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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 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
650.200	New Section
650.210	New Section
650.220	New Section
650.230	New Section
650.240	New Section
650.250	New Section
650.260	New Section
- 4) Statutory Authority: 105 ILCS 5/27A-11.5(3)
- 5) A Complete Description of the Subjects and Issues Involved: The Charter School Revolving Loan Fund [105 ILCS 5/27A - 11.5] provides non-competitive, interest-free loans for certified charter schools in their initial contract term. Loans are limited to one per charter school and cannot exceed \$750 per student enrolled in the charter school. Loan repayments from the awarded charter schools are deposited back into this fund for future use by other initial charter schools. The Charter School Revolving Loan Fund is not a new provision in the School Code; however, administrative rules have not been promulgated to oversee its implementation. Rulemaking will ensure the correct procedures are followed when accepting applications, charter schools are paid on time, charter schools are held accountable if they cannot pay the loan back in full, and that the overall fund is managed in accordance with the law.

These funds are to be used to pay for start-up costs of acquiring educational materials and supplies, textbooks, electronic textbooks, furniture, technological equipment and other materials required to make the school building a suitable learning environment. A charter school may apply for a loan from the Revolving Loan Fund after its initial charter application is approved by its school district or the State Charter School Commission and is certified by the State Board of Education.

This rulemaking calculates the maximum loan amount on a per-pupil basis, based upon the total enrollment in each eligible grade for new charter schools, or for certified charter schools already in their initial contract term the enrollment for each eligible grade on March 1 of the current school year.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Each application must include the following:

- A list of all applicable expenditure areas;
- The amount of the loan requested;
- A description of the proposed uses for the funds; and
- Assurances and certifications that include:
 - Funds will be used only in the specified grade level;
 - The charter school governing board has approved a resolution authorizing the application for funds; and
 - The charter school will comply with the Section of the School Code creating the Charter School Revolving Loan Fund, these rules, and the loan agreement.

All applications must be signed by the charter school's chief administrative officer and the president of the governing board. Applications must be postmarked no later than 30 calendar days after the governing board's approval. Incomplete applications will be returned as ineligible; an applicant can reapply during that funding cycle, provided the application is cured of the deficiencies.

Applications are due no later than March 15 in the previous fiscal year for which the loan will be made. Applications received after March 15 will not be processed unless there are remaining funds.

Funds will be distributed on a first-come, first-served basis upon the receipt of application.

The State Board will notify the charter schools of the total loan approved loan amount no later than 15 days after the award determination date. Charter schools that were eligible but did not receive a loan due to insufficient funds are eligible to reapply during the next funding cycle for which funds for the same eligible grades are available.

All loans are interest-free and must be paid back by the end of the initial charter contract. The State Board may deduct the amounts from other funds due to the charter school to repay the loan or require the charter school authorizer to deduct the amount from funds due to the charter school and remit to the State Board. Additionally, payments on the loan must be made by December 15 of each year. A charter school can prepay the balance on the loan at any time by contacting the State Board.

All loans must meet the following terms and conditions:

- Loans must be repaid by the end of the initial charter term;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- Loan proceeds must be accounted for using generally accepted standards of governmental accounting principles;
- Charter schools must send a report to the State Board detailing how the funds were used no later than nine months after the receipt of the loan;
- Loans must be repaid in accordance with the administrative rules in the event of a default;

The contents of the application as well as the terms and conditions of the loan will be memorialized in a promissory note.

- 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:

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Recipients must comply with generally accepted standards of governmental accounting principles.
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: It was not anticipated at the time the Regulatory Agendas were prepared.

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 0: MISCELLANEOUS

PART 650
CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section	
650.10	Definitions
650.20	Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section	
650.30	Submission to the State Board of Education: Local Boards of Education
650.35	Submission to the State Board of Education: Commission
650.40	Review by the State Superintendent of Education of Local or Commission Approvals
650.50	Revision of Certified Charters
650.55	Biennial Reporting Requirements
650.60	Appeal of Local School Board Decisions (Repealed)
650.65	Monitoring of Charter Authorizers by the State Board of Education; Corrective Action
650.70	Procedures for Closing a Charter School

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section	
650.100	Appeals to, and Requests for Consideration by, the Commission
650.110	Review of Appeals and Requests for Consideration; Decision

SUBPART D: CHARTER SCHOOL REVOLVING LOAN PROGRAM

<u>Section</u>	
<u>650.200</u>	<u>Purpose</u>
<u>650.210</u>	<u>Use of Funds</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

650.220	Maximum Amount of Loan
650.230	Application Procedures
650.240	Review of Application and Notification of Loan Award
650.250	Repayment Procedures
650.260	Terms and Conditions of Loan Agreement

650.APPENDIX A Principles and Standards for Authorizing Charter Schools

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012; amended at 38 Ill. Reg. 21916, effective November 3, 2014; amended at 39 Ill. Reg. 8298, effective May 26, 2015; amended at 41 Ill. Reg. 136, effective December 27, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART D: CHARTER SCHOOL REVOLVING LOAN PROGRAMSection 650.200 Purpose

This Subpart D establishes the procedures and criteria for applications submitted by eligible applicants pursuant to the Charter School Revolving Loan Program established by Section 27A-11.5(3) of the School Code [105 ILCS 5].

- a) For the purpose of the Charter School Revolving Loan Program, eligible applicants are only charter schools defined in Section 27A-11.5 of the School Code.
- b) A charter school is eligible to apply for a loan when it has been certified by the State Board of Education and at any time during its initial contract term.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 650.210 Use of Funds

Funding is available under the Charter School Revolving Loan Fund for start-up costs to acquire educational materials and supplies. These items include, but are not limited to: textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks; furniture and other equipment or materials needed in the initial term of the charter school; and acquiring and remodeling a suitable physical plant. [105 ILCS 5/27A-11.5(3)]

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

Section 650.220 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels. An applicant may request a loan amount that does not exceed \$750 per pupil in the eligible grade levels. For approved charter schools already in their initial contract term, the maximum loan amount shall be calculated using the enrollment as reported to the State Board of Education as of March 1 of the current school year or projected enrollment for schools in their first year of operation.

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

Section 650.230 Application Procedures

- a) The State Board of Education shall distribute application forms to all eligible applicants no later than January 1 for the following fiscal year. Applications will be due to the State Board no later than March 15 of the fiscal year preceding the fiscal year in which loans will be made.
- b) Each application for a loan shall include the following information:
 - 1) A list of all applicable expenditure categories, as described in Section 650.210(a), for which loan proceeds will be used;
 - 2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 650.220;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 3) A description of the proposed uses of the loan funds, as specified in the resolution adopted by the applicant's governing board authorizing submission of the loan application;
- 4) Assurances and certifications as the State Board may require, to include at least the following:
- A) the loan proceeds shall be used in the grade levels specified on the application;
 - B) the governing board approved a resolution authorizing submission of the loan application, specifying the date of that approval; and
 - C) the participant shall comply with Section 27A-11.5(3) of the School Code, this Subpart and the loan agreement (see Section 650.260).
- c) Each loan application shall bear original signatures of the chief administrative officer and of the president of the governing board and shall be sent to the State Board as specified in the application. Applications must be postmarked no later than 30 calendar days after the governing board's approval. Applications postmarked later than 30 days after governing board's approval will be returned to the applicant as ineligible for consideration. An applicant whose request has been returned as ineligible may reapply during the funding cycle, provided it has met all of the requirements of subsection (b) in accordance with Section 650.240.
- d) Applications received after March 15 of the fiscal year preceding the fiscal year in which a loan is requested shall not be processed unless there are remaining funds. Any remaining funds will be distributed pursuant to Section 650.240(b).
- e) Applicants are limited to one loan per charter school.

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

Section 650.240 Review of Application and Notification of Loan Award

- a) Applications shall be reviewed for completeness. If an application is incomplete, State Board of Education staff shall request the missing information from the applicant no later than 5 calendar days after receipt of the application.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Applications will not be processed until all requested information is received. Applicants will have 5 calendar days to provide missing information to the State Board of Education staff.

- b) All complete applications that demonstrate compliance with Section 27A-11.5(3) of the School Code and this Subpart shall be approved for funding. Approved applications received on or before March 15 of each fiscal year shall receive a loan on a first-come, first-served basis, as long as funds appropriated for a given fiscal year remain available.
- c) Notification of a loan award shall be made no later than 15 calendar days after the applicable award determination date established in subsection (b).
- d) Charter schools otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

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

Section 650.250 Repayment Procedures

Loans shall be repaid by the end of the initial term of the charter school. (See Section 27A-11.5 of the School Code.)

- a) There is no rate of interest. The State Board of Education may deduct amounts necessary to repay the loan from funds due to the charter school or may require that the local school board that authorized the charter school deduct those amounts from funds due to the charter school and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan.
- b) Repayment
 - 1) Payments on the loan must be made annually by December 15 and the loan must be paid in full by December 15 of the final term year.
 - 2) Checks shall be made payable to "ISBE – Charter School Revolving Loan Fund" and mailed to the Fiscal and Procurement Division, Illinois State

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Board of Education, 100 North First Street, W-380, Springfield, Illinois 62777-0001.

A) Prepayment

A recipient may prepay the balance due on the loan in its entirety on any scheduled payment date before December 15, provided that the recipient first contacts the State Superintendent's designee to obtain information on how to remit the payment and the total amount.

B) Remaining Payments

Any remaining amounts shall be recalculated to account for any early repayment, and the recipient shall be notified accordingly.

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

Section 650.260 Terms and Conditions of Loan Agreement

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 650.210 and shall be expended in accordance with the approved application and the recipient's policies and procedures related to those expenditures. In the event the loan proceeds are not expended in the manner approved, the recipient, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding loan.
- b) Loan proceeds shall be obligated no later than six months following receipt of the loan.
- c) Use of the loan proceeds shall be accounted for in accordance with generally accepted standards of governmental accounting principles.
- d) Recipients shall submit a report to the State Board of Education detailing how the loan proceeds were used no later than nine months after the receipt of the loan.
- f) In the event of default that is not cured within 90 calendar days, the State Superintendent or his or her designee shall take the action specified either in subsection (f)(1) or (f)(2). The recipient shall be ineligible for additional loans until good standing has been restored.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) In the event of default that is not cured within 90 calendar days, the State Superintendent or his or her designee shall notify the recipient in writing by certified mail, return receipt requested, that payment of the outstanding loans on the date of the notification is due immediately. The recipient shall have 30 days from the date the notification is received to submit its payment.

- 2) The State Board may deduct amounts necessary to repay the loan from funds due to the recipient or may require that the local school board that authorized the charter school deduct those amounts from funds due to the recipient and remit these amounts to the State Board, provided that the local school board shall not be responsible for repayment of the loan.

- g) The contents of the approved application and terms and conditions of the loan shall be incorporated into a promissory note. Should the indebtedness represented by the promissory note or any part of that note be collected at law or in equity or in bankruptcy, receivership or other court proceedings or, if the promissory note is placed in the hands of attorneys for collection after default, the participant agrees to pay reasonable attorneys' fees and costs of collection.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part: Schedules of Maximum Rates to be Charged for Check Cashing and Writing Money Orders by Community and Ambulatory Currency Exchanges
- 2) Code Citation: 38 Ill. Adm. Code 130
- 3) Register Citation to Notice of Proposed Amendments: 41 Ill. Reg. 10220; July 28, 2017
- 4) Date, Time and Location of Public Hearing:

Wednesday, September 13, 2017, 10:00 am to 12:00 pm
Michael A. Bilandic Building
Room 500 C
LaSalle Street
Chicago IL 60601
- 5) Other Pertinent Information: This public hearing will be held for the sole purpose of gathering public comments on the Proposed Amendments to Part 130. Persons interested in presenting testimony at this public hearing are advised that the Department of Financial and Professional Regulation – Division of Financial Institutions will adhere to the following procedures in the conduct of the public hearing:
 - a) Each person presenting oral testimony at this public hearing shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - b) Oral testimony from each person shall not exceed an aggregate of 5 minutes.
 - c) No person will be recognized to speak for a second time until after all persons wishing to testify have done so, time permitting.
 - d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the public hearing, the Director of the Division of Financial Institutions or his designee may impose such other rules of procedure, including the order of call of witnesses, as he sees fit.
 - e) Those individuals who are unable to attend the public hearing, but wish to comment on the Proposed Amendment should submit written comments by no later than September 13, 2017, to the person listed in item (5) below.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Denise Hamilton, Paralegal
Department of Financial and Professional Regulation
Office of the General Counsel
320 West Washington, 3rd Floor
Springfield IL 62786

Denise.Hamilton2@Illinois.Gov
fax: 217/557-4451

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

ILLINOIS GAMING BOARD

Heading of the Part: Video Gaming (General)

Code Citation: 11 Ill. Adm. Code 1800

Section Numbers: 1800.250

Date Originally published in the *Illinois Register*: 3/3/17
41 Ill. Reg. 2751

At its meeting on 8/15/17, the Joint Committee on Administrative Rules objected to the above-referenced rulemaking because the rulemaking's prohibition against currently licensed video gaming terminal operators having an existing financial interest in the licensed video gaming locations with which they have a use agreement divests those operators of a property right that was legitimate at the time it was procured. The Board has indicated its desire to withdraw this rulemaking in response to this Objection so that it can work with the affected industry to resolve outstanding issues.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

ILLINOIS GAMING BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.250 Proposed Action:
Amendment
- 4) Date Notice of Proposed published in the *Illinois Register*: 41 Ill. Reg. 2751; March 3, 2017
- 5) Reason for Withdrawal: The Illinois Gaming Board is withdrawing the proposed amendment in response to concerns about its provisions expressed by members of the Joint Committee on Administrative Rules (JCAR), at JCAR's August 15, 2017 meeting. To address these concerns, the Illinois Gaming Board has agreed to withdraw the proposed amendment following an objection by JCAR, and to work on modified language that will be introduced subsequently as a newly proposed amendment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 15, 2017 through August 21, 2017. These rulemakings are scheduled for review at the Committee's September 12, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
9/30/17	<u>Department of State Police</u> , Intergovernmental Missing Child Recovery Act (Repealer) (20 Ill. Adm. Code 1260)	6/30/17 41 Ill. Reg. 7493	9/12/17
9/30/17	<u>Department of State Police</u> , Missing Person Notification (20 Ill. Adm. Code 1291)	6/30/17 41 Ill. Reg. 7523	9/12/17
9/30/17	<u>State Board of Education</u> , Transitional Bilingual Education (23 Ill. Adm. Code 228)	6/9/17 41 Ill. Reg. 6472	9/12/17

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 35 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

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JCAR REVIEW OF EXISTING RULES

STATEMENT OF OBJECTIONS

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