory and regulatory provisions as well as judicial decisions governing education.
- 2) Performance Indicators – The competent administrator:
 - A) considers the general characteristics of internal and external political systems as they apply to school settings.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) influences policy development at the federal, State, district, and school-site level.
- C) applies knowledge of common legal and contractual requirements and procedures in an educational setting.
- D) analyzes appropriate procedures and relationships for working with local governing boards.
- E) develops lines of communication with decision makers outside the school community.
- F) frames, analyzes, and resolves problems using models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.
- G) bases decisions on the moral and ethical implications of policy options and political strategies.

(Source: Amended at 38 Ill. Reg. 6429, effective February 27, 2014)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
676.30	Amend
676.40	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: February 28, 2014
- 6) This emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 28, 2014
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As a result of a meeting held with the Centers for Medicare and Medicaid Services (federal CMS) and HFS on January 9, 2014, federal CMS has determined the physician certification requirement for HSP is not necessary and is requiring its removal from HSP rules. In addition, federal CMS' approval of the HSP MMAI waiver amendments is dependent on a solid action plan by the State to implement its recommended changes within a defined period of time. As a result of this finding, DHS will remove the physician certification requirement in this rulemaking. The adoption of this emergency rule is deemed to be necessary for the public interest, safety, and welfare.
- 10) A Complete Description of the Subject and Issues: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

- 676.10 Program Purpose and Types
- 676.20 General Program Accessibility
- 676.30 Definitions

EMERGENCY

- 676.40 Service Description

EMERGENCY

SUBPART B: CASE MANAGEMENT

Section

- 676.100 Case Files (Repealed)
- 676.110 Sharing of Customer Information Between HSP and Other DHS Programs
- 676.120 Documentation of Information
- 676.130 Customer Signatures and Information Required to Receive Services Under the HSP
- 676.140 Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
- 676.150 Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section

- 676.200 Vendor Payment
- 676.210 Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DoA)

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 676.300 Criteria for Referral to DoA
676.310 Disposition of Cases not Appropriate for Referral to DoA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445, effective May 17, 1999; amended at 23 Ill. Reg. 13874, effective November 8, 1999; amended at 24 Ill. Reg. 2681, effective February 2, 2000; amended at 28 Ill. Reg. 6445, effective April 8, 2004; amended at 31 Ill. Reg. 12602, effective August 16, 2007; emergency amendment at 35 Ill. Reg. 12105, effective July 15, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 15626, effective September 15, 2011 for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 6453, effective February 28, 2014, for a maximum of 150 days.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.30 Definitions**EMERGENCY**

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

- a) Activities of Daily Living ~~or (ADLs)~~ – those tasks an individual must do, or ~~that~~which an individual must have provided for him/her, in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).
- b) Customer=
- 1) A customer is anyone who:
- A1) has been referred to HSP for a determination of eligibility for services;
- B2) has applied for services through HSP;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- ~~C3~~) is receiving services through HSP; or
- ~~D4~~) has received services through HSP.
- 2) If the customer is unable to satisfy any of his/her obligations under the HSP, including, without limitation, the obligation to serve as the employer of the PA, the customer's parent, family member, guardian, or duly authorized representative may act on behalf of the customer and is included within the definition of "customer", as used throughout this Part.
- 3) For purposes of the PA services performed pursuant to the HSP, the customer shall serve as the employer of the PA. In this capacity, the customer is responsible for controlling all aspects of the employment relationship between the customer and the PA, including, without limitation, locating and hiring the PA, training the PA, directing, evaluating and otherwise supervising the work performed by the PA, imposing (where, in the opinion of the customer, it is appropriate or necessary) disciplinary action against the PA, and terminating the employment relationship between the customer and the PA.
- c) Counselor – the DHS-ORS staff person or contractual Case Manager who helps to ensure that the funds available under the HSP are properly distributed in accordance with the Service Plan, any applicable waiver programs, and all applicable laws.
- d) Determination of Need ~~or~~ (DON) – the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.
- e) DHS – Illinois Department of Human Services.
- f) DPA – Illinois Department of Public Aid.
- g) Family – any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close inter-personal relationship and who resides with the individual.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- h) Family Unit – for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.
- i) HCFA – the federal Health Care Financing Administration.
- j) Home Services Program ~~or (HSP)~~ – a State and federally funded program designed to allow Illinois residents, who are at risk of unnecessary or premature institutionalization, to receive necessary care and services in their homes, as opposed to being placed in an institution.
- k) Home – a private residence where the customer lives ~~that~~ which is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which funding is provided by, the Illinois Department of Human Services, Office of Mental Health and Office of Developmental Disabilities as defined at 59 Ill. Adm. Code 120. For the purposes of this Subchapter, the term "home" shall include domestic violence shelters as defined in Section 1(c) of the Domestic Violence Shelter Act [20 ILCS 2210/1(c)] and publicly or privately administered shelters designed to provide temporary living accommodations for persons who are homeless.
- l) Intermediate Care Facility ~~or (ICF)~~ – a nursing facility that provides regular health related care to its residents, as well as those services necessary for safe and adequate living.
- m) Legally Responsible Family Member – a spouse, parent of a child who is under age 18 or a legal guardian of an individual who is under age 18.
- n) Medicaid – the Medicaid program administered by ~~HFS~~ DP&A under the Public Aid Code [305 ILCS 5/11].
- o) Medicaid Waiver – the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for such care. The Medicaid Waiver is overseen at the federal level by HCFA.
- p) Personal Assistant ~~or (PA)~~ – an individual employed by the customer to provide

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

~~through HSP~~ varied HSP services ~~that have been approved by the customer's physician.~~

- q) Personal Assistant Backup Plan – the plan developed by the customer and designed to ensure that the customer receives the necessary care and services under the HSP in the event that his/her regular PA is unavailable or unwilling to perform his/her obligations under the HSP. The customer is responsible for designating the backup personal assistant.
- r) Physician – a licensed doctor of medicine (M.D.) or doctor of Osteopathy (D.O.) licensed pursuant to the Medical Practice Act [225 ILCS 60].
- s) Prescreening – an assessment to determine an individual's need for institutional care at the ICF or SNF level ~~and~~ ~~are~~, to ensure Medicaid payment for such a placement is appropriate, and the assessment ~~of~~ ~~as to~~ whether ~~or not~~ HSP services are an appropriate alternative to institutional care for the individual.
- t) Service Cost Maximum ~~or (SCM)~~ – the maximum monthly amount ~~that~~ ~~which~~ may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.
- u) Service Plan – specifically, the Home Services Program Service Plan (IL 488-1049), Home Services Program Service Plan Addendum (IL 488-1050) or the Interim Agreement (IL 488-2344) forms, on which all services to be provided to an individual through HSP are listed.
- v) Services – the necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing the unnecessary institutionalization of the individual.
- w) Skilled Nursing Facility ~~or (SNF)~~ – a facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and adequate living.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6453, effective February 28, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 676.40 Service Description**EMREGENCY**

The following is a listing of the services available through HSP. The service level, combination of services, and amount of services for which a customer is eligible is dependent upon the needs of the customer as determined during the determination of eligibility (see 89 Ill. Adm. Code 682).

- a) Personal Assistant (PA) Services – services provided by an individual employed by the customer. ~~HSP Services provided by a PA must be approved by the customer's physician.~~
- b) Adult Day Care (ADC) Services – direct care and monitoring of customers in a community-based setting for any portion of a 24-hour day for the purpose of promoting social, physical, and emotional health and well being and offering an alternative to an institutional setting. ADC services are provided only when the social, emotional, and physical needs of the customer cannot be met in the home through other available services.
- c) Homemaker Services – general support provided by trained and professionally supervised individuals to maintain, strengthen, and safeguard the functioning of an individual in his/her home when no responsible person is available or capable of monitoring ~~thosesueh~~ services. ~~HomemakerSueh~~ services include the actual completion of, and the training in, completion of ADLs.
- d) Maintenance Home Health Services – services provided for a customer, in his/her home, ~~that are in accordance with a care plan~~ prescribed or recommended by a physician or other health care professional. These services include three basic categories of care, which are:
 - 1) direct health care provided by a registered nurse (RN) and/or a licensed practical nurse (LPN);
 - 2) direct health care provided by a Certified Nurse Aid (CNA) who is supervised by ~~ana~~ RN or LPN; and
 - 3) in-home therapy, including the areas of physical, occupational and speech therapy.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) Home Delivered Meals – prepared food brought to the customer's home. Usually, home delivered meals consist of a hot lunch and a smaller dinner meal that may be refrigerated and eaten later. These services are provided when available and when they are more cost effective than PA services for an eligible individual who has a need for care in the area of meal preparation but who can adequately feed him/herself.
- f) Electronic Home Response Services (EHRS) – a 24-hour per day emergency communication link to assistance outside the customer's home for customers who have no other persons available for assistance should an emergency arise.
- g) Assistive Equipment – items necessary to accommodate the customer's loss of function in the completion of his/her Activities of Daily Living (ADLs). This does not include medical supplies, disposable personal hygiene items, or items necessary for medical treatment. (See 89 Ill. Adm. Code 686, Subpart H.)
- h) Environmental Modification – services to physically modify the customer's home to accommodate the customer's loss of function in the completion of his/her ADLs. (See 89 Ill. Adm. Code 686, Subpart G.)
- i) Respite Services – limited PA, Homemaker, and Maintenance Home Health services provided to a customer to provide for his/her ADLs during periods of time it is necessary for the family/primary care giver to be absent. Respite services are provided to a customer to allow the family/primary care giver relief for vacations, rest, errands, family crises and emergency situations. Respite services are provided in the maximum amount of 240 hours per calendar year and are provided regardless of financial need.
- j) Day Habilitation Services – assistance provided to a person with a brain injury to assist with the acquisition, retention and improvement in self-help, socialization and adaptive skills. These services are provided in a setting separate from the residence in which the customer is residing.
- k) Pre-Vocational Services – services provided to a person with a brain injury that are aimed at preparing the individual for paid or unpaid employment, but are not job task oriented. Specific services include teaching concepts such as compliance, attendance, task completion, problem solving and safety.
- l) Supported Employment Services – services provided to a customer with a brain

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

injury ~~that, which~~ consist of paid employment for persons for whom competitive employment is unlikely, ~~when the customer, who~~ because of his or her disabilities, ~~needs-need~~ intensive, ongoing support to perform in a work setting. Supported ~~employment~~ Employment includes, but is not limited to, activities needed to sustain the customer in supported employment (i.e., supervision and training).

- m) Behavioral Services – remedial therapies provided to a person with a brain injury to decrease the individual's severe maladaptive behaviors. These services are intended to enable the customer to better manage his or her behavior and ~~to make the customer~~ therefore be more capable of living independently.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6453, effective February 28, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Number: 682.100 Emergency Action: Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Rulemaking: February 28, 2014
- 6) This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 28, 2014
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As a result of a meeting held with the Centers for Medicare and Medicaid Services (federal CMS) and HFS on January 9, 2014, federal CMS has determined the physician certification requirement for HSP is not necessary and is requiring its removal from HSP rules. In addition, federal CMS' approval of the HSP MMAI waiver amendments is dependent on a solid action plan by the State to implement its recommended changes within a defined period of time. As a result of this finding, DHS will remove the physician certification requirement in this rulemaking. The adoption of this emergency rule is deemed to be necessary for the public interest, safety, and welfare.
- 10) A Complete Description of the Subject and Issues: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100 General Eligibility Criteria

[EMERGENCY](#)

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200 Assets Limitation
682.210 Transfer of Assets
682.220 Exempt Assets
682.230 Assets Held in Joint Ownership
682.240 Income Allowances (Repealed)
682.250 Cost Sharing Provisions (Repealed)
682.260 General Exceptions to Cost Share Provisions (Repealed)

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
682.400 Redetermination Requirements
682.410 Redetermination Time Frames

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

SUBPART F: GRANDFATHERING PROVISIONS

Section

682.500	Exceptions to Eligibility Standards
682.510	Exceptions to Cost Sharing Provisions (Repealed)
682.520	Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 23 Ill. Reg. 3981, effective March 19, 1999; amended at 23 Ill. Reg. 14450, effective December 6, 1999; amended at 24 Ill. Reg. 7724, effective May 12, 2000; amended at 25 Ill. Reg. 6278, effective May 15, 2001; emergency amendment at 28 Ill. Reg. 15183, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 31 Ill. Reg. 428, effective December 29, 2006; emergency amendment at 38 Ill. Reg. 6463, effective February 28, 2014, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria**EMERGENCY**

In order to receive services through HSP a customer must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) have applied for, be a recipient of, or be found eligible for Medicaid benefits through HFS and within 60 days after the date of application for HSP provide verification to the HSP counselor of the aforementioned. Customers may be found eligible for Medicaid and be placed on Spend Down. However, a customer is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 682). The customer must agree to apply for Medicaid, and cooperate with HFS, to receive Interim Services. Customers having

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

applied for HSP services prior to October 1, 1991, may choose to apply for Medicaid;

- c) be a resident of the State of Illinois;
- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the HSP AIDS Medicaid Waiver or under the HSP Brain Injury Medicaid Waiver, in which case there is no age criteria for application;
- e) have a severe disability ~~that~~^{which} is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points; [and](#)
- ~~g) with DHS assistance, obtain certification at least every two years from a physician or from a neuropsychologist for a person with a brain injury (as defined in Section 676.30(r)) that indicates the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home according to the physician and the HSP Service Plan; and~~
- [gh](#)) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with a similar DON score.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6463, effective February 28, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Service Planning and Provision
- 2) Code Citation: 89 Ill. Adm. Code 684
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
684.10	Amend
684.75	Repeal
684.80	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Rulemaking: February 28, 2014
- 6) This emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 24, 2014
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As a result of a meeting held with the Centers for Medicare and Medicaid Services (federal CMS) and HFS on January 9, 2014, federal CMS has determined the physician certification requirement for HSP is not necessary and is requiring its removal from HSP rules. In addition, federal CMS' approval of the HSP MMAI waiver amendments is dependent on a solid action plan by the State to implement its recommended changes within a defined period of time. As a result of this finding, DHS will remove the physician certification requirement in this rulemaking. The adoption of this emergency rule is deemed to be necessary for the public interest, safety, and welfare.
- 10) A Complete Description of the Subject and Issues: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 684
SERVICE PLANNING AND PROVISION

Section

684.10 Service Plan

EMERGENCY

684.20 Procuring an Appropriate Service Provider

684.30 Family Members as Service Providers

684.40 Distribution of the Service Plan

684.50 Service Plan Content

684.60 Provision of Services

684.70 Service Planning Limitations

684.75 Required Physician's Certification of HSP Service Plan (Repealed)EMERGENCY

684.80 Interim Services

EMERGENCY

684.90 Coordination of HSP and Other Services

684.100 Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. 12644, effective October 4, 1999; amended at 24 Ill. Reg. 2687, effective February 2, 2000; amended at 24 Ill. Reg. 10220, effective June 27, 2000; emergency amendment at 28 Ill. Reg. 15188, effective November 8, 2004, for a maximum of 150 days; emergency expired April 6, 2005; amended at 29 Ill. Reg. 16504, effective October 17, 2005; amended at 31 Ill. Reg. 433, effective December 29, 2006; emergency amendment at 35 Ill. Reg. 12113, effective July 15, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 15634, effective September 15, 2011, for the remainder of the 150 days; emergency expired February 11, 2012; emergency amendment at 38 Ill. Reg. 6468, effective February 28, 2014, for a maximum of 150 days.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 684.10 Service Plan**EMERGENCY**

- a) All services to be provided to a customer through HSP must be necessary to meet an unmet care need of the individual or to provide relief to the caregiver for customers eligible for respite care services and listed on a HSP Service Plan ~~that~~^{which} is developed for the customer ~~and~~, agreed to and signed by the customer and counselor.
- b) Services provided through HSP to a customer must be:
- 1) safe and adequate;
 - 2) cost effective; and
 - 3) the most economical in terms of the customer's needs, unless a service is not available at the most economical level. In ~~thesesueh~~ instances, the next higher service level may be used as long as services remain within the Service Cost Maximum (SCM) established for the customer. Documentation of an ongoing effort to locate services at the appropriate level must be in the customer's case file.
- ~~e) The initial HSP Service Plan for a customer must be submitted with all other necessary forms to the customer's physician during the eligibility determination phase of the case (89 Ill. Adm. Code 682.100(g)) for the purpose of review and approval of the plan for care by the physician.~~

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6468, effective February 28, 2014, for a maximum of 150 days)

Section 684.75 Required Physician's Certification of HSP Service Plan (Repealed)**EMERGENCY**

- a) ~~A Physician's Certification (IL 488-1780) shall be obtained from the customer's physician when:~~
- 1) ~~the customer's initial service plan is developed (Section 684.10); and~~
 - 2) ~~at least every two years during the redetermination of eligibility.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- b) ~~The services provided to the customer shall not be interrupted while the new Physician's Certification is being secured by DHS-DRS/HSP.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 6468, effective February 28, 2014, for a maximum of 150 days)

Section 684.80 Interim Services**EMERGENCY**

Prior to determination of eligibility (see 89 Ill. Adm. Code 682), the customer may receive interim services while an official determination of eligibility (see 89 Ill. Adm. Code 682) is being completed if enough information exists to presumptively establish eligibility based on:

- a) DON score;
- b) evidence of a disability as described at 89 Ill. Adm. Code 682.100(e) based on medical documentation, counselor observation, or oral information received from a knowledgeable medical professional;
- c) the customer's financial eligibility, per 89 Ill. Adm. Code 682: Subpart C; and
- d) the customer's meeting all eligibility criteria as listed in 89 Ill. Adm. Code 682. ~~;~~
~~and~~
- e) ~~written or verbal approval of the interim service plan from the customer's physician, or neuro-psychologist for a person with brain injury, based upon the appropriateness and safety of the interim service plan agreed to and signed by the customer and the counselor.~~

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6468, effective February 28, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
686.20	Amend
686.910	Amend
686.930	Amend
686.1010	Amend
686.1025	Amend
686.1030	Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Rulemaking: February 28, 2014
- 6) This emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 28, 2014
- 8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: As a result of a meeting held with the Centers for Medicare and Medicaid Services (federal CMS) and HFS on January 9, 2014, federal CMS has determined the physician certification requirement for HSP is not necessary and is requiring its removal from HSP rules. In addition, federal CMS' approval of the HSP MMAI waiver amendments is dependent on a solid action plan by the State to implement its recommended changes within a defined period of time. As a result of this finding, DHS will remove the physician certification requirement in this rulemaking. The adoption of this emergency rule is deemed to be necessary for the public interest, safety, and welfare.
- 10) A Complete Description of the Subject and Issues: This rulemaking pertains to the Home Services Program, under Division of Rehabilitation Services. The Centers for Medicare and Medicaid Services (federal CMS) has determined the physician certification

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

requirement for HSP eligibility is not necessary and is requiring its removal from HSP rules. DHS will remove the physician certification requirement in this rulemaking.

11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
686.10	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.25	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.30	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.100	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.120	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.130	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.200	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.210	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.220	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.230	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.235	New	38 Ill. Reg. 2560, January 24, 2014
686.240	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.250	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.260	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.270	Amendment	38 Ill. Reg. 2560, January 24, 2014
686.280	Amendment	38 Ill. Reg. 2560, January 24, 2014

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAMPART 686
PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section

- 686.10 Personal Assistant (PA) Requirements
686.20 Services ~~That~~^{Which} May Be Provided by a PA

EMERGENCY

- 686.25 Criminal Background Check
686.30 Annual Review of PA Performance
686.40 Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section

- 686.100 Adult Day Care (ADC) Provider Requirements
686.110 Services Which Must Be Provided by ADC Providers
686.120 Compliance Review of ADC Providers
686.130 Appeal of Compliance Review for ADC Providers
686.140 Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section

- 686.200 Homemaker Service Provider Requirements
686.210 Services Which Must Be Provided by Homemaker Agencies
686.220 Compliance Review of Homemaker Agencies
686.230 Appeal of Compliance Review for Homemaker Agencies
686.240 Payment for Homemaker Services
686.250 Financial Reporting of Homemaker Services
686.260 Unallowable Costs for Homemaker Service
686.270 Minimum Direct Service Worker Costs for Homemaker Services
686.280 Cost Categories for Homemaker Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section	
686.300	Electronic Home Response Services (EHRS) Provider Requirements
686.310	Services Which Must Be Provided by EHRS Providers
686.320	Minimum Specifications for EHRS Equipment
686.330	Compliance Review of EHRS Providers
686.340	Appeal of Compliance Review for EHRS Providers
686.350	Rate of Payment for EHRS Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section	
686.400	Maintenance Home Health Provider Requirements
686.410	Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section	
686.500	Home Delivered Meals Provider Requirements
686.510	Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

Section	Description
686.600	Criteria for the Provision of Environmental Modifications
686.605	Environmental Modification Provider Requirements
686.608	Environmental Modification Provider Requirements
686.610	Cost of Environmental Modification (Repealed)
686.615	Environmental Modification Bidding Procedures and Requirements
686.620	Permanency of Environmental Modification
686.630	Reason for Denial of Environmental Modification
686.640	Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section	Description
686.700	Criteria for the Purchase, Rental, or Repair of Assistive Equipment
686.705	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

686.708	Purchase, Rental, or Repair of Assistive Equipment
686.710	Provision of Assistive Equipment (Repealed)
686.715	Assistive Equipment Provider Requirements
686.720	Verification of Receipt of Assistive Equipment (Repealed)
686.722	Assistive Equipment Bidding Procedures and Requirements
686.730	Verification of Receipt of, and Customer Satisfaction with, Assistive Equipment

SUBPART I: RESPITE CARE

Section	
686.800	Respite Care Provider Requirements

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section	
686.900	Program Overview
686.910	Case Management Provider Responsibilities
| <u>EMERGENCY</u>	
686.920	Provider Staffing Requirements, Qualifications, and Training
686.930	Monitoring and Liability of Provider
| <u>EMERGENCY</u>	
686.940	Provider Compliance Requirements

SUBPART K: CASE MANAGEMENT SERVICES
TO PERSONS WITH BRAIN INJURIES

Section	
686.1000	Program Overview
686.1010	Case Management Provider Responsibilities
| <u>EMERGENCY</u>	
686.1020	Case Manager Staffing Requirements, Qualifications and Training
686.1025	Provisional Case Manager
| <u>EMERGENCY</u>	
686.1030	Monitoring and Liability
| <u>EMERGENCY</u>	
686.1040	Provider Compliance Requirements

SUBPART L: BEHAVIORAL SERVICES
FOR PERSONS WITH BRAIN INJURIES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section

686.1100 Behavioral Services Provider Requirements

686.1110 Rate of Payment for Behavioral Services

SUBPART M: DAY HABILITATION SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section

686.1200 Day Habilitation Services Provider Requirements

686.1210 Rate of Payment for Day Habilitation Services

SUBPART N: PREVOCATIONAL SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section

686.1300 Prevocational Services Provider Requirements

686.1310 Rate of Payment for Prevocational Services

SUBPART O: SUPPORTED EMPLOYMENT SERVICES
FOR PERSONS WITH BRAIN INJURIES

Section

686.1400 Supported Employment Service Provider Requirements

686.1410 Rate of Pay for Supported Employment Services

686.APPENDIX A Acceptable Human Service Degrees

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18945, effective October 1, 1998; amended at 22 Ill. Reg. 19262, effective October 1, 1998; amended at 23 Ill. Reg. 499, effective December 22, 1998; amended at 23 Ill. Reg. 6457, effective May 17, 1999; amended at 24 Ill. Reg. 7501, effective May 6, 2000; amended at 24 Ill. Reg. 10212, effective July 1, 2000; amended at 24 Ill. Reg. 18174, effective November 30, 2000; amended at 25 Ill. Reg. 6282, effective May 15, 2001; amended at 26 Ill. Reg. 3994, effective February 28, 2002;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

amended at 28 Ill. Reg. 6453, effective April 8, 2004; amended at 29 Ill. Reg. 16508, effective October 17, 2005; amended at 31 Ill. Reg. 14238, effective September 27, 2007; emergency amendment at 33 Ill. Reg. 7017, effective May 5, 2009, for a maximum of 150 days; emergency expired October 1, 2009; emergency amendment at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days.

SUBPART A: PERSONAL ASSISTANTS

Section 686.20 Services ~~That~~~~Which~~ May Be Provided by a PA
EMERGENCY

A PA may perform or assist with:

- a) household tasks, shopping, or personal care; and
- b) incidental health care tasks ~~that~~~~which~~ do not require independent judgement, with the permission of the ~~customer's physician,~~ customer, and/or family; and
- c) monitoring to ensure the health and safety of the customer.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days)

SUBPART J: CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Section 686.910 Case Management Provider Responsibilities
EMERGENCY

- a) Case Management
 - 1) The case management agency (hereafter referred to as provider) shall receive customer referrals from hospitals, the Illinois Department of Public Health's AIDS Hotline, HSP AIDS Unit, other State and local agencies, and other referral services (e.g., doctors and individuals). The provider shall assign a case manager to each customer.
 - 2) The case manager shall have full responsibility for the determination of eligibility, including assessment, development of plans of care, and arrangement and implementation of services to be provided. There shall

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

be two levels of case managers: provisional case managers and case managers. Provisional case managers are those who have not achieved a competency score of 98% or greater for the on-site case reviews done by the HSP AIDS unit, per Section 686.930(d). Assessments, service plans and reassessments completed by case managers may be implemented without consultation with the HSP AIDS Unit. Provisional case managers shall submit all developed plans to the HSP AIDS Unit for approval. Approval of the plan will be based on a review to determine that: the Determination of Need Assessment on which the plan is developed is complete and accurate; the plan meets the needs identified by the assessment; the plan does not place the customer's health and safety at risk; and the plan is cost effective compared to comparable institutional care; ~~and the plan has been approved by the customer's physician.~~

- 3) The case manager shall have the option of using a Registered Nurse to review and advise the case manager on the health aspects of the assessment and reassessment and to act as a liaison with hospital discharge planner, physician, home health agencies and other medical provider agencies.
- b) The case manager shall provide the following services:
- 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
 - 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
 - 3) reassessment of level of care at least every six months for those cases in formal eligibility, three months for those cases that have been presumptively determined eligible for interim services (89 Ill. Adm. Code 684.80), or at such time when the customer's financial or physical condition or need for services changes;
 - 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
 - 5) assisting the customer when personal assistance problems develop. Documentation of these problems and the case management team's responses will be kept in the customer's case file;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 6) counseling and advocacy;
 - 7) acting as inter-agency liaison (e.g., with other DHS programs, vendors, hospitals);
 - 8) contacting customer a minimum of three times per month, one contact being a face-to-face visit;
 - 9) maintaining and updating customer records; and
 - 10) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).
- c) Eligibility for AIDS Waiver
- 1) Within 10 working days (exceptions being 2 working days for prescreening referrals from cooperating hospitals for interim/emergency services, 5 working days for all other prescreening for interim/emergency services) after receipt of a referral, the case manager shall complete an individual's eligibility determination for the AIDS Waiver program.
 - 2) The case manager shall determine customer eligibility for the AIDS Waiver by completing an assessment from a home visit or while the applicant is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the case manager will utilize the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).
 - 3) The case manager shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and what resources are available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).
 - 4) Notice of eligibility must be mailed to the HSP AIDS Unit within ten working days after the date on which a completed application is received by the case management contracting agency.
- d) The case manager will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP.

e) Service Plan

- 1) If the assessment demonstrates the need for intermediate care facility (ICF), skilled nursing facility (SNF), or hospital care because of the disability of AIDS/HIV, the case manager shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).
- 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the case management team's locations and the HSP AIDS Unit. Closed cases will be retained in the HSP Central Office.
- ~~3) The service plan shall be approved by the customer's physician. If the plan is not approved by the customer's physician, it cannot be implemented and the customer cannot be served under the AIDS Waiver.~~
- 34) If implementation of services is delayed beyond required time limits in subsection (c) of this Section, the case manager must inform the HSP AIDS Unit and assist the customer to obtain an alternative provider.

- f) Records of contact with the customer will be entered and maintained in the customer's confidential case records. All contacts, verbal or written, with or on behalf of a customer shall be documented in a confidential case record. The case manager is responsible for obtaining consents for the release of information as necessary and when required by law or regulation (Confidentiality of Records in 42 USC 290dd-2, the AIDS Confidentiality Act [410 ILCS 305]; 89 Ill. Adm. Code 505, Confidentiality of Information); and the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.).

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 686.930 Monitoring and Liability of Provider**EMERGENCY**

- a) The HSP AIDS Unit shall monitor the provider to assure compliance with this Subpart by:
- 1) reviewing and approving the assessment (Section 686.910(c)). The review will be conducted pursuant to the DHS' Home Services Program (89 Ill. Adm. Code 682), the service plan and payments for services;
 - 2) reviewing provisional case managers as set forth in subsection (d) ~~of this Section~~;
 - 3) reviewing, on an annual basis, a random sample 10% of the cases handled in the preceding 12 months or two cases, whichever is greater;
 - 4) the Supervisor of the AIDS Unit visiting, at least annually, all contracting case management agencies.
- b) The HSP AIDS Unit shall monitor the service plans of customers served by a case manager to ensure that:
- 1) The case manager is monitoring the customer's case at least monthly by carrying out at least one face-to-face visit and two other contacts with the customer;
 - 2) The case manager is reassessing the service plan at least every six months for those cases in formal eligibility and every three months for those cases which have been presumptively determined eligible;
 - 3) Each of the reassessments undertaken by the case manager is complete and accurate;
 - 4) Any amendments to the service plan are consistent with the findings of the reassessment; and
 - 5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's hospital costs); ~~and~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

~~6) The service plan is approved by the customer's physician.~~

- c) DHS;ORS, Central Office quality assurance staff shall:
- 1) monitor the quality of the reviews conducted annually;
 - 2) provide case reviews of selected cases Statewide; and
 - 3) tabulate the findings from all reviews to determine accuracy levels, Statewide need for training and individual training needs.
- d) All provisional case managers will work toward meeting the case manager standards within six months after receiving the HSP AIDS Unit's Case Management Training. Complete case manager status will be granted when six case file reviews attain a competency score of 98-100% using the review process described in this subsection (d).
- 1) The HSP AIDS Unit nurse will review three case files within three months after the date of the provisional case manager's completion of the Case Management Training for the case manager. The case manager will be present and have the case manager Training Manual.
 - 2) The nurse will review each case file using the HSP AIDS Unit case file review quality assurance form.
 - 3) Using the Case Management Training Manual, the nurse will discuss each deficiency with the case manager.
 - 4) A corrective action plan will be developed by the nurse for the case manager to resolve all deficiencies in the case files.
 - 5) The case manager will implement the corrective action plan and complete all items prior to the next review of case files.
 - 6) The nurse will review all files noted in the corrective action plan for compliance with case management practices.
 - 7) The above process will continue until the cases reviewed for the case manager meet a 98-100% compliance score on six case file reviews.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

e) Return to Provisional Status

1) A case manager shall return to provisional status when any of the following events occur:

A1) A review of files, per this Section, results in a score of 89% or less;
or

B2) Within the last year, HSP staff has made five requests for materials thatwhich were not submitted on time.

2) Prior to the initiation of action to return a case manager to provisional status, the Provider of the case manager will be sent a letter outlining the issues. The Provider will have 10 days to respond. The case manager will be returned to provisional status unless the Provider can prove the event causing the action did not occur. Once a case manager is returned to provisional status he/she must complete the measures outlined in subsection (d) of this Section.

f) Liability

1) DHS shall assume no liability for actions of the provider under the Agreement.

2) The provider shall agree to hold DHS harmless against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of the provider.

3) The provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.

4) The provider shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days)

SUBPART K: CASE MANAGEMENT SERVICES TO PERSONS WITH BRAIN INJURIES

Section 686.1010 Case Management Provider Responsibilities**EMERGENCY**

- a) Case Managers
 - 1) The Case Manager shall receive referrals from hospitals, other health providers, and other State and local agencies.
 - 2) The Case Manager shall have full responsibility for determining eligibility, including assessment, development of service plans, and arrangement and implementation of services to be provided.
- b) The Case Manager shall provide the following services:
 - 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 682);
 - 2) development of a care plan and implementation (89 Ill. Adm. Code 684);
 - 3) reassessment of the level of care at least every six months or at such time when the customer's financial, disabling condition or need for services circumstance changes;
 - 4) networking/coordination/brokering services (i.e., referring and assisting the customer in obtaining other agencies' services);
 - 5) counseling and advocacy;
 - 6) contacting the customer a minimum of one time per month;
 - 7) maintaining and updating customer records; and
 - 8) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 679.50).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- c) Eligibility for the Brain Injury Waiver
 - 1) After receipt of a referral, the Case Manager shall complete an individual's eligibility determination for the Medicaid Waiver for Persons with a Brain Injury within the following timeframes:
 - A) 2 working days for prescreening referral from cooperating hospitals for interim/emergency services;
 - B) 5 working days for all other prescreening for interim/emergency services); and
 - C) 10 working days for an eligibility referral.
 - 2) The Case Manager shall determine customer eligibility for the Brain Injured Waiver by completing an assessment from a home visit or while the customer is hospitalized (89 Ill. Adm. Code 682). To determine customer eligibility, the Case Manager will use the HSP Determination of Need Assessment (89 Ill. Adm. Code 682).
 - 3) The Case Manager shall assess the customer's limitations in activities of daily living (ADLs) (e.g., cooking, bathing, shopping) and the resources available to assist the customer in performing the ADLs (89 Ill. Adm. Code 682).
- d) The Case Manager will provide a case action notice to each customer informing him or her of the eligibility determination, of all rights and responsibilities under the case management program, including the customer's right to request an appeal, the appeals procedures promulgated by the Department, the right to receive assistance in filing the request for appeal and information about the services of the Client Assistance Program (CAP) and how to reach CAP. The determination notice must be mailed to the HSP office within 10 working days after the date on which a completed application is received by the Case Manager.
- e) Service Plan
 - 1) If the assessment demonstrates the customer is at risk of unnecessary or premature placement in an institution because of his/her brain injury, the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Case Manager shall develop a service plan that will allow the customer to live at home (89 Ill. Adm. Code 684.70).

- 2) The service plan will be retained during the time the case is opened and for five years after closure, unless an audit exception has occurred. In the case of an audit exception, the service plan will be retained until the audit exception has been resolved. Copies of the service plan will be maintained in the Case Manager's location and the HSP office. Closed cases will be retained in the HSP Central Office.
- ~~3) The service plan shall be approved and signed by the customer's physician or neuro-psychologist. If the plan is not approved by the customer's physician or neuro-psychologist, it cannot be implemented and the customer cannot be served under the Brain Injured Waiver.~~
- 34) If implementation of services is delayed beyond required time limits in subsection (c) ~~of this Section~~, the Case Manager must inform the HSP administration and assist the customer in obtaining another provider.
- f) Records of contact with customer will be entered and maintained by the Case Manager in the customer's confidential case record. All contacts, oral or written, with or on behalf of a customer shall be documented in a confidential case record. The Case Manager is responsible for obtaining consents for the release of information as necessary and when required by regulation (89 Ill. Adm. Code 505) and the Health Insurance Portability and Accountability Act (42 USC 1320(d) et seq.).

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days)

Section 686.1025 Provisional Case Manager**EMERGENCY**

- a) There shall be two levels of case management staff: Provisional Case Manager and Case Manager. A Provisional Case Manager is one who has not achieved a competency score of 98% or greater on the case reviews done by the Home Services Program (HSP) administrative staff per Section 686.1030(d). Assessments, service plans and reassessments completed by a Case Manager may be implemented without consultation with the HSP administrative staff.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Provisional Case Managers shall submit all developed plans to HSP for approval. Approval of the plan will be based on a review to determine that: the DON assessment on which the plan is developed is complete and accurate; the plan meets the needs identified by the assessment; and the plan is cost effective compared with comparable institutional care; ~~and the plan has been approved by the customer's physician or neuro-psychologist.~~

- b) All Provisional Case Managers will work toward meeting Case Manager standards within six months after receiving the HSP Case Manager Training. Case Manager status will be granted when six case file reviews attain a competency score of 98-100% using the review process described in this subsection (b).
- 1) The HSP administrative staff will review three case files within three months from the end date of the Case Manager Training. The Case Manager will be present and have the Case Manager Training Manual.
 - 2) The HSP staff will review each case using the HSP case file review quality assurance form.
 - 3) Using the Case Manager Training Manual, HSP staff will discuss each deficiency with the Case Manager.
 - 4) A corrective action plan will be developed by HSP staff for the Case Manager to resolve all deficiencies in the case file.
 - 5) The Case Manager will implement the corrective action plan and complete all items prior to the next review of the case files.
 - 6) HSP staff will review all files noted in the corrective action plan for compliance with case management practices.
 - 7) The above process will continue until the cases reviewed for the Case Manager meet a 98-100% compliance score on six case file reviews.
- c) Return to Provisional Status
- 1) A Case Manager shall return to provisional status when any of the following events occur:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- | ~~A1)~~ A review of files, per this Section, results in a score of 89% or less;
or
- | ~~B2)~~ Within the last year, HSP staff have made five requests for
materials that were not submitted on time.
- | ~~2)~~ Prior to the initiation of action to return a Case Manager to provisional
status, the Case Manager will be sent a letter outlining deficiencies and
shortcomings. The Case Manager will have 10 days to respond. The Case
Manager will be returned to provisional status unless the Case Manager
can prove the Department is incorrect.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014, for a maximum of 150 days)

Section 686.1030 Monitoring and Liability**EMERGENCY**

- a) The HSP staff shall monitor the Case Manager to assure compliance with this Subpart by:
 - | 1) reviewing Provisional Case Managers as set forth in subsection (d) ~~of this Section~~;
 - 2) reviewing, on an annual basis, a random sample of 10% of the cases handled in the preceding 12 months or two cases, whichever is greater; and
 - 3) visiting, at least annually, all contracting case management agencies.
- b) The HSP supervisory staff shall monitor the service plans of customers served by a Case Manager to ensure that:
 - 1) The Case Manager is monitoring the customer's case by carrying out at least one contact monthly;
 - 2) The Case Manager is reassessing the service plan at least every six months;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 3) Each of the reassessments undertaken by the Case Manager is complete and accurate;
 - 4) Any amendments to the service plan are consistent with the findings of the reassessment; and
 - 5) The service plan remains cost effective (i.e., the cost of the service plan is equal to or less than the State's costs for nursing facility care); ~~and~~
 - 6) ~~The service plan is approved by the customer's physician or neuro-psychologist.~~
- c) Liability
- 1) DHS is not liable for actions of the Case Manager and the Case Manager must agree to hold DHS harmless against any and all liability, loss, damage, costs or expenses arising from wrongful or negligent acts of the Case Manager.
 - 2) The Case Management provider shall certify that it has maintained and will maintain liability insurance coverage. Upon request, the Case Management provider shall make available policies, certificates of insurance or current letters documenting all insurance coverage.
 - 3) The Case Management agency shall remain liable for the performance of any person, organization, unincorporated association or corporation with which it contracts.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 6473, effective February 28, 2014 for a maximum of 150 days)

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 February 25, 2014 through March 3, 2014. The rulemakings are scheduled for review at the Committee's March 19, 2014 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>
4/10/14	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	12/20/13 37 Ill. Reg. 20117	3/19/14
4/10/14	<u>Department of Human Services</u> , Early Intervention Program (89 Ill. Adm. Code 500)	5/17/13 37 Ill. Reg. 6417	3/19/14
4/10/14	<u>Department of Natural Resources</u> , Wild Swine (17 Ill. Adm. Code 700)	12/13/13 37 Ill. Reg. 19817	3/19/14
4/16/14	<u>Department of Public Health</u> , Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)	12/27/13 37 Ill. Reg. 20601	3/19/14

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

NOTICE OF HEARING

On January 17, 2014, the Illinois Environmental Protection Agency (Illinois EPA) provided notice that the Bureau of Air was accepting public comment on a variance granted by the Illinois Pollution Control Board to Illinois Power Holdings, LLC, and AmerenEnergy Medina Valley Cogen, LLC, under PCB 14-10, for the purpose of submitting such variance to the United States Environmental Protection Agency as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act, 42 USC § 7401 *et seq.* See, 38 Ill. Reg. 2464. The notice also provided that if a timely request for a public hearing was received by February 18, 2014, a public hearing would be scheduled through a separate notice and held to receive comments regarding the proposed SIP revision.

The Illinois EPA Bureau of Air will hold a public hearing on April 7, 2014, at 9:00 am in the Sangamo Room at the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois.

The hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. Requests to address special needs must be made to the Illinois EPA Hearing Officer by March 17, 2014. Such requests or any questions about the hearing procedures are to be sent to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280 or TDD: 217/782-9143

Written comments must be sent to the Hearing Officer and be postmarked by midnight, May 7, 2014, unless otherwise specified by the Hearing Officer. Written comments need not be notarized. Comments should be mailed to Dean Studer, Hearing Officer, at the address listed above.

Copies of the proposed SIP revision may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison St., Des Plaines, Illinois; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MARCH AGENDA

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
MARCH 19, 2014
10:00 A.M.

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

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

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

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

PROPOSED RULEMAKINGSChief Procurement Officer for Capital Development Board

1. Chief Procurement Officer for the Capital Development Board (Repealer) (44 Ill. Adm. Code 8)
 - First Notice Published: 37 Ill. Reg. 12120 – 8/2/13
 - Expiration of Second Notice: 5/4/14
2. Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8)
 - First Notice Published: 37 Ill. Reg. 12143 – 8/2/13
 - Expiration of Second Notice: 4/28/14

Central Management Services

3. Pay Plan (80 Ill. Adm. Code 310)

-First Notice Published: 38 Ill. Reg. 196 – 1/3/14

-Expiration of Second Notice: 4/9/14

Education

4. Gifted Education (23 Ill. Adm. Code 227)
 - First Notice Published: 37 Ill. Reg. 19525 – 12/6/13
 - Expiration of Second Notice: 4/6/14
5. Summer Bridges Program (23 Ill. Adm. Code 232)
 - First Notice Published: 37 Ill. Reg. 19530 – 12/6/13
 - Expiration of Second Notice: 4/6/14
6. Alternative Learning Opportunities Program (23 Ill. Adm. Code 240)
 - First Notice Published: 37 Ill. Reg. 19535 – 12/6/13
 - Expiration of Second Notice: 4/6/14
7. Grants for Arts Education and Foreign Language Education (23 Ill. Adm. Code 265)
 - First Notice Published: 37 Ill. Reg. 19555 – 12/6/13
 - Expiration of Second Notice: 4/6/14

Financial and Professional Regulation

8. Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)
 - First Notice Published: 37 Ill. Reg. 20571 – 12/27/13
 - Expiration of Second Notice: 3/29/14
9. Illinois Roofing Industry, Licensing Act (68 Ill. Adm. Code 1460)
 - First Notice Published: 37 Ill. Reg. 19796 – 12/13/13
 - Expiration of Second Notice: 3/20/14

Healthcare and Family Services

10. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 37 Ill. Reg. 18011 – 11/15/13
 - Expiration of Second Notice: 3/30/14

Human Services

11. Early Intervention Program (89 Ill. Adm. Code 500)
 - First Notice Published: 37 Ill. Reg. 6417 – 5/17/13
 - Expiration of Second Notice: 4/10/14

Insurance

12. Summary Document and Disclaimer (50 Ill. Adm. Code 3401)
-First Notice Published: 37 Ill. Reg. 19998 – 12/20/13
-Expiration of Second Notice: 4/5/14

Natural Resources

13. Wild Swine (17 Ill. Adm. Code 700)
-First Notice Published: 37 Ill. Reg. 19817 – 12/13/13
-Expiration of Second Notice: 4/10/14

Public Health

14. Emergency Medical Services, Trauma Center, primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
-First Notice Published: 37 Ill. Reg. 20601 – 12/27/13
-Expiration of Second Notice: 4/16/14

Secretary of State

15. Lobbyist Registration and Reports (2 Ill. Adm. Code 560)
-First Notice Published: 37 Ill. Reg. 20628 – 12/27/13
-Expiration of Second Notice: 4/9/14
16. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 37 Ill. Reg. 20117 – 12/20/13
-Expiration of Second Notice: 4/10/14

Transportation

17. Nonscheduled Bus Inspections (92 Ill. Adm. Code 456)
-First Notice Published: 37 Ill. Reg. 14785 – 9/13/13
-Expiration of Second Notice: 3/20/14

EMERGENCY RULEMAKINGSElections

18. Counting of Provisional Ballots (26 Ill. Adm. Code 218)
-Notice Published: 38 Ill. Reg. 4506 – 2/14/14

Revenue

19. Home Rule County Retailers' Occupation Tax (86 Ill. Adm. Code 220)
-Notice Published: 38 Ill. Reg. 4047 – 2/7/14
20. Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 270)
-Notice Published: 38 Ill. Reg. 4060 – 2/7/14
21. Regional Transportation Authority Retailers' Occupation Tax (86 Ill. Adm. Code 220)
-Notice Published: 38 Ill. Reg. 4073 – 2/7/14
22. Metro East Mass Transit District Retailers' Occupation Tax (86 Ill. Adm. Code 370)
-Notice Published: 38 Ill. Reg. 4086 – 2/7/14
23. Metro-East Park and Recreation District Retailers' Occupation Tax (86 Ill. Adm. Code 395)
-Notice Published: 38 Ill. Reg. 4099 – 2/7/14
24. County Water Commission Retailers' Occupation Tax (86 Ill. Adm. Code 630)
-Notice Published: 38 Ill. Reg. 4112 – 2/7/14
25. Special County Retailers' Occupation Tax for Public Safety (86 Ill. Adm. Code 670)
-Notice Published: 38 Ill. Reg. 4125 – 2/7/14
26. Salem Civic Center Retailers' Occupation Tax (86 Ill. Adm. Code 690)
-Notice Published: 38 Ill. Reg. 4138 – 2/7/14
27. Non-Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 693)
-Notice Published: 38 Ill. Reg. 4151 – 2/7/14
28. County Motor Fuel Tax (86 Ill. Adm. Code 695)
-Notice Published: 38 Ill. Reg. 4164 – 2/7/14

Secretary of State

29. Lobbyist Registration and Reports (2 Ill. Adm. Code 560)
-Notice Published: 38 Ill. Reg. 5395 – 2/21/14

PEREMPTORY RULEMAKINGAgriculture

30. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)

-Notice Published: 38 Ill. Reg. 4176 – 1/24/14

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 11 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

80 - 2900	.....	5927
89 - 676	.....	5935
89 - 682	.....	5937
89 - 684	.....	5939
89 - 686	.....	5941

ADOPTED RULES

89 - 102	2/26/2014	5944
89 - 110	2/26/2014	5954
89 - 120	2/26/2014	5967
89 - 123	2/26/2014	5989
89 - 125	2/26/2014	6006
89 - 160	2/26/2014	6028
35 - 106	2/26/2014	6086
35 - 304	2/26/2014	6107
11 - 502	3/1/2014	6113
92 - 1070	2/27/2014	6119
23 - 1	2/27/2014	6127
23 - 22	2/27/2014	6224
23 - 23	2/27/2014	6230
23 - 28	2/27/2014	6313
23 - 29	2/27/2014	6429

EMERGENCY RULES

89 - 676	2/28/2014	6453
89 - 682	2/28/2014	6463
89 - 684	2/28/2014	6468
89 - 686	2/28/2014	6473

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