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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

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

21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
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27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Dual Credit Courses
- 2) Code Citation: 23 Ill. Adm. Code 1009
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1009.10	New Section
1009.20	New Section
1009.30	New Section
1009.40	New Section
1009.50	New Section
1009.60	New Section
1009.70	New Section
1009.80	New Section
- 4) Statutory Authority: Implementing and authorized by the Dual Credit Quality Act [110 ILCS 27]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to the Dual Credit Quality Act (PA 96-164), the Board of Higher Education is responsible for oversight and review of dual credit programs offered jointly by high schools and institutions, except for public community colleges. The proposed rules provide a review process that incorporates the standards enumerated in the Act.

The benefits of offering dual credit courses to high school students are many. The purpose of the Act and the proposed rules are to accomplish the following: (1) to reduce student college costs, (2) to speed time to degree completion, (3) to improve the curriculum for high school students and the alignment of the curriculum with college and workplace expectations, (4) to help facilitate the transition between high school and college, (5) to enhance communication between high schools and colleges, and (6) to offer opportunities for improving degree attainment for underserved student populations.

Dual credit students are generally in the junior or senior year of high school and have appropriate academic qualifications and motivation for a college-level course. Students meet the college or university course prerequisites and placement testing standards and practices, just as any prospective student who wishes to enroll in the college or university course would, when applicable. Courses are lower-division level, typically first-year courses. Course outlines, syllabi, texts, and all instructional materials are the same as used for college students. Whether a course is offered for both high school and college credit or not is determined at the secondary level.

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None.
- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rule contain incorporations by reference? No
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza
Springfield IL 62701

217/557-7358
email: helland@ibhe.org
fax: 217/782-8548
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None.
 - B) Reporting, bookkeeping or other procedures required for compliance: See Section 1009.50 of the proposed rules.
 - C) Types of Professional skills necessary for compliance: None

BOARD OF HIGHER EDUCATION

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- 14) Regulatory Agenda on which this rulemaking was summarized: The 12/26/2014 Regulatory Agenda indicated the intent of the Board to adopt new rules pursuant to PA 96-164.

The full Text of the Proposed Rule begins on the next page:

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1009

DUAL CREDIT COURSES

Section

1009.10	Purpose
1009.20	Definitions
1009.30	Institution Approval Requirements
1009.40	Application for Approval
1009.50	Reporting Requirements
1009.60	Concurrent Credit
1009.70	Board Review
1009.80	Revocation of Authority

AUTHORITY: Implementing and authorized by the Dual Credit Quality Act [110 ILCS 27].

SOURCE: Adopted at 39 Ill. Reg. _____, effective _____.

Section 1009.10 Purpose

- a) *The Board of Higher Education is to develop policies to permit multiple appropriate measures using differentiated assessment for granting eligibility for dual credit to students. The measures developed shall ensure that a student is prepared for any coursework in which the student enrolls.* (Section 15 of the Act)
- b) This Part does not apply to Illinois community colleges, which are subject to rules adopted by the Illinois Community College Board for dual credit course requirements (23 Ill. Adm. Code 1501.507(b)(11)).

Section 1009.20 Definitions

"Accredited" means holding institutional accreditation by name as a U.S. based institution from an accreditor recognized by the U.S. Department of Education.

"Act" means the Dual Credit Quality Act [110 ILCS 27].

BOARD OF HIGHER EDUCATION

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"Board" or "BHE" means the Illinois Board of Higher Education.

"Dual Credit" means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course and, upon successful course completion, concurrently earns both college credit and high school credit.

"ICCB" means the Illinois Community College Board.

"Institution" means an institution of higher learning as defined in the Higher Education Student Assistance Act [110 ILCS 947]. (Section 5 of the Act)

"Operating Authority" means, for the purposes of this Part, approval from the Board authorizing an institution to operate in the State under the Private College Act [110 ILCS 1005] and the Academic Degree Act [110 ILCS 1010].

Section 1009.30 Institution Approval Requirements

- a) In order to be approved to offer dual credit courses in Illinois, an institution must maintain the following standards:
 - 1) State Laws and Regulations and Accreditation Standards
 - A) Institutions must have operating authority, in the Higher Education Region in which coursework will be offered, under BHE rules (23 Ill. Adm. Code 1030 (Program Review (Private Colleges and Universities)) for private colleges and universities and 23 Ill. Adm. Code 1050 (Approval of New Units of Instruction, Research and Public Service at Public Institutions) for public universities).
 - B) Institutions must provide evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation.
 - C) Institutions must comply with all State laws, State agency regulations, accreditation standards, and institution policies that apply to courses and instructional procedures.

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- D) All academic standards at the college or university must apply to college-level courses offered by the institution on campus, at off-campus sites, and at secondary schools.
 - E) These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.
- 2) Faculty
- A) The instructors for these courses shall be selected, assigned and evaluated by the college or university. They shall be selected from individuals with appropriate credentials and demonstrated teaching competencies at the college level.
 - i) For transfer courses, these qualifications include a minimum of a Master's degree with 18 graduate hours appropriate to the academic field or discipline in which they are teaching.
 - ii) For Career and Technical Education (CTE) courses, these qualifications include 2,000 hours of work experience and the appropriate recognizable credential depending on the specific field.
 - B) *Institutions shall provide high school instructors with an orientation in course curriculum, assessment methods, and administrative requirements before high school instructors are permitted to teach dual credit courses (Section 20 of the Act).*
 - C) *Dual credit instructors must be given the opportunity to participate in all activities available to other adjunct faculty, including professional development, seminars, site visits, and internal communication, provided that such opportunities do not interfere with an instructor's regular teaching duties (Section 20 of the Act).*
- 3) Qualification of Students

BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED RULES

- A) Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation, and adequate time to devote to studying a college-level course.
 - B) Students shall select dual credit courses in consultation with high school counselors and/or principals and participation is restricted to those who are able to demonstrate readiness for college-level work, as determined by placement procedures consistent with those that would be used with college-level students at the offering institution of higher education.
 - C) Students shall meet all college criteria and follow all college or university procedures for enrolling in courses.
- 4) **Placement Testing and Prerequisites**
High school students enrolling in college-level courses must satisfy course placement tests or course prerequisites established and administered by the college or university, when applicable, to ensure that they have the same qualifications and preparation as other college students.
- 5) **Course Offerings**
Institutions shall offer for dual credit only coursework that is also offered on campus. Courses must have been articulated with at least three regionally-accredited Illinois universities.
- 6) **Course Requirements**
- A) The content of each dual credit course shall be the same as courses offered on campus and at other off-campus sites and shall contain the same content as the master course that has been articulated with coursework at Illinois institutions.
 - B) Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.

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- C) *Every dual credit course must be reviewed annually by faculty through the appropriate college or university department to ensure consistency with campus courses (Section 20 of the Act).*
- 7) **Publications and Information**
Higher education institutions offering dual credit courses must provide students with catalog information including: course descriptions, course prerequisites, enrollment and admissions processes, course costs, fail and repeatability policies, transcripts and records information, and information about situations in which earned credits will be accepted.
- 8) **Distance Education**
- A) The institution must provide students, faculty and staff with effective technical support and training for any educational technology hardware, software and delivery system that will be used.
- B) The help desk function must be available to students during hours when it is likely to be needed, which shall be, at a minimum, 18 hours a day.
- C) Appropriate admissions processes, policies and assessments must be used to ensure that students are capable of succeeding in an online environment and that students are adequately informed of the nature and expectations of online learning.
- D) Appropriate measures of security systems must be maintained.
- E) Assessments of student learning, especially exams, must take place in circumstances that include student identification and assurance of the integrity of student work.

Section 1009.40 Application for Approval

- a) Prior to offering dual credit courses in Illinois, institutions must seek approval from BHE and provide evidence of compliance with the requirements outlined in this Part.

BOARD OF HIGHER EDUCATION

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- b) Following receipt of an institutional application, Board staff will review the documentation submitted and make a determination on an institution's compliance with the Act and this Part.
- c) Following the staff's decision to approve or deny the application, a letter signifying the decision will be sent to the institution.
- d) A letter of approval will serve as official authorization for the institution to offer dual credit courses in Illinois.

Section 1009.50 Reporting Requirements

- a) *Each institution shall report annually to the Board of Higher Education. The reports shall include, but not be limited to, the following data:*
 - 1) *Number and description of dual credit courses.*
 - 2) *Faculty teaching dual credit courses and their academic credentials.*
 - 3) *Enrollments in dual credit courses.*
 - 4) *Sites of dual credit offerings. (Section 25(e) of the Act)*
- b) *The Board of Higher Education shall include information regarding student participation and performance in dual credit programs and their success in postsecondary education in a statewide longitudinal data system.*
 - 1) *The data system shall track dual credit students and courses on student records.*
 - 2) *Analysis of data relating to student success in dual credit courses, as well as performance in postsecondary education, must be incorporated into the evaluation of dual credit programs in both high school and college (Section 30 of the Act).*

Section 1009.60 Concurrent Credit

BOARD OF HIGHER EDUCATION

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The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and practices of the district.

Section 1009.70 Board Review

The staff of the Board may conduct reviews and/or visitations of authorized institutions and high school partner sites as necessary for the implementation of the Act and this Part. Board staff may review all course offerings, in cooperation with institutional staff, to verify the institution's implementation and maintenance of the conditions that were presented in its applications and that formed the basis upon which the authorizations were granted.

Section 1009.80 Revocation of Authority

The staff of the Board may deny a continuation of initial approval if the institution:

- a) Has failed to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institutional records regarding dual credit offerings in Illinois;
- b) Has failed to maintain the conditions under which the institution was authorized;
- c) Has a loss of accreditation with an accrediting body with which the institution is or was affiliated; or
- d) Has a memorandum, letter or report issued by federal or state regulatory agencies or offices of attorneys general, offices of inspectors general, or similar bodies that affect an institution's status with those bodies.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: 112.302 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: Currently, all assistance units that contain a member with budgetable earnings have their benefits calculated for a six-month period and are required to submit a written redetermination form to the Department every six months. As a result of a state option in federal regulations at 7 CFR 273.12(a)(5), this proposed rulemaking will require the Department to approve SNAP cases in Simplified Reporting for 12 months and to send and process an interim report in the 5th month of the approval period. When the redetermination or interim report has been completed, the Department will determine if eligibility continues and process any adjustments to the payment.

This proposed rulemaking will reduce the redetermination requirements for clients. Simplified Reporting cases will now have a 12-month approval period and will no longer have a redetermination of eligibility every 6 months. Clients will only have to submit a SNAP or TANF redetermination every 12 months with an interim report in the 5th month. In addition, staff will process a SNAP or TANF redetermination every 12 months and an interim report in the 5th month. This change will also reduce work for staff and allow them to focus on timely processing of SNAP applications.

A companion amendment is also being proposed to 89 Ill. Adm. Code 121.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

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112.1	Description of the Assistance Program and Time Limit
112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
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112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.55	Electronic Benefits Transfer (EBT) Restrictions
112.60	Basis of Eligibility
112.61	Death of a Parent (Repealed)
112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section

- 112.86 Project Advance (Repealed)
- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.90 Project Advance Sanctions (Repealed)
- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
- 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
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112.133	Budgeting Earned Income of Employed Applicants
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112.142	Exclusion from Earned Income Exemption
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112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets (Repealed)

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- 112.152 Asset Disregards (Repealed)
- 112.153 Deferral of Consideration of Assets (Repealed)
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
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- 112.305 Strikers
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- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Facilities (Repealed)

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112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

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; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory 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; preemptory 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; preemptory 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; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory 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; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

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December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

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amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

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effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

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amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART I: OTHER PROVISIONS

Section 112.302 Reporting Requirements for Clients with Earnings

- a) All assistance units that contain a member with budgetable earnings must submit

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a written redetermination form to the Department every ~~12six~~ months. In the 5th month between redeterminations, the client will be sent an interim report form. The client is required to complete, sign and return the interim report by the due date on the form. Clients with budgetable earnings must report all changes at redetermination and at the time of the interim report.

- b) All units that contain a member with budgetable earnings shall have benefits calculated for ~~12six~~ months by considering income and attendant circumstances on a prospective basis.
- c) Earnings shall be budgeted prospectively ~~for a six-month period~~ based on the redetermination form or interim report. Income averaging will be used to determine the amount of income to budget ~~for a six-month period~~.
- d) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- e) At intake, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.
- f) When the redetermination or interim report has been completed, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change.
- g) If the Department does not receive the redetermination or interim report form or receives only an incomplete redetermination or interim report form, cash assistance may be terminated. If the form is incomplete, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.
- h) All reported changes will be acted upon. Changes reported on the interim report will be effective the month following the month the report is due. For changes

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reported other than at redetermination [or on the interim report](#), if the change results in an increase in benefits, the increase will be effective for the month following the month the change is reported. If the change results in a decrease in benefits, the decrease will be effective the first month that can be affected following the end of the 10-day timely notice period.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
113.253	Amendment
113.260	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: A grant adjustment is an allowance for the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations at 20 CFR 416.2096, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the increase in Social Security and SSI benefits. In order to maintain the benefit levels, these changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$12, the amount of the January 2015 SSA/SSI benefit increase.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Businesses that provide sheltered care services
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: January 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees
- 113.117 Budgeting Earned Income For Non-contractual School Employees
- 113.118 Termination of Employment
- 113.120 Exempt Earned Income
- 113.125 Recognized Employment Expenses
- 113.130 Income From Work/Study/Training Programs
- 113.131 Earned Income From Self-Employment
- 113.132 Earned Income From Roomer and Boarder
- 113.133 Earned Income From Rental Property
- 113.134 Earned Income In-Kind
- 113.139 Payments from the Illinois Department of Children and Family Services
- 113.140 Assets
- 113.141 Exempt Assets
- 113.142 Asset Disregard
- 113.143 Deferral of Consideration of Assets
- 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
- 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
- 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
- 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
- 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
- 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)
- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

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; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, 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; amendment 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; 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

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October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory 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; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011; amended at 36 Ill. Reg. 15195, effective October 5, 2012; emergency

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amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013; amended at 38 Ill. Reg. 16229, effective July 18, 2014; emergency amendment at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 22654, effective November 20, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for ~~\$554.90~~~~542.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

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

Section 113.260 Sheltered Care, Personal Care or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
12331221	0-7	12481236
12391227	8	12551243
12461234	9	12621250
12511239	10	12701258
12581246	11	12771265
12631251	12	12841272

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<u>12701258</u>	13	<u>12921280</u>
<u>12751263</u>	14	<u>12981286</u>
<u>12821270</u>	15	<u>13061294</u>
<u>12871275</u>	16	<u>13141302</u>
<u>12941282</u>	17	<u>13201308</u>
<u>12991287</u>	18	<u>13281316</u>
<u>13061294</u>	19	<u>13351323</u>
<u>13121300</u>	20	<u>13421330</u>
<u>13181306</u>	21	<u>13501338</u>
<u>13241312</u>	22	<u>13571345</u>
<u>13301318</u>	23	<u>13641352</u>
<u>13361324</u>	24	<u>13711359</u>

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
121.10	Amendment
121.120	Amendment
121.125	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: Currently, all assistance units that contain a member with budgetable earnings have their benefits calculated for a six-month period and are required to submit a written redetermination form to the Department every six months. As a result of a state option in federal regulations at 7 CFR 273.12(a)(5), this proposed rulemaking will require the Department to approve SNAP cases in Simplified Reporting for 12 months and to send and process an interim report in the 5th month of the approval period. When the redetermination or interim report has been completed, the Department will determine if eligibility continues and process any adjustments to the payment.

This proposed rulemaking will reduce the redetermination requirements for clients. Simplified Reporting cases will now have a 12-month approval period and will no longer have a redetermination of eligibility every 6 months. Clients will only have to submit a SNAP or TANF redetermination every 12 months with an interim report in the 5th month. In addition, staff will process a SNAP or TANF redetermination every 12 months and an interim report in the 5th month. This change will also reduce work for staff and allow them to focus on timely processing of SNAP applications.

A companion amendment is also being proposed to 89 Ill. Adm. Code 112.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.7	Amendment	38 Ill. Reg. 23544; December 19, 2014

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

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

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting Redeterminations
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 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. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 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. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 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. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION PROCEDURES

Section 121.10 Interviews

- a) All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a local office with a qualified eligibility worker prior to initial certification and all redeterminations. ~~For earned income, non-assistance SNAP only households, and FamilyCare SNAP households, an interview is required at every other redetermination (see Section 121.125). For persons completing a redetermination using the phone interview system, the automated phone interview substitutes for the face-to-face interview.~~

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- b) Interview Process
- 1) The individual interviewed may be the head of the household, spouse, any other adult member of the household who is sufficiently familiar with the household's circumstances to be able to assist in the determination of eligibility, or an authorized representative (see Section 121.1(e)(1) and (2)). The applicant may bring any person he/she chooses to the interview. Prior to beginning the interview, the applicant shall indicate which persons are not applying for SNAP benefits because they are unable or unwilling to provide alien status verification.
 - 2) The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information.
 - 3) Households shall be advised of their rights and responsibilities during the interview, including the appropriate applications processing standard (see Sections 121.2 and 121.7) and the household's responsibility to report changes.
 - 4) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be adequate to preserve the privacy and confidentiality of the interview.
- c) Waiver of Office Interviews
- 1) The office interview shall be waived if requested by any household that is unable to appoint an authorized representative and that has no household members able to come to the local office because they are qualifying members as defined in Section 121.61.
 - 2) The office interview shall also be waived for any household:
 - A) containing a household member who is employed; or
 - B) on a case-by-case basis for any household that is unable to appoint an authorized representative and that has no household members able to come to the local office because of transportation

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difficulties or similar hardships that the Department determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to:

- i) illness;
 - ii) care of household member;
 - iii) hardships due to residency in a rural area;
 - iv) prolonged severe weather;
 - v) training hours that prevent the household from participating in an in-office interview.
- 3) The Department will conduct a face-to-face interview if the household requests one.
 - 4) The Department has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household. However, a home visit interview for redetermination of eligibility for financial assistance/recertification does not have to be scheduled with the household in advance.
 - 5) Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.
 - 6) Waiver of the face-to-face interview shall not affect the length of the household's certification period.
- d) The Department shall schedule all interviews as promptly as possible to ensure the eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the scheduled interview, the Department will issue a Notice of Missed Interview that will inform the household that the household missed its scheduled interview and that the

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household is responsible for requesting another interview.

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.120 Redetermination of Eligibility

- a) Redetermination involves the completion of an application, an interview, a review of eligibility and cooperation in the verification of eligibility. For simplified reporting ~~that covers most SNAP, earned income, non-assistance SNAP only households, and FamilyCare SNAP~~ households, see Section 121.125. The local office shall provide the household with an opportunity to participate in its normal issuance cycle.
- b) In order to receive uninterrupted benefits, the household must:
 - 1) file a timely application;
 - A) households certified for more than two months must file an application by the 15th calendar day of the last month of the certification period.
 - B) households certified for one or two months must file an application within 17 calendar days from the date of Notice of Eligibility/Expiration of Certification.
 - 2) appear for the interview that is scheduled after the application is timely filed; and
 - 3) provide all requested verifications within ~~10~~ten calendar days after the date the verification was requested.
- c) The household is responsible for requesting another interview if it fails to appear for the interview that was scheduled after the application was filed.
- d) The redetermination application of a SNAP unit who fails to appear for a scheduled interview or provide requested verifications within ~~10~~ten calendar days is denied.

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- 1) If a SNAP unit cooperates before the end of the current approval period, the application is reopened and a full month's benefit is given for the first month of the new period.
 - 2) If the SNAP unit cooperates after the end of the current approval period but within 30 days after the end of the period, the application is reopened and benefits are prorated from the date of cooperation.
- e) Amount of SNAP ~~Benefits~~benefits
- 1) Except as provided in subsection (d)(2)~~of this Section~~, households that file the application after the last day of the previous certification period, shall have benefits prorated from the date that the application was filed. Households that are certified for one or two months will not have benefits prorated if the application is filed within 17 calendar days of the date of Notice of Eligibility/Expiration of Certification.
 - 2) Migrant and seasonal farmworker households shall receive a full allotment for the month of application if the household participated in SNAP within 30 days prior to the date of application.
- f) If a redetermination application is pending and uninterrupted benefits cannot be provided due to the ten day verification standard, then the local office must provide benefits within five working days after the date the household provides the verification.

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

Section 121.125 Simplified Reporting~~Redeterminations~~

- a) ~~SNAP households in simplified reporting; Non-assistance SNAP only households; SNAP households with a member who has earned income, and all FamilyCare SNAP households (see Section 121.40(b)), except for those households defined in subsection (b) of this Section, are redetermined every 12~~six months.~~The six-month redeterminations alternate between a face-to-face interview and a mail-in redetermination form. If an incomplete mail-in redetermination form is received, the Department will send the client a notice advising of the incomplete form and that the client has 10 days to complete the form. If a household chooses to~~

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~~complete its redetermination using the automated phone interview system, a unique confirmation number will verify that the phone interview application was completed and received by the Department.~~

- b) The following households are not included in simplified reporting:
- 1) households containing all adults as qualifying members with no earned income with persons who receive Aid to the Aged, Blind or Disabled (see 89 Ill. Adm. Code 113), ~~unless another household member has earned income;~~
 - 2) TANF/SNAP households with no earned income;
 - 3) households approved for one or two months due to a likelihood of frequent or major changes in unearned income or circumstances; and
 - 3) ~~households entitled to expedited service with postponed verifications (see Section 121.7); and~~
 - 4) households with a member subject to the SNAP work requirement (this only applies in areas where the person has to meet work requirement; see Section 121.18).
- c) Benefits are calculated prospectively using income for six months. Income averaging ~~is used~~ to determine the amount of income to budget ~~for the next six months, based on the information provided on the redetermination form.~~
- d) ~~The~~ During the six months between redeterminations, the household mustis only required to report when gross income exceeds the household's gross income limit (130% of the Federal Poverty Level).
- e) In the 5th month of the approval period, the client will be sent an interim report form. Clients are required to complete, sign and return the interim report by the due date on the form.
- f) All reported changes will be acted upon. Changes reported on the interim report will be effective the month following the month the report is due. For changes reported other than at redetermination or interim report, if the change any reported change that results in an increase in benefits, benefits are increased for the fiscal

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month following the fiscal month of report. If benefits decrease as a result of the reported change, benefits are decreased for the first month that can be affected following the end of the 10-day timely notice period.

gf) For other redetermination rules, see Section 121.120.

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

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- 1) Heading of the Part: Required Procedure for Filing and Securing Approval of Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 916
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
916.40	Amendment
916.50	Amendment
916.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143] and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10] and Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 75 of the Dental Care Patient Protection Act [215 ILCS 109/75] and Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: This regulation is to provide proper insurer submission guidance to the Department of Insurance for all types of filings pertinent to life, accident and health policy form, informational, and rate filings. Changes will include redefining several terms, updating filing procedures, and adding SERFF tracking number and Electronic Funds Transfer language. Also, a new paragraph regarding Multiple Company filing requirements will be added in Section 916.40.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Diana Villamil Zuver
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl.
Chicago IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

312/814-8135
fax: 312/814-2862

217/558-0957

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Filing of certificates, forms and rates as detailed throughout the rule

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 916

REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF POLICY FORMS

Section

916.10	Authority
916.20	Purpose and Scope
916.30	Definitions
916.40	Filing Procedures
916.50	Certificate Certification of Compliance
916.60	Effective Date (Repealed)
916.EXHIBIT A	Certificate of Compliance
916.EXHIBIT B	Coding Guide (Repealed)
916.EXHIBIT C	Discontinued Acronyms From Exhibit B Coding Guide (Repealed)
916.EXHIBIT G	General Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT H	Replacement/Withdrawal Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT I	Certificate of Assumption Transmittal Instructions and Transmittal (Repealed)
916.EXHIBIT J	Informational Filing Transmittal Instructions and Transmittal (Repealed)

AUTHORITY: Implementing Section 143 of the Illinois Insurance Code [215 ILCS 5/143], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25], Section 75 of the Dental Care Patient Protection Act [215 ILCS 109/75], Section 4003 of the Limited Health Service Organization Act [215 ILCS 130/4003], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] and the Electronic Commerce Security Act [5 ILCS 175], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Filed November 13, 1975, effective December 1, 1975; codified at 6 Ill. Reg. 14844; amended at 9 Ill. Reg. 18139, effective February 13, 1986; amended at 17 Ill. Reg. 15853, effective September 14, 1993; amended at 20 Ill. Reg. 6848, effective May 1, 1996; amended at 24 Ill. Reg. 3547, effective February 18, 2000; amended at 29 Ill. Reg. 4922, effective March 22, 2005; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 38 Ill. Reg. 24062; amended at

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39 Ill. Reg. 2590, effective February 6, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 916.40 Filing Procedures

- a) Certificate of Compliance. Each company doing business in the State of Illinois shall submit with each filing a Certificate of Compliance, as described in Section 916.50 and Exhibit A.
- b) Forms Review. Each company shall file with the Director for approval each new policy form [in a searchable text PDF](#) before it is issued or delivered in this State. Each filing shall be submitted directly through SERFF and shall include each of the following:
 - 1) A detailed description of:
 - A) the purpose for the policy form and the manner in which it will be marketed; and
 - B) a cross-reference [SERFF tracking filing](#) number for identical submissions made by affiliated companies.
 - 2) The policy forms:
 - [A\)](#) The text of each policy form shall be made out in "John Doe" fashion, bracketing any appropriate variable material. The form number shall appear in the lower left-hand corner of the policy form to be approved.
 - [B\)](#) [A combination form shall be submitted in two separate filings. Each filing must be identified with a unique company tracking number and must have an accurate TOI and Sub-TOI selected.](#)
 - 3) Informational filings must contain a detailed description of:
 - A) The purpose of submitting the informational filing; and
 - B) [The form number, date of approval, state/company filing number and/or SERFF tracking number for the form to which the](#)

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~~informational filing relates~~
~~A cross-reference filing number for the form to which the informational filing relates.~~

- c) Riders and Endorsements. Riders or endorsements that unilaterally reduce benefits, and are attached to a policy subsequent to the date the policy is issued, shall be reviewed and approved by the Director prior to their issuance or delivery.
- d) Replacement Filings. A new policy form that replaces or is substantially similar to a previously approved policy form must have a redlined version submitted detailing the revisions made to the previously approved policy form. A new policy form replacing a form previously approved, when the new policy form bears the same form number as the previously approved form, shall be accompanied by:
- 1) a statement that the filing is a replacement;
 - 2) the State tracking/company tracking number and/or SERFF tracking number of the previously approved form and the date of the previous approval; and
 - 3) a statement that the previously approved policy form was never issued.
- e) Rates
- 1) Individual and group Medicare supplement policy form filings and individual and group long-term care policy form filings shall be accompanied by rates providing a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each individual accident and health policy form. The rate data must be submitted in a separate SERFF filing.
 - 2) Any insurance company, health maintenance organization or health service plan authorized to offer health insurance coverage, as that term is defined in the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97] (HIPAA), must file all proposed rate increases with the Department prior to use. All rate filings must be submitted electronically through the Health Rate Review Web Portal.
- f) Credit Policies. Individual and group credit policy form filings shall be

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accompanied by the rate filing that provides a description of the classification of risks and the premium rates. Data demonstrating the calculation of the rates shall accompany each credit policy form.

- g) Filing Fee. Fees are paid through Electronic Funds Transfer through SERFF upon submission of the SERFF Filing.
- h) Policy Form Withdrawal
 - 1) Filings submitted for the withdrawal of policy forms shall include a letter of explanation providing the form numbers to be withdrawn, along with the SERFF Tracking Number or Company Tracking/State Tracking Number under which the form was originally approved.
 - 2) Health insurance contracts subject to HIPAA shall include requirements set forth in 50 Ill. Adm. Code 2025.
- i) Multiple Company Filings. The form language and form numbers in multiple company filings must be identical, and filing fees must be submitted through Electronic Funds Transfer for each form filed for approval by each company.

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

Section 916.50 Certificate~~Certification~~ of Compliance

- a) Each filing shall contain a Certificate of Compliance~~certification~~ that the filing complies with all applicable Illinois statutes. The Certificate of Compliance~~certification~~ must carry a readable, authentic and visible signature of an officer of the company.
- b) The Certificate of Compliance~~certification~~ shall be signed by an officer of the company, identified by title, who has the authority to obligate the company by his or her signature. In this manner, the company shall agree and consent to the discontinuance of future use of any approved policy form. Discontinuance is effective 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why the previously approved policy form is violative of or contrary to the Illinois Insurance Code or all provisions of 50 Ill. Adm. Code applicable to policy forms. Each company shall have the right to request a

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hearing within that 30 day period. The request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code and 50 Ill. Adm. Code 2402, as may be applicable, to determine:

- 1) whether the policy form shall be disapproved; and
- 2) whether further orders of the Director may be appropriate.

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

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Section 916.EXHIBIT A Certificate of Compliance

Each company shall submit a "Certificate of Compliance" in substantially this format:

CERTIFICATE OF COMPLIANCE

(Company Name)

By: _____ Title: _____

certifies that the policy forms ~~submitted or referenced in this filing as identified by either the Departmental listing attached, or those filed by the company during this fiscal year,~~ do comply:

- a) with all provisions of the Illinois Insurance Code applicable to the policy forms;
and
- b) with all provisions of 50 Ill. Adm. Code applicable to policy forms;

and does further certify to the best of our knowledge and belief that:

- 1) the forms do not contain any inconsistent, ambiguous or misleading clauses;
- 2) the forms do not contain specifications or conditions that unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the policy forms;
- 3) the only variation from the usual provisions of the policy forms are clearly marked or otherwise indicated;
- 4) the language of the policy form, as submitted or approved, shall be exactly as it has been or will be offered for issuance or delivery in the State of Illinois as approved by the Director, except for hypothetical data and other appropriate variable material; and
- 5) the policy forms do not contain any provision or clause currently being disapproved by the Director.

In utilizing the procedure for policy form filing and approval set forth in 50 Ill. Adm. Code 916,

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_____ (company name) _____ hereby expressly agrees and consents to a review, by the Director, to be made at any time, and further hereby expressly agrees and consents to the discontinuance by the company of future use of the approved policy forms, 30 days from the date of mailing an order of withdrawal issued by the Director pursuant to Section 143(1) of the Illinois Insurance Code. The order shall set forth the reasons why the previously approved policy forms are violative of or contrary to the provisions of the Illinois Insurance Code or all provisions of 50 Ill. Adm. Code applicable to policy forms. Each company shall have the right to request a hearing within that 30 day period. The request shall be made in writing to the Director. The order of withdrawal shall be stayed and the company shall be given a hearing under the provisions of Sections 143(1), 401(c), 401.1, 402(2), 426 and 429 of the Illinois Insurance Code [215 ILCS 5/143(1), 401(c), 401.1, 402(2), 426 and 429] and 50 Ill. Adm. Code 2402, as may be applicable, to determine:

- a) whether the policy form shall be disapproved; and
- b) whether further orders of the Director may be appropriate.

 (Company Name)

By: _____
 (Signature)

Title: _____ Date: _____

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

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- 1) Heading of the Part: Health Carrier External Review
- 2) Code Citation: 50 Ill. Adm. Code 5430
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5430.40	Amendment
5430.50	Amendment
- 4) Statutory Authority: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update Part 5430 to require that health carrier and independent review organization reports filed with the Department pursuant to Sections 5430.40(a) and 5430.50(d) be submitted electronically.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Mary Jane Adkins
Assistant General Counsel
Illinois Department of Insurance

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance

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122 South Michigan Ave., 19th Floor
Chicago IL 60603

320 W. Washington St.
Springfield IL 62767

312/814-5411
fax: 312/814-2862

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: External review procedures regarding adverse insurance coverage determinations
 - C) Types of professional skills necessary for compliance: Insurance
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not anticipated within that timeframe.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER kkk: HEALTH CARE SERVICE PLANSPART 5430
HEALTH CARRIER EXTERNAL REVIEW

Section

5430.10	Purpose
5430.20	Applicability and Scope
5430.30	Definitions
5430.40	Health Carrier Obligations
5430.50	Independent Review Organization Obligations
5430.60	Registration of Independent Review Organizations
5430.70	Operational Requirements
5430.80	Examination
5430.90	Random Selection of IROs by Director
5430.APPENDIX A	External Review Annual Report Form (Repealed)
5430.APPENDIX B	IRO Notice of Decision Template – Non-Experimental and Investigational
5430.APPENDIX C	IRO Notice of Decision Template – Experimental and Investigational
5430.APPENDIX D	Independent Review Organizations – Application for Registration
5430.APPENDIX E	Independent Review Organizations – Application for Reapproving Independent Review Organizations
5430.APPENDIX F	Illinois or NAIC Biographical Affidavit

AUTHORITY: Implementing the Health Carrier External Review Act [215 ILCS 180] and authorized by Section 50(h) of the Act [215 ILCS 180/50(h)] and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 34 Ill. Reg. 10741, effective July 19, 2010; amended at 39 Ill. Reg. 4077, effective September 1, 2015; amended at 39 Ill. Reg. _____, effective _____.

Section 5430.40 Health Carrier Obligations

- a) Each health carrier shall maintain written records in the aggregate, by state, and for each type of health benefit plan offered by the health carrier on all requests for external review for which the health carrier received notice from the Director for

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each calendar year. The health carrier shall submit, electronically, a report to the Director in the format specified by the Director by March 1 of each year.

- b) A health carrier must file with the Director for approval sample copies of:
- 1) All notices and forms that carriers must provide to covered persons under Sections 20, 25, 35, 40 and 42 of the Act. In addition to those statutory requirements, the following information must be included on notices sent to members in response to member appeals:
 - A) All notices and forms must prominently display the name, address, toll-free phone number, fax number and appeal email address of the carrier or administrator that handles appeals;
 - B) All notices and forms shall be specific and limited to information regarding appeals and external review procedures for the member's plan;
 - C) All notices shall state the number of levels of appeals available (no more than two levels for group and one level for individual) under the plan and will state which level of appeal is applicable to the adverse determination within the notice;
 - D) All notices shall include the date, including month, day and year, of the adverse determination and, if applicable, the date of the final adverse determination, including month, day and year;
 - E) All notices shall inform covered persons that the deadlines for filing an appeal or external review request are not postponed or delayed by health care provider appeals unless the health care provider is acting as an authorized representative for the covered person; i.e., the covered person should be filing internal appeals independently and concurrently unless the health care provider has been designated in writing as the authorized representative;
 - F) All notices shall indicate whether the adverse determination relates to a member appeal (filed by the member or authorized representative who may be the health care provider) or a provider appeal (pursuant to the provider contract) and shall explain

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timeframes from the date of the adverse determination for the member to appeal and to file an external review regardless of the status of a provider appeal;

- G) Upon exhaustion of provider appeals, the notice (which is copied to the member) shall specify timeframes from the date of the final adverse determination for the member to file an appeal or file an external review;
- H) Upon exhaustion of internal appeals by the member, the final adverse determination notice shall clearly state that it is the final adverse determination, that all internal appeals have been exhausted, and that the member has 4 months from the date of the letter to file an external review;
- I) All notices shall include the following contact information for the Department of Insurance:

Illinois Departments of Insurance
Office of Consumer Health Insurance
External Review Unit
320 W. Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 850-4740
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: <https://mc.insurance.illinois.gov/messagecenter.nsf>

- 2) Descriptions for both the required standard external review and expedited external review procedures as set forth within Section 20 of the Act.
- 3) Statements informing the covered person and any authorized representative that a standard external review request deemed to be ineligible for review by the plan or its representative may be appealed to the Director by filing a complaint with the Director. The health carrier shall use the following address and provide the following contact information when directing the covered person or authorized representative to appeal initial determinations of ineligibility for standard external review:

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The Illinois Department of Insurance
Office of Consumer Health Insurance
External Review Unit
320 West Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 527-9431
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: <https://mc.insurance.illinois.gov/messagecenter.nsf>

- 4) Statements informing the covered person and any authorized representative that an expedited external review request deemed to be ineligible for review by the plan or its representative may be appealed to the Director by filing a complaint with the Director. The health carrier shall use the following address when directing the covered person or authorized representative to appeal initial determinations of ineligibility for expedited external review:

The Illinois Department of Insurance
Office of Consumer Health Insurance
External Review Unit
320 West Washington Street
Springfield IL 62767
Toll-free Telephone: (877) 850-4740
Fax: (217) 557-8495
Email: doi.externalreview@illinois.gov
Website: <https://mc.insurance.illinois.gov/messagecenter.nsf>

- 5) Special Rules for Multi-State Plans Under the Marketplace Pursuant to the U.S. Office of Personnel Management's (OPM) Multi-State Plan Program regulation at 45 CFR 800.5023, OPM administers the External Review Process for disputed adverse benefit determinations submitted by enrollees in Multi-State Plan health insurance options.

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

Section 5430.50 Independent Review Organization Obligations

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- a) An independent review organization may not conduct external independent reviews of adverse determinations for persons subject to Section 15 of the Act unless the independent review organization has first registered with the Director. An application for registration shall be in the format set forth in Appendix D.
- b) An independent review organization must secure and maintain a current certificate of accreditation by the American Accreditation Healthcare Commission (URAC) under applicable standards for Independent Review Organizations.
- c) Each independent review organization shall provide a written notice as set forth in Appendix B and Appendix C, explaining its decision to uphold or reverse adverse or final adverse determinations to the health carrier, the covered person, and, if applicable, the covered person's authorized representative.
- d) Each independent review organization shall maintain written records in the aggregate, by state, and by health carrier on all requests for external review for which it conducted an external review during a calendar year and submit, [electronically](#), a report in the format specified by the Director by March 1 of each year. The independent review organization shall retain the written records required under the Act for at least three years.

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

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- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3) Section Number: 3045.80 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to ensure that alcohol is not being sold or consumed at OHV grant assisted sites.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

3045.10	Program Objective
3045.20	Program Eligibility Requirements
3045.30	Funding Assistance Formula
3045.40	General Procedures for Grant Applications and Awards
3045.50	Eligible Project Expenditures
3045.60	Project Evaluation Criteria/Priorities
3045.70	Review by Advisory Board
3045.80	Program Compliance Requirements
3045.90	Program Information
3045.95	Sale or Transfer of Grant-Funded Property
3045.100	Issuing Public Access Stickers

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. 10092, effective May 22, 2006; amended at 36 Ill. Reg. 11179, effective July 3, 2012; amended at 39 Ill. Reg. _____, effective _____.

Section 3045.80 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the OHV program must be open to the general public for off-highway vehicle use. Property acquired or developed with program assistance may not be converted to a use that would deny public off-highway vehicle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in off-highway vehicle usefulness, quality and location.

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- b) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- c) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.
- d) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
- 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- e) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment

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of the entire grant amount or by operation, by the recipient or a Department designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.

\$1-\$50,000 – 5 years

for every \$10,000 increment over \$50,000 – add one year

- f) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.
- g) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this Section and be subject to corrective measures by the Department as deemed appropriate.
- h) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- i) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- j) The project sponsor must possess the resource capabilities to:
 - 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.

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- k) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled checks showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- l) All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
- m) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
- n) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
- o) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
- p) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor

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(applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:

- 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;
 - 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);
 - 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- q) Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].
- r) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
 - 2) The charging of user fees for general public use must be approved by the Department.
 - 3) Except as noted below, all OHV grant-assisted facilities must be open and

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available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.

- A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
- B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
- 4) All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize the facility's intended public benefit.
- 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
- 6) The possession, sale or consumption of alcoholic beverages on OHV grant assisted sites is expressly prohibited.
- s) All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- t) The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- u) Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of

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the Department, such noncompliance was due to no fault of the project sponsor (applicant).

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Hope and Opportunity Pathways through Education Program
- 2) Code Citation: 23 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
210.30	Amendment
210.110	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.66b
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5. Part 210 references the State assessments, and the citation used should be updated to reflect the current law.

Other technical changes are being proposed to align the provisions to the style preferred by staff of the Joint Committee on Administrative Rules (JCAR).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: this rulemaking was not included on either of the 2 most recent Agendas because: At the time that the agenda was submitted for publication, the need for the rulemaking had not yet been identified.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: ILLINOIS STATE BOARD OF EDUCATION
SUBCHAPTER e: INSTRUCTIONPART 210
ILLINOIS HOPE AND OPPORTUNITY PATHWAYS
THROUGH EDUCATION PROGRAM

SUBPART A: PROGRAM APPROVAL

Section	
210.10	Purpose
210.20	Program Components
210.30	Requirements for Student Participation
210.35	Enrollment of Students with Individualized Education Programs
210.40	Program Requirements
210.50	Individual Instructional Plan
210.60	Supplemental Services and Instructional Time
210.70	Contents of IHOPE Plan
210.75	Program Approval Criteria
210.80	Application for Program Continuation
210.90	Program Funding
210.100	Suspension and Revocation of Program Approval
210.110	Terms and Conditions of Approval

SUBPART B: INCENTIVE GRANTS

<u>Section</u>	
210.200	Purpose
210.210	Eligible Applicants
210.220	Funding Formula
210.230	Application Procedures

AUTHORITY: Implementing and authorized by Section 2-3.66b of the School Code [105 ILCS 5/2-3.66b].

SOURCE: Adopted at 34 Ill. Reg. 11554, effective July 26, 2010; amended at 37 Ill. Reg. 15953, effective September 27, 2013; amended at 39 Ill. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENTS
SUBPART A: PROGRAM APPROVAL

Section 210.30 Requirements for Student Participation

Any individual subject to compulsory attendance requirements set forth in Article 26 of the School Code [105 ILCS 5/Art. 26] may be considered for enrollment in an IHOPE program, provided that he or she is considered to be a "dropout" for reporting purposes under Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

- a) Each regional office of education or CPS, as applicable, that establishes an IHOPE program shall provide information about the program to the parents or guardians of all dropouts who are less than 18 years old who are being considered for enrollment and shall identify a staff member who may be contacted for information or assistance.
 - 1) Before a dropout as defined in [this](#) subsection (a) ~~of this Section~~ is enrolled in an IHOPE program, the program shall send a written notification to the student and the student's parent or guardian to attend a conference about the program. This notification also shall contain a statement of the rights of the parent or guardian (e.g., requirement for written parental permission to enroll in the program, ability to withdraw consent for enrollment, participation in development of an individual instructional plan).
 - 2) The conference shall be designed to help the parent or guardian determine whether the student's participation in an IHOPE program would be beneficial.
 - 3) A dropout as defined in [this](#) subsection (a) ~~of this Section~~ shall not be enrolled in an IHOPE program without the written consent of his or her parent or guardian. This provision does not apply to youth who are considered to be an "unaccompanied youth" under Section 725 of federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 USC 11431 et seq.).
- b) Before enrolling a dropout who is 18 years or older or an unaccompanied youth, the IHOPE program shall conduct the conference described in subsection (a) ~~of this Section~~ with the dropout.

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- c) An approved IHOPE program shall enroll only dropouts who reside in their region or district (see Section 2-3.66b(b) of the School Code), and no tuition may be charged of students who choose to participate.
- d) Enrollment~~;~~ in an IHOPE program of a dropout who, when enrolled in his or her previous school~~;~~ had an Individualized Education Program~~;~~ shall be subject to the additional requirements set forth in Section 210.35 ~~of this Part~~.
- e) Receipt of a high school diploma under the IHOPE program is not subject to the ~~State~~ assessment requirements contained in Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~].
- f) All rights granted under this Part to the student's parent or guardian shall become those of the student once the student reaches 18 years of age, subject to the provisions of the Emancipation of Minors Act [750 ILCS 30].
- g) For each dropout enrolled, an IHOPE program shall request from the school that the student last attended a certified copy of the student's records, in accordance with 23 Ill. Adm. Code 375.75 (Public and Nonpublic Schools: Transmission of Records for Transfer Students).

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

Section 210.110 Terms and Conditions of Approval

- a) All contracts, subcontracts, and cooperative or intergovernmental agreements necessary for the operation of the program shall be approved by the regional superintendent of schools or, in the case of CPS, the board of education, and shall specify the roles of, and amount to be paid to, each entity subject to the contract or agreement.
- b) Student records for each student enrolled in the IHOPE program shall be maintained by the student's resident district in accordance with the requirements of the Illinois School Student Records Act [105 ILCS 10], the State Board of Education rules governing Student Records (23 Ill. Adm. Code 375), and the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g).
- c) Programs established and operated in accordance with Section 2-3.66b of the School Code and this Part must comply with all State and federal laws applicable to education providers, including, but not limited to, those prohibiting

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discrimination on the basis of race, color, religion, national origin, ancestry, ~~sex~~, age, marital status, physical or mental disability, sexual orientation, pregnancy, gender identity, ~~or handicap~~, such as Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Illinois Human Rights Act [775 ILCS 5], the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382 (1982), or status of being homeless (Section 1-56 of the Education of Homeless Children Act [105 ILCS 45/1-56] and Section 11434a(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2)).

- d) Each IHOPE program not subject to Section 34-18.5 of the School Code [105 ILCS 5/34-18.5] must certify that a fingerprint-based criminal history records check through the Illinois State Police and a check of the Statewide Sex Offender Database will be performed for all of its employees, volunteers, and all employees of persons or firms holding contracts with the program who have direct contact with students enrolled. Further, an IHOPE program shall not employ individuals, allow individuals to volunteer, or enter into a contract with a person or firm who employs individuals, who will have direct contact with students enrolled in the IHOPE program who have been convicted of any offense identified in Section 10-21.9(c) of the School Code [105 ILCS 5/10-21.9(c)] or have been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987 [705 ILCS 405/Art. II].
- e) It will be the responsibility of the IHOPE program to maintain records of attendance for the students enrolled in the program and to make those records available to the State Superintendent of Education upon request.

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

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Summer Bridges Program
- 2) Code Citation: 23 Ill. Adm. Code 232
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
232.20	Amendment
232.50	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5. Part 232 references the State assessments, and the citation used should be updated to reflect the current law.

Other technical changes are being proposed to align the provisions to the style preferred by staff of the Joint Committee on Administrative Rules (JCAR).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: At the time that the Agenda was submitted for publication, the need for the rulemaking had not yet been identified.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 232

SUMMER BRIDGES PROGRAM

Section

232.10	Purpose and Applicability
232.20	Eligible Applicants
232.30	Application Procedure
232.40	Allocation of Funds
232.50	Program Specifications
232.60	Local Match; Use of State Funds
232.70	Reporting Requirements

232.APPENDIX A Curriculum and Instruction Frameworks

232.APPENDIX B Required Materials for the Program

AUTHORITY: Implementing Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 31 Ill. Reg. 2461, effective January 16, 2007; amended at 32 Ill. Reg. 2386, effective January 22, 2008; amended at 38 Ill. Reg. 8340, effective April 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

Section 232.20 Eligible Applicants

- a) Eligible applicants shall be school districts that include one or more schools serving students in ~~prekindergarten~~~~pre-kindergarten~~, kindergarten, or any of ~~grades~~~~Grades~~ 1 through 6 in which 50 percent or more of the students participating in the State assessment under Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~] have achieved scores indicating that they do not meet State standards in reading. Public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], area vocational centers, and charter schools shall be eligible under this Part on the same basis as school districts (see 105 ILCS 5/2-3.109a, 2-3.109b, and 27A-11.5, respectively. For purposes of this Part, the term "district" shall be understood to include all these eligible entities).

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- b) The State Superintendent shall annually identify the eligible districts based upon State assessment scores attained by students in the previous school year. As a prerequisite to participation in the program, eligible districts shall be required to submit letters of intent in accordance with the timeframe established by the State Superintendent, in order to permit calculation of the approximate per-pupil allocation that will be available.

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

Section 232.50 Program Specifications

- a) Eligibility for services under this Part shall not be limited to students who attend the particular attendance centers whose performance led to the district's eligibility under Section 232.20 ~~of this Part~~. Any student in an eligible district may be served, provided that he or she was enrolled in ~~prekindergarten~~ ~~pre-kindergarten~~, kindergarten, or any of ~~grades~~ ~~Grades~~ 1 through 6 in the school year immediately preceding the summer when the program is offered and:
- 1) did not meet State standards in reading, as evidenced by the relevant score attained on the State assessment required pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/~~2-3.64a-52-3.64~~]; or
 - 2) was recommended for retention in grade; or
 - 3) was referred to the program by his or her teacher based on the results of a locally determined reading assessment or other factors, such as poor grades or a high rate of absenteeism.
- b) Funding under this Part shall be used only to provide a remedial summer program consisting of no fewer than 90 hours of instruction to each student served and addressing the components of the literacy framework displayed in Appendix A ~~to this Part~~. Each district operating the program shall be required to purchase or demonstrate the availability of the materials listed in Appendix B ~~to this Part~~.
- c) The number of sites at which the program is offered within any district shall be limited to the number of sites whose performance led to the district's eligibility for funding under Section 232.20 ~~of this Part~~. The program may, however, be conducted at sites other than those whose performance led to the district's eligibility.

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- d) Except as otherwise specified in subsection (e) ~~of this Section~~, no fewer than 12 and no more than 15 students shall be served in each class for ~~grades~~ Grades 1 through 6, and no fewer than seven and no more than 10 students shall be served in each class for ~~prekindergarten pre-kindergarten and kindergarten~~. Each district shall report its enrollment count by grade level on the sixth day of attendance in the program and shall consolidate classes as needed to achieve class sizes within these ranges. The services of teachers in excess of the number required for the applicable class sizes shall not be paid for with funding provided under this Part.
- e) In order to respond to developments that may occur after the sixth day of attendance, a district may seek approval from the State Superintendent of Education to add no more than two students to any class in excess of the applicable maximum. The State Superintendent shall approve a district's request if the Superintendent determines that doing so is necessary for reasons of cost-effectiveness or to avoid a disruption in learning opportunities for students, provided that the teacher responsible for the class has consented to the addition of the students.
- f) Each district shall prepare a job description for the teachers who will be employed to provide instruction in the Summer Bridges Program. If the district executes individual contracts with the teachers, the contracts shall include the job description or incorporate it by reference. If the district does not execute individual contracts with the teachers, the district shall require a signed affirmation from each, acknowledging the obligations established in the job description. Each job description shall include at least the requirements set forth in this subsection (f).
- 1) To conduct a parent orientation prior to the beginning of the program.
 - 2) To participate in all required planning and professional development sessions and activities.
 - 3) To set up the classroom for engaged and cooperative learning, including learning stations or centers.
 - 4) To establish classroom rules in collaboration with the students in the class.
 - 5) To prepare and submit daily lesson plans on a weekly basis.

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- 6) To deliver the established curriculum in accordance with the framework and use the materials provided.
 - 7) To administer the required assessments and report on the results in accordance with the prescribed timetable.
 - 8) To collaborate in the program evaluation effort.
 - 9) To be absent only in response to unforeseen circumstances (for example, no absences shall be permitted for vacation, attendance at conferences, or participation in activities that are not of an emergency nature).
- g) Each teacher, paraprofessional [educator](#), and administrator employed in the program shall be provided with, and shall be required to participate in, 30 hours of professional development.
- 1) Three hours of professional development shall occur in the time period after the end of the school year and prior to the start of the program and shall be devoted to setting up the learning environment, administering an individual reading inventory, and orientation to the Summer Bridges Program.
 - 2) Twelve hours of professional development shall occur prior to or during the course of the program and shall be devoted to the learning environment, language development and word knowledge, fluency, comprehension, writing, and classroom-based assessment appropriate to the grade level to be served by the participating teachers.
 - 3) Fifteen hours of professional development shall be devoted to mathematics concepts and games, additional literacy strategies, problem-solving, exchange of strategies, activities, and methods among teachers, and analysis of the results of the individual reading inventory.
- h) No program funded under this Part shall begin sooner than five business days after the end of the school year unless approved in advance by the State Superintendent of Education. Approval shall be granted only when the school year has been extended to make up days missed due to severe weather or other emergencies.

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- i) Each district funded under this Part shall assess students' growth in reading prior to and following their participation in the program. No fewer than 20 percent of the students from each of ~~grades~~Grades 2 through 6 and no fewer than 20 percent of the total group of students from ~~prekindergarten~~~~pre-kindergarten~~, kindergarten, and ~~grade~~Grade 1 shall participate in an assessment prescribed by the State Superintendent as appropriate to their respective grade levels. The results of these assessments shall be compiled to form part of each district's summative report under Section 232.70 ~~of this Part~~.
- 1) Each student whose results are included in the report shall have achieved an attendance rate of at least 80 percent.
 - 2) The pre-test shall be separated from the post-test by no fewer than 18 days of attendance.

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

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- 1) Heading of the Part: Alternative Learning Opportunities Program
- 2) Code Citation: 23 Ill. Adm. Code 240
- 3) Section Number: 240.70 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 13B
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5. Section 240.70 references the State assessments, and the citation used should be updated to reflect the current law.

Other technical changes are being proposed to align the provisions to the style preferred by staff of the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: this rulemaking was not included on either of the 2 most recent Agendas because: At the time that the agenda was submitted for publication, the need for the rulemaking had not yet been identified.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240
ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section

240.10	Purpose
240.20	Requirements for Student Participation
240.25	Enrollment of Students with Individualized Education Programs
240.30	Program Requirements
240.40	Student Success Plan
240.50	Requirements for Returning the Student to the Regular School Program
240.60	Supplemental Services and Instructional Time
240.70	Application for Program Approval
240.75	Program Approval Criteria
240.80	Application for Program Continuation
240.90	Program Funding
240.100	Suspension and Revocation of Program Approval
240.110	Terms and Conditions of Approval

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

240.200	Purpose (Repealed)
240.210	Eligible Applicants (Repealed)
240.220	Planning Grants (Repealed)
240.230	Implementation Grants (Repealed)
240.240	Supplemental Grants (Repealed)
240.250	Grant Awards (Repealed)
240.260	Terms of the Grant (Repealed)

AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].

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SOURCE: Adopted at 26 Ill. Reg. 11888, effective July 22, 2002; amended at 27 Ill. Reg. 10004, effective June 23, 2003; amended at 29 Ill. Reg. 18451, effective October 31, 2005; amended at 33 Ill. Reg. 9427, effective June 22, 2009; amended at 38 Ill. Reg. 8345, effective April 1, 2014; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: PROGRAM APPROVAL

Section 240.70 Application for Program Approval

No students shall be enrolled in the Alternative Learning Opportunities Program (ALOP) until the State Board of Education grants approval for the program to operate (see 105 ILCS 5/13B-25.10).

- a) The State Board of Education shall annually notify school districts of the opportunity to submit an application, specifying the information that school districts shall include in their applications and requiring that applications be submitted no later than the date specified in the notification.
- b) Each application shall be reviewed for completeness and conformance to the requirements of Article 13B of the School Code and this Part.
 - 1) Incomplete applications shall be returned to the applicant, specifying the additional information that is needed. Applicants shall supply the requested information within 15 calendar days after receiving the request.
 - 2) Based on the criteria contained in Section 240.75 of this Part, applications that do not meet the requirements of Article 13B of the School Code and this Part shall be returned to the applicant, specifying the reasons~~reason(s)~~ why the application was not acceptable.
- c) A school district seeking to establish a new ALOP~~Alternative Learning Opportunities Program~~ or to receive approval for a conversion of an existing alternative program shall submit an application for approval, on a form supplied by the State Board of Education, that contains the following elements.
 - 1) A description of the planning process conducted to determine the type of ALOP~~Alternative Learning Opportunities Program~~ to be established and a list of the participants in that process.

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- 2) A district plan for the program that meets the requirements of Section 13B-25.20 of the School Code [105 ILCS 5/13B-25.20].
 - A) In the case of a cooperative involving two or more school districts, the plan must address how it is consistent with each school district's mission and is aligned with the local school improvement plans of each participating school (see 105 ILCS 5/13B-25.20).
 - B) A copy of the plan must be sent to the Regional ~~Office~~~~Office(s)~~ of Education serving each district participating in the ~~ALOP~~~~Alternative Learning Opportunities Program~~ by the deadline indicated in the notification sent pursuant to subsection (a) ~~of this Section~~.
- 3) An organizational chart that reflects the governance, administrative, educational and support structures of the proposed ~~ALOP~~~~Alternative Learning Opportunities Program~~ and describes the responsibilities of each entity involved in the program.
- 4) Evidence that the program is derived from scientifically based research on successful instructional approaches for students who are at risk of academic failure (see 105 ILCS 5/13B-30.5), including specific references to research that discuss the types of services and strategies to be offered by the program as effective in addressing the needs the district has identified among the students it plans to serve.
- 5) The specific curriculum to be used (see Section 240.30(a) ~~of this Part~~) and a description of the ways in which it differs from the regular school program (e.g., program sequence, pace, instructional activities). If a non-profit or for-profit entity will be providing instructional services, then the district shall provide evidence that the entity meets the requirements of Section 240.30(a)(4) ~~of this Part~~.
- 6) Evidence of the need for ~~the ALOP's~~~~Alternative Learning Opportunities Program~~ educational supports and other support services beyond those currently offered by the regular school program (e.g., the district lacks funding for the supports and services, specialized staff would need to be hired, proposed service would not have a general benefit for the majority of the students in the district). This evidence shall include a description of

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the educational and other service interventions that the district currently uses to assist its students who are experiencing difficulty with their academic achievement.

- 7) The procedures to be used to review student progress on a regular basis, which shall at least conform with the requirements of Section 240.30(d) ~~of this Part.~~
- 8) The procedures to be used for participation of students in the State assessments required under Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS 5/13B-25.25]. The procedures shall indicate:
 - A) the site where the student or students will take the State ~~assessments~~ assessment(s). If the program is located at a site that is other than a State assessment testing site recognized by the State Board of Education, such as a regular public school, then the student shall take the State assessment at his or her home school; and
 - B) how the home school will ensure that the results for individual students will be shared with staff of the ~~ALOP~~ Alternative Learning Opportunities Program, if the program site is other than the student's home school.
- 9) The proposed calendar for the program, providing evidence that it is in conformance with the requirements of Section 13B-45 of the School Code and Section 240.60 of this Part.
- 10) The location of the ~~ALOP~~ Alternative Learning Opportunities Program.
 - A) Consideration must be given to locating the program on-site in the regular school (i.e., a school where the general education curriculum is offered) (see 105 ILCS 5/20.30), subject to the requirements of Section 240.20(i) of this Part.
 - B) If the program is offered at other than a regular school, then the school district shall provide a rationale stating how the proposed site is in the best educational interests of the students to be served (e.g., the regular school has limited space for the program, the site

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is not accessible to all the students to be served, the proposed site provides a learning environment more conducive to the needs of the students enrolled in the program).

- 11) A plan for ensuring that students enrolled in the ~~ALOP~~[Alternative Learning Opportunities Program](#) shall continue to receive other services for which they qualify (e.g., bilingual, special education, free and reduced-price lunch).
- 12) A plan for evaluating the effectiveness of the program in improving academic performance of the students who are enrolled and successfully returning them to the regular school program. The plan must include:
 - A) the methods to be used to conduct the evaluation;
 - B) the data to be collected, which shall include at least the indicators outlined in Section 13B-30.15 of the School Code [105 ILCS 5/13B-30.15], as applicable to the program;
 - C) the specific procedures for how achievement levels of individual students enrolled in the program will be assessed to ensure that each student is making anticipated progress, as stipulated in his or her Student Success Plan;
 - D) the specific procedures for how achievement levels of students with IEPs will be assessed, if these students are enrolled in the program;
 - E) how the evaluation will measure the extent to which the program overall is an effective strategy for improving the achievement levels of students identified as being at risk of academic failure; and
 - F) how the evaluation results will be used to improve the program.
- 13) A description of how the school district's professional development plan will address instruction of at-risk students (see 105 ILCS 5/13B-50.10).

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

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part: Higher Education Distance Learning and Interstate Reciprocity
- 2) Code Citation: 23 Ill. Adm. Code 1033
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1033.10	New Section
1033.20	New Section
1033.30	New Section
1033.40	New Section
- 4) Statutory Authority: Implementing and authorized by the Higher Education Distance Learning Act [110 ILCS 145]
- 5) Effective Date of Rules: April 16, 2015
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Upon adoption of the identical proposed rules filed concurrently with these emergency rules.
- 7) Date Filed with the Index Department: April 15, 2015
- 8) Statement: A copy of the adopted rule, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency rules will allow the Board of Higher Education to immediately seek approval from the National Council for State Authorization Reciprocity Agreement (SARA) to operate as the portal agency for Illinois. Once approved, the Board can receive applications from institutions to participate in SARA. This new program will streamline the approval process for institutions in Illinois that are interested in offering quality distance learning courses. Students who enroll in distance learning programs offered by participating institutions will have assurances of quality programs and equitable treatment in the growing field of distance learning.

In addition, the Higher Education Distance Learning Act, effective January 1, 2015, authorizes the Board of Higher Education to set fees to cover the cost of administration and enforcement of the SARA program in Illinois. Fees shall be deposited into the newly created Distance Learning Fund and used by the Board for the administration and operation of this national initiative in Illinois.

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- 10) A Complete Description of the Subjects and Issues Involved: The Higher Education Distance Learning Act authorizes the Board to participate in a system of interstate reciprocity to simplify regulation in the expanding field of distance learning. This effort is part of a national initiative coordinated through the National Center for State Authorization Reciprocity Agreement (SARA) to establish minimum requirements and to provide a simplified method of regulating distance learning programs across state lines. The Board will serve as the designated portal agency for Illinois and will have many duties and responsibilities to ensure minimum standards are established and maintained. The emergency rules will allow the Board to move forward with the administration of this new program with the National Center and to begin the assessment of fees needed to support the program.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: The emergency rule does not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805/3].
- 13) Information and questions regarding this emergency rule shall be directed to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
fax: 217/782-8548
email: helland@ibhe.org

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

BOARD OF HIGHER EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1033

HIGHER EDUCATION DISTANCE LEARNING AND INTERSTATE RECIPROCITY

Section

1033.10

Purpose

[EMERGENCY](#)

1033.20

Definitions

[EMERGENCY](#)

1033.30

Institution Approval Requirements

[EMERGENCY](#)

1033.40

Application Process and Participation

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by the Higher Education Distance Learning Act [110 ILCS 145].

SOURCE: Emergency rule adopted at 39 Ill. Reg. 6042, effective April 16, 2015, for a maximum of 150 days.

Section 1033.10 Purpose[EMERGENCY](#)

The purpose of this Part is to address the powers and duties delegated to the Board of Higher Education by the Higher Education Distance Learning Act, including, but not limited to, minimum standards for institutions of higher education participating in the interstate reciprocity agreements for distance learning. [110 ILCS 145] The Board will collaborate with the Community College Board to establish and ensure eligibility for Illinois public community colleges that desire to participate.

The Higher Education Distance Learning Act authorizes the State of Illinois to participate in a system of interstate reciprocity to simplify regulation in the expanding field of distance learning. The system of interstate reciprocity established by the National Council for State Authorization Reciprocity Agreement allows willing post-secondary institutions in member states to participate in such agreement on a voluntary basis. Under the system, institutions participate through their “home state” and agree to be regulated by the home state. The Council and statute establish

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minimum requirements and provide a simplified method of regulating distance learning programs. The system applies only to distance education. The Illinois Board of Higher Education is designated by this Act to be the lead agency coordinating all Illinois-based participating institutions in the distance learning interstate reciprocity program. The Board of Higher Education will collaborate with the Community College Board to establish and ensure eligibility for Illinois public community colleges that desire to participate in the program.

Section 1033.20 Definitions**EMERGENCY**

The definitions apply to terms used in this rule in conjunction with the Higher Education Distance Learning Act and the "SARA Policies and Standards" issued and approved by the National Council for State Authorization Reciprocity Agreements on January 7, 2015 and any subsequent revisions as long as those revisions are consistent with the Higher Education Distance Learning Act [110 ILCS 145].

"Accredited" means holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education (Section 1 of the SARA Policies and Standards).

"Act" means the Higher Education Distance Learning Act [110 ILCS 145].

"Approve" or "Approval" [or "Authorization to Participate"] in the context of an institutional application to operate under SARA, means a written statement issued by the Board that an institution meets the standards required by SARA and is eligible to operate under SARA (Section 1 of the SARA Policies and Standards).

"Board" means the Illinois Board of Higher Education (Section 10 of the Act).

"Complaint" means a formal assertion in writing that the terms and conditions of the state authorization reciprocity agreement between the Board and the National Council for State Authorization Reciprocity Agreements, or of laws, standards or regulations incorporated by that agreement, are being violated by a person, institution, state, agency or other organization or entity operating under the terms of that agreement, including student complaints.

"C-RAC Guidelines" and other uses of "C-RAC" refers to the Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) for best practices in postsecondary distance education developed by leading

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practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC) (Section 1 of the SARA Policies and Standards).

"Distance Learning" or "Distance Education" means instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs (Section 10 of the Act).

"Home state" means the single member state recognized by the NC-SARA to regulate institutions that desire to participate in SARA.

"Host State" or "Reciprocal State" means a member state in which an institution operates under the terms of this agreement, other than the home state (Section 1 of the SARA Policies and Standards).

"Institution" means a degree-granting postsecondary entity (Section 1 of the SARA Policies and Standards).

"Member State" means any state, commonwealth, district, or territory of the United States that is a participant in good standing in a state authorization reciprocity agreement (Section 1 of the SARA Policies and Standards).

"NC-SARA" or "National Council for SARA" means the National Council for State Authorization Reciprocity Agreements (Section 1 of the SARA Policies and Standards).

"Participation agreement" means the agreement that each participating institution is required to sign and abide by in order to take advantage of the reciprocity agreement (Section 10 of the Act). For the purposes of this Act, the participation agreement is the application created by NC-SARA which contains the eligibility criteria and is to be completed and signed by the institution. The institution will submit the application to the Board and, after the institution has been approved by the Board staff and the NC-SARA, the application becomes the participation agreement subject to annual renewal.

"Participating institution" means any institution of higher learning that offers an associate's degree or higher, in whole or in part, through distance learning and has voluntarily or willingly entered into a participation agreement to be regulated

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by a participating home state with respect to institutional and program approval, complaints, and institutional and program reviews (Section 10 of the Act). For the purposes of this Act, the Board is the agency designated to serve as the point of contact for Illinois.

"Physical presence" means on-going occupation of a physical location for instructional purposes or maintenance of an administrative office to facilitate instruction (Section 10 of the Act).

"Regional Compact" means the New England Board of Higher Education, Midwestern Higher Education Compact (to which Illinois belongs), Southern Regional Education Board, or Western Interstate Commission for Higher Education (Section 1 of the SARA Policies and Standards).

"SARA" is the short title for describing the state authorization reciprocity agreement or the voluntary program which implements reciprocity agreements amongst states, institutions, and the National Council for SARA.

"SARA Policies and Standards" refers to the document adopted by the National Council for SARA to administer the voluntary, regional approach to state oversight of distance education.

"State" means any state, commonwealth, district, or territory of the United States that is a participant in good standing in a state authorization reciprocity agreement (Section 10 of the Act).

"State authorization reciprocity agreement" or "reciprocity agreement" or "interstate reciprocity agreement" means a voluntary agreement that establishes reciprocity between willing states for approval of postsecondary educational services delivered by distance learning beyond state boundaries (Section 10 of the Act). The development of these agreements among and between the state portal agencies and/or the regional compacts will be facilitated through the NC-SARA.

Section 1033.30 Institution Approval Requirements
EMERGENCY

- a) Authorization to Participate

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- 1) Any degree-granting postsecondary institution, including public, private non-profit and private for-profit institution, that desires to participate in SARA to offer distance education under the authority of the State of Illinois must:
 - A) Be accredited as defined in Section 1032.20.
 - B) Have Illinois as the designated home state for postsecondary education offerings as defined in Section 1032.20.
 - C) Be financially stable, evidenced by being State supported, or for private for-profit and private non-profit institutions participating in Federal student aid programs under Title IV of the Higher Education Act of 1965 (Pub. L. No. 89-329), by meeting the following criteria: having a Federal Financial Responsibility Composite score of 1.5 or above; having a financial responsibility score between 1 and 1.4 and providing additional financial evidence described in subsection (a)(2) to the Board to determine financial status of the institution; or for private for-profit and private non-profit institutions not participating in Federal student aid programs and without a Federal Financial Responsibility Composite Score, providing additional financial evidence described in subsection (a)(2) to the Board to determine financial status of the institution. No institution with a Federal Financial Responsibility Score below 1.0 will be determined eligible by the Board to participate in SARA through this State, even if any such institution is cleared by the U.S Department of Education to participate in Title IV student aid programs.
- 2) The following shall be used by Board staff to determine the financial status of institutions required to provide additional financial evidence:
 - A) A written statement in the most recent fiscal year audited financial statement confirming that the institution is financially stable. The audited financial statement must show that the institution has adequate revenue to meet its financial obligations, including payment of unearned tuition.

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- B) An irrevocable letter of credit from a bank or other similar financial institutions in an amount equivalent to the estimated unearned tuition revenue from distance education students.
- b) Institutional participation shall be voluntary and as such institutions that choose not to participate will be governed by current Illinois laws and administrative regulations for distance education programs.
- c) Physical Presence
- 1) Any institution that meets the requirements of Section 1032.30 (a)(1) that has Illinois as the home state and is located in the State and holds its principal institutional accreditation in the State must receive Board approval for operating and degree granting authority under the Private College Act [110 ILCS 1005], the Academic Degree Act [110 ILCS 1010], the Board of Higher Education Act [110 ILCS 205], or have exemption from approval requirements as specified in 23 Ill. Adm. Code 1030.
 - 2) Any Illinois public community college desiring to participate in SARA shall be reviewed and approved by the Community College Board. This will not abrogate the Board of Higher Education's authority to request reviews of community colleges participating in the agreement.
 - 3) Any out-of-state institution from any SARA member state with physical presence as determined below must apply and obtain operating and degree granting authority from the Board. In determining whether such out-of-state participating institution has a physical presence, the following shall apply (Section 5 of the SARA Policies and Standards):
 - A) The institution has a physical facility in this State, whether owned, operated or rented, for synchronous or asynchronous instruction;
 - B) The institution requires students to physically meet in a location for instructional purposes more than twice per full-term (quarter or semester) course for a total of more than six hours;
 - C) The institution offers a "short course" or seminars that require more than 20 contact hours;

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- D) The institution establishes a physical facility whether owned, rented, operated by, or on behalf of the institution to provide information for the purpose of enrolling students, or providing student support services;
 - E) The institution establishes an administrative office, including but not limited to office space for instructional or non-instructional staff;
 - F) The institution maintains a mailing address or phone exchange in the State;
- 4) Any out-of-state institution from a SARA member state that does not have physical presence in Illinois shall not be required by the Board to fulfill any additional State requirements to operate under SARA if it does the following activities (Section 5 of the SARA Policies and Standards):
- A) Offers distance learning courses that do not require students to gather in groups, except for the provisions in subsection (c)(3)(B) of this Section.
 - B) Holds recruitment activities or advertises to students whether through print, billboard, direct mail, internet, radio, television, or other medium;
 - C) Offers distance education courses on a military base if enrollment in such courses is limited to federal employees and family members;
 - D) Maintains a server, router, or similar electronic service device housed in a facility that otherwise would not constitute physical presence (the presence of a server or similar pass-through switching device does not by itself constitute the offering of a course or program in the State);
 - E) Has faculty, adjunct faculty, mentors, tutors, or other academic personnel residing in the State (the presence of instructional faculty in the State, when those faculty teach entirely via distance-

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education and never meet their students in person, does not establish physical presence for purposes of the SARA agreement);

- F) Holds proctored exams on behalf of the institution in the State;
 - G) Has contractual arrangements with third-party providers to offer or support SARA eligible programs. Any contact between a third party provider of educational services and the State or SARA office must be made through the participating degree-granting institution. A third-party provider may not represent a participating institution regarding any subject under SARA's operating policies to any SARA office or the State;
 - H) Offers educational field experiences for students, including an educational field trip arranged for a group of students that are normally in residence at an institution in another state with the exception of full-scale residency programs such as a summer session at a field station;
 - I) Operates limited supervised field experiences. For the purposes of the SARA agreement, interstate supervised field experiences originating from any member state's distance learning or campus-based program will be considered distance education not triggering physical presence if such activities involve placing not more than ten students from any academic program, who are physically present simultaneously at a single clinical facility or site in the State. Any out-of-state SARA member institution intending to have a larger pool of student placement must get approval from the Board to do so. Any out-of-state SARA member institution that owns a supervised field experience, clinical, or practicum site shall be exempted from the limitations on placement of its own students at such a site.
- 5) Any participating institution offering distance learning courses leading to professional licensure must keep students, applicants, and prospective students aware of state licensing requirements. To comply with this requirement, participating institutions must do one of the following:

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- A) Provide notification in writing that the institution has determined that the course or program meets the requirements for professional licensure in the state in which the student resides; or
 - B) Provide notification in writing that the institution cannot confirm whether the course or program meets requirements for professional licensure in the state in which the student resides. The institution must provide the student with current contact information for any applicable licensing boards, and advise the student to determine whether the program meets requirements for licensure.
- 6) Out-of-state institutions that choose to participate outside the reciprocity agreement or are from non-member states will be bound by other State laws for distance education programs.

Section 1033.40 Application Process and Participation
EMERGENCY

The following are the processes for institutional participation in SARA:

- a) Eligibility
 - 1) Any degree-granting institution whose main campus is located in Illinois and holds its principal institutional accreditation in the State including public, private non-profit and private for-profit institutions, can voluntarily apply to the Board to participate in SARA. The Board shall approve Illinois institutions meeting the eligibility requirements as described in this Section.
 - 2) Institutions are eligible to participate in SARA if they are in compliance with the standards, procedures, and requirements established by the NC-SARA and the Board. Approved institutions are required to maintain the conditions of approval throughout the participation period. Any institution that fails to maintain conditions of approval may lose eligibility to participate in SARA and be removed at anytime by the Board. The following are the criteria to determine eligibility:
 - A) The Interregional Guidelines for the Evaluation of Distance Education, also known as C-RAC Guidelines, or any other future

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guidelines adopted by the National Council for SARA for the interstate distance learning reciprocity program must be maintained by the institution at all times during participation period. Participating institutions must comply with the following C-RAC Guidelines (Section 4 of SARA Policies and Standards):

- i) Online learning is appropriate to the institution's mission and purposes;
- ii) Institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes;
- iii) Online learning is incorporated into the institution's systems of governance and academic oversight.
- iv) Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.
- v) The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.
- vi) Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported.
- vii) The institution provides effective student and academic services to support students enrolled in online learning offerings.
- viii) The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.
- ix) The institution assures the integrity of its online offerings.

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- B) Authorization to operate under SARA shall last for 12 months. Every year following the initial approval, the Board shall determine if participating institutions still meet SARA requirements. Any institution that does not seek to renew and pay applicable participation fees will no longer be eligible to participate in SARA.
 - C) Community colleges may be deemed eligible by participating in a comparable approval process required by the Community College Board.
- b) Participation Fees
- 1) Institutions are assessed fees by the Board and by the National Council for Sara to participate in SARA.
 - A) The Board assesses an annual fee of \$1,750 to institutions participating in SARA and whose applications are managed by the Board. Full payment of these fees is required prior to Board staff review of the SARA application.
 - B) The National Council for SARA assesses initial and recurring fees to participating institutions. In order to be considered eligible to be a SARA institution by the Board, the institution must be in good standing with the National Council for SARA including compliance with all Council fees.
 - 2) Remittance
 - A) Board fees shall be submitted as check, certified check, cashier's check, or money order payable to the Illinois Board of Higher Education.
 - B) The Board shall return fees, minus a fee of \$250 for processing, if, after further investigation, the Board determines that the institution is not eligible to participate in SARA. No refund shall be awarded for any application that has been reviewed by Board staff. Applications withdrawn by the institution shall receive no refund.

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C) Board fees shall be submitted to:

Illinois Board of Higher Education
Academic Affairs Fee Remittance
1 N. Old Capitol Plaza, Suite 300
Springfield IL 62701-1394

D) Applications submitted with insufficient or incorrect fees shall be considered incomplete. The Board will notify the institution of the correct amount due. No further action shall be taken by the Board until the full or correct amount due is submitted.

c) Application and Approval Process

- 1) Any institution seeking to participate is required to complete an application and pay the participation fees.
- 2) The Board will provide SARA application forms to institutions and Board staff will review the application to determine the institution's eligibility to participate in SARA.
- 3) Board participation fees shall be paid in full before an application is reviewed by staff.
- 4) Community colleges may be deemed SARA eligible by participating in a comparable approval process required by the Community College Board. No fee will be assessed by the Board of Higher Education.
- 5) Upon approval by the Board to participate in SARA, the institution will be sent an electronic link to make payment to the National Council for SARA. The Board shall notify the Council when an institution has completed the application process.

d) Maintenance of Approval

Institutions are approved to participate in SARA if they are in compliance with the standards, procedures, and requirements of this Part. Approved institutions are required to maintain the conditions of approval throughout the participation

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period. Any institution that fails to maintain conditions of approval may lose eligibility to participate in SARA and be removed at any time by the Board.

- 1) **Renewal**

Approval to participate in SARA is for 12 months. Any institution participating in SARA is required to renew annually and pay required renewal fees to the Board and to the National Council for SARA. Any institution that does not renew the participation agreement with the Board or pay required fees will no longer be eligible to participate in SARA. The Board will not process any institution's application for renewal until the full amount due is paid.
- 2) **Data Reporting**

Participating institutions must comply with the annual data reporting mandated by the National Council for SARA. SARA participating institutions shall annually submit the following data, and other data that the Council may direct participating institutions to submit in the future, to the National Council for State Authorization Reciprocity Agreement (Section 6 of the SARA Policies and Standards):

 - A) The number of students enrolled in the institution via distance education delivered outside the home State of the institution. The data should be reported by state, territory, or district in which the students reside.
 - B) A list of programs that a student may complete without on-campus attendance (using the U.S. Department of Education definition of a distance education program).
- 3) **Reviews**

The staff of the Board may request reviews and visitations of SARA participating institutions as necessary for the implementation of the Act and this Part.
- 4) **Investigations of Institutions**
 - A) The Board staff shall initiate an investigation upon receipt of a verified written complaint of an incident occurring within two years of report date to the Executive Director. Complaints subject

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to investigation may include those arising from students, other SARA participating institutions, other SARA member states, the Department of Education, employers, and licensing boards.

Investigations may be initiated concerning any of the following:

- i) Any violation of SARA consumer protection provisions concerning dishonest or fraudulent claims, including but not limited to recruitment and marketing materials; job placement data; tuition, fees, and financial aid; admission requirements for courses and programs; accreditation status of institutions; professional licensing requirements or the requirements of specialized accrediting bodies; and any coursework transfer to other institutions that causes harm or financial loss to students.
- ii) Any violation of the C-RAC Guidelines or any other future guidelines adopted by the National Council for SARA for the interstate distance learning reciprocity program.
- iii) Any violation of the provisions of the Private College Act [110 ILCS 1005] the Academic Degree Act [110 ILCS 1010] and the administrative rules [23 Ill. Adm. Code 1030] for programs offered through distance education.
- iv) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated.
- v) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that may affect an institution's status with those bodies and/or affect the delivery of SARA programs.
- vi) Failure to maintain financial stability as described in this Part.
- vii) Failure to continue to meet any requirement in this Part.

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- B) The institution involved in an investigation will be informed of the alleged violations and the processes of investigation. SARA-participating institutions must work directly with the students to resolve certain SARA-related complaints (e.g., complaints about grades or student conduct violations). The following are complaint procedures:
- i) Any complaints not resolved within the institution shall be reported to the Executive Director for investigation and final resolution.
 - ii) After the Executive Director receives an unresolved complaint, he or she will initiate an investigation. The institution involved will be notified by the Board staff prior to initiating an investigation.
 - iii) Upon completion of an investigation, the Board staff will inform the institution of the status of the investigation. In the event that the alleged violations are substantiated, the institution may be removed from participating in SARA. The institution will be required to stop recruiting students for distance education under SARA until it gets a written clearance from the Board reauthorizing participation.
- C) The institution shall provide in its catalog and print promotional materials and on its website the institution complaint policies and procedures for reporting complaints, as well as the Board's website link for reporting complaints. The website information must include an electronic link to the Board's website on the first page (as registered with standard web/internet search engines).
- D) Community colleges may be deemed compliant by abiding by comparable processes required by the Community College Board.
- e) Revocation of Eligibility
- 1) Grounds for revocation of eligibility to participate in SARA include the following:

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- A) Failure to renew participating agreement and/or pay required fees;
 - B) Violation of any applicable Illinois State laws or any provisions in the SARA Policies and Standards;
 - C) Failure by an approved institution to maintain institutional accreditation or to report negative changes to its accreditation to the Board;
 - D) Failure to maintain financial stability;
 - E) Failure to continue to meet any requirement in this Part;
 - F) Neither the National Council for SARA nor the Board will issue a refund if an institution's eligibility is revoked due to violations of applicable Illinois State laws or SARA standards. Neither will any institution that voluntarily withdraws at any time during the participation year receive any refund.
- 2) Procedures for Revocation
- A) Following the Board staff investigation of institutional practices, the staff may recommend to the Executive Director revocation of eligibility to participate in the SARA agreement.
 - B) The Executive Director shall send to the institution an official letter of revocation. The institution shall have 15 business days to communicate with the Board in writing of actions that will be taken and the timeline to address the violations identified in the revocation letter.
 - C) The institution will be considered a SARA participant for the duration of a mandatory Board approved teach-out plan.
 - D) The Board may reinstate the institution at any time upon satisfactory correction of the violations that led to the revocation of eligibility.
- f) State Withdrawal

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In the case where this State withdraws from SARA, institutions approved and operating under SARA through the State may continue to do so for the remainder of the academic term or 90 days after the receipt of State withdrawal notice, whichever is later, but not to exceed six months from the date of notice.

- g) Registers
The Board shall maintain a register on the Board web site with the names of the institutions that have been approved by the Board and NC-SARA to participate in the SARA program (www.ibhe.org). In addition, the National Council for SARA publishes a list of participating states and institutions on their web site (www.nc-sara.org).

ILLINOIS GAMING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.250
- 4) Date Proposal published in *Illinois Register*: August 10, 2012; 36 Ill. Reg. 12699
- 5) Date Adoption published in *Illinois Register*: December 7, 2012; 36 Ill. Reg. 17033, effective November 21, 2012
- 6) Summary and Purpose of Expedited Correction: When a subsequent rulemaking was proposed and later adopted, Section 1800.250(s) was inadvertently omitted. This expedited correction will reinstate the legally adopted text and relabel subsequent subsections.
- 7) Information and questions regarding this request shall be directed to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
emily.mattison@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

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1800.115	Gender
1800.120	Inspection

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

SUBPART E: LICENSING PROCEDURES

Section

1800.510	Coverage of Subpart
1800.520	Applications
1800.530	Submission of Application
1800.540	Application Fees
1800.550	Consideration of Applications by the Board
1800.555	Withdrawal of Applications
1800.560	Issuance of License
1800.570	Renewal of License
1800.580	Renewal Fees and Dates
1800.590	Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

1800.610	Coverage of Subpart
1800.615	Requests for Hearing
1800.620	Appearances
1800.625	Appointment of Administrative Law Judge
1800.630	Discovery
1800.635	Subpoenas
1800.640	Motions for Summary Judgment
1800.650	Proceedings
1800.660	Evidence
1800.670	Prohibition on Ex Parte Communication
1800.680	Sanctions and Penalties
1800.690	Transmittal of Record and Recommendation to the Board
1800.695	Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances

ILLINOIS GAMING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
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1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

ILLINOIS GAMING BOARD

NOTICE OF REQUEST FOR EXPEDITED CORRECTION

SUBPART K: STATE-LOCAL RELATIONS

Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section
1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
1800.1250 Fees for Fingerprinting
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

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SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 6061, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015.

SUBPART B: DUTIES OF LICENSEES

Section 1800.250 Duties of Licensed Video Terminal Operators

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an

ILLINOIS GAMING BOARD

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inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;

- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a single bank account for all licensed video gaming locations with which it contracts for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative of any licensed video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;

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- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board on a monthly basis a current list of video gaming terminals acquired for use in Illinois;
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee;
- s) Provide prompt notice of an assignment of a use agreement to the Board, the affected location, and the central communications system vendor;
- ts) Maintain a video gaming terminal access log for each video gaming terminal, which must be kept inside the video gaming terminal at all times, documenting all access to the video gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access; and
- ut) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers.

(Source: Expedited correction at 39 Ill. Reg. 6061, effective November 21, 2012; amended at 38 Ill. Reg. 19919, effective October 2, 2014)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Confidentiality of Personal Information of Persons Served by the
Department of Children and Family Services

Code Citation: 89 Ill. Adm. Code 431

Section Numbers: 431.20 431.100
431.30 431.105
431.55 431.110
431.80 431.120
431.90 431.140

Date Originally Published in the *Illinois Register*: 5/23/14
38 Ill. Reg. 10700

At its meeting on April 14, 2015, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that that the Department be more timely in implementing statute in its rules. PA 96-1164, which this rulemaking implements, became effective 7/21/10.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the *Illinois Register*.
2. Name of Contributor: Gina Stark of Stark Excavating Inc.
3. Date of Violation: July 25, 2014
4. Description of Violation: Ms. Stark, an affiliated person of the business entity Stark Excavating Inc., made a contribution of \$500.00 to Citizens for Rauner, Inc., a campaign committee established to support the gubernatorial candidacy of Bruce Rauner. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and Stark Excavating, Inc. had in place active contracts with the State of Illinois, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Department of Transportation, Highway Construction has notified Stark Excavating of the apparent violation, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by Stark Excavating of the violation and their understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 14, 2015 through April 20, 2015. Rulemakings are scheduled for review at the Committee's May 12, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
5/22/15	<u>Illinois Student Assistance Commission</u> , Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)	1/16/15 39 Ill. Reg. 1114	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , State Scholar Program (23 Ill. Adm. Code 2760)	1/16/15 39 Ill. Reg. 1107	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)	1/16/15 39 Ill. Reg. 1094	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	1/16/15 39 Ill. Reg. 01085	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)	1/16/15 39 Ill. Reg. 1075	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , General Provisions (23 Ill. Adm. Code 2700)	1/16/15 39 Ill. Reg. 1049	5/12/15
5/22/15	<u>Illinois Student Assistance Commission</u> , Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)	1/16/15 39 Ill. Reg. 1122	5/12/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/28/15	<u>State Employees' Retirement System</u> , The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)	2/20/15 39 Ill. Reg. 2538	5/12/15
5/29/15	<u>State Board of Education</u> , Charter Schools (23 Ill. Adm. Code 650)	2/6/15 39 Ill. Reg. 2034	5/12/15
5/27/15	<u>State Board of Education</u> , Procurement by the State Board of Education (Repealer) (44 Ill. Adm. Code 1105)	2/6/15 39 Ill. Reg. 2050	5/12/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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