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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2017 until January 2, 2018.

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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adult Protection and Advocacy Services
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
270.205	Amendment
270.210	Amendment
270.215	Amendment
270.220	Amendment
270.225	Amendment
270.226	New Section
270.240	Amendment
270.245	Amendment
270.250	Amendment
270.255	Amendment
270.275	Amendment
- 4) Statutory Authority: Implementing Section 3(d) of the Adult Protective Services Act [320 ILCS 20/3(d)] and authorized by Section 10 of the Adult Protective Services Act [320 ILCS 20/10].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments add references to "self-neglect" in various sections under Subpart C of the rules for the Adult Protective Services (APS) Program administered by the Department on Aging. APS provider agencies currently investigate allegations of abuse, neglect, or financial exploitation (ANE) of adults with disabilities aged 18 through 59 or persons aged 60 or older who reside in a domestic living situation. Where "ANE" was previously used as shorthand reference for "abuse, neglect, or financial exploitation", the applicable terms are now separately listed as distinct categories in the rules. Programmatic implementation of work related to self-neglect cases is contingent upon adequate funding.

Other changes in the proposed amendments include: (1) striking the term "source of information" in the definitions under Section 270.210; (2) updating provisions relating to the procurement processing and reordering text relating to the organization responsibilities of the Department and regional administrative agencies to improve clarity under Sections 270.215 and 270.220; (3) revising text describing collaboration efforts of the APS Program for improved readability and adding the Illinois Criminal Justice Information Authority and the Family Violence Coordination Council to the list of violence and law enforcement agencies under Section 270.215; (4) referencing the

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categories of eligible adults served by the APS Program under Section 270.225; (5) listing verbal threats of physical harm and clarifying how passive neglect and willful deprivation are categorized for prioritized for reporting purposes under Section 270.240; (6) clarifying the duties of APS provider agencies when an alleged victim is deceased under Section 270.255; (7) updating the categories of persons authorized to access confidential records to reflect recent statutory changes; and (8) updating citations and making other non-substantive changes relating to grammar and punctuation.

- 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 any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Steven Milburn
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, #100
Springfield IL 62702-1271

217/785-3346
fax: 217/785-4477
email: Steve.Milburn@Illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Provider agencies under the APS Program will be affected by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: APS provider agencies will keep records relating to self-neglect cases consistent with existing standards for other types of investigations.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 270
ADULT PROTECTION AND ADVOCACY SERVICES

SUBPART A: INTRODUCTION

Section
270.10 Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section
270.100 Long Term Care Ombudsman Program
270.105 Definitions
270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman
270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section
270.200 Purpose and Program Model
270.205 Adult Protective Services Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies
270.221 Elder Abuse Fatality Review Teams
270.225 Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies
[270.226 Public Awareness and Education](#)
270.230 Abuse Reporting
270.235 Immunity
270.240 Intake of Abuse, Neglect, ~~and~~ Financial Exploitation, [or Self-Neglect](#) Reports
270.241 Reporting a Suspicious Death

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270.245	Access to Alleged Victims and Relevant Records
270.250	Minimum Assessment and Classification Standards
270.255	Abuse, Neglect, and Financial Exploitation, <u>or Self-Neglect</u> Case Work, Follow-Up, Referrals and Case Closure
270.260	Authority to Consent and Court Petitions
270.265	Early Intervention Services
270.270	Multi-disciplinary Teams
270.275	Confidentiality and Disclosure

SUBPART D: ADULT PROTECTIVE SERVICES VOLUNTEER CORPS

Section

270.280	Definitions
270.285	Selection and Screening
270.290	Training
270.295	Volunteer Agreement and Volunteer Responsibilities
270.300	Activities and Supervision

AUTHORITY: Implementing Section 7.5 of the Adult Protective Services Act [320 ILCS 20] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105] and Section 10 of the Adult Protective Services Act.

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. 8180, effective May 12, 2011; emergency amendment at 38 Ill. Reg. 2357, effective December 31, 2013, for a maximum of 150 days; emergency expired May 29, 2014; amended at 39 Ill. Reg. 2156, effective January 23, 2015; amended at 42 Ill. Reg. _____, effective _____.

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section 270.205 Adult Protective Services Program

The Adult Protective Services Program is designed to respond to eligible adults who are victims of abuse, neglect, ~~and~~ financial exploitation, or self-neglect ~~(ANE)~~. The services and activities of the program are:

- a) Intake of ~~ANE~~ reports of abuse, neglect, financial exploitation, or self-neglect;

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- b) Assessment;
- c) Case work;
- d) Follow-up;
- e) Early intervention services;
- f) Multi-disciplinary teams;
- g) Fatality review teams; and
- h) Public awareness/education.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.210 Definitions

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ILCS 20/2(a)]

"Abuser" means a person who abuses, neglects, or financially exploits an eligible adult. [320 ILCS 20/2(a-5)]

"Act" means the Adult Protective Services Act [320 ILCS 20].

"Adult Protective Services Hotline" means the 24-hour toll-free statewide telephone number that can be called to report suspected cases of abuse, neglect, ~~or~~ financial exploitation, or self-neglect of eligible adults.

"Adult protective services provider agency", "APS provider agency" or "designated agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect, ~~and~~ financial exploitation, or self-neglect.

"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose disability (see definition of "Disability")~~as~~

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~~defined below~~ *impairs his or her ability to seek or obtain protection from abuse, neglect or financial exploitation.* [320 ILCS 20/2(a-6)]

"Allegation" means a charge or a claim of abuse, neglect, ~~or~~ financial exploitation, or self-neglect.

"Alleged abuser" means a person who is reported as abusing, neglecting or financially exploiting an adult with disabilities or older person.

"Alleged victim" means an adult with disabilities or older person who is reported as being abused, neglected or financially exploited, or who is neglecting himself or herself.

~~"ANE" means abuse, neglect and financial exploitation.~~

"APS" means adult protective services.

"Assessment" means the process of obtaining and documenting information about the case to determine if there is reason to believe abuse, neglect, ~~or~~ financial exploitation, or self-neglect is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Capacity to consent" to an assessment or services means an individual reasonably appears to be either:

able to receive and evaluate information related to the assessment or services; or

able to communicate in any manner decisions related to the assessment of the reported incident or services. (See 320 ILCS 20/9(d-5).)

"Caregiver" means a person who either, as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living. [320 ILCS 20/2(a-7)]

"Case work" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare

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and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Case worker" means an employee of an APS provider agency who is authorized to receive and assess reports of alleged or suspected abuse, neglect, ~~and~~ financial exploitation, or self-neglect, and to develop and implement a service plan for a client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, neglect, or financial exploitation is occurring or has occurred.

"Client" is an eligible adult who is receiving services from the APS provider agency.

"Combined service area" means a designated service area, within a planning and service area where a single APS provider agency is responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, ~~or~~ neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agency shall respond to reports in accordance with the time frame outlined in Section 270.240.

"Confinement" means restraining or isolating an individual for other than bona fide medical reasons.

"Department" means the Department on Aging of the State of Illinois. [320 ILCS 20/2(b)]

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

"Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-129], or dementia as defined under the Alzheimer's Disease Assistance Act [410 ILCS 405/3(a-5)]. [320 ILCS 20/2(c-5)]

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"Domestic living situation" means a residence where the eligible adult, at the time of the report, lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113];

A facility licensed under the ~~IDH~~/DD Community Care Act [210 ILCS 47];

A facility licensed under the MC/DD Act [210 ILCS 46];

A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49];

A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]; ~~and~~

An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act [210 ILCS 9]; and

A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5]~~A "community residential alternative" as~~

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defined in the Community Residential Alternative Act [210 ILCS 140].
[320 ILCS 20/2(d)]

"Early Intervention Services" are the services purchased by APS provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

"Eligible adult" means either an adult with disabilities age 18 through 59 or a person age 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself. [320 ILCS 20/2(e)]

"Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the APS provider agency has reason to believe the eligible adult is unable to consent to services that would alleviate that risk. [320 ILCS 20/2(f)]

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Fatality Review Team" means a regional interagency review team established pursuant to Section 15 of the Act.

"Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult. [320 ILCS 20/2(f-1)]

"Follow-up" means the monitoring of substantiated cases of abuse, neglect, financial exploitation, or self-neglect~~ANE~~ for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Initial interview" means the preliminary contact made by an APS provider agency to determine the level of risk to an alleged victim, the need for early intervention services in order to assure safety and welfare or otherwise reduce risk to the alleged victim, and his or her decisional capacity to consent to an

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assessment and/or services.

"Intake" means the point at which trained staff of the Illinois Department on Aging's Adult Protective Services Hotline and Senior HelpLine, a regional administrative agency, or APS provider agency receives a report of alleged or suspected abuse, neglect, financial exploitation or self-neglect and relays the report to a case worker for further assessment.

"Intervention" means an action initiated by the APS case worker or the APS provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective, emergency or supportive services to, or on behalf of, the eligible adult.

"Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

a professional or professional's delegate while engaged in:

social services;

law enforcement;

education;

the care of an eligible adult or eligible adults; or

any of the occupations required to be licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], the Clinical Social Work and Social Work Practice Act [225 ILCS 20], the Illinois Dental Practice Act [225 ILCS 25], the Dietitian Nutritionist Practice Act [225 ILCS 30], the Marriage and Family Therapy Licensing Act [225 ILCS 55], the Medical Practice Act of 1987 [225 ILCS 60], the Naprapathic Practice Act [225 ILCS 63], the Nurse Practice Act [225 ILCS 65], the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70], the Illinois Occupational Therapy Practice Act [225 ILCS 75], the Illinois Optometric Practice Act of 1987 [225 ILCS 80], the Pharmacy Practice Act [225 ILCS 85], the Illinois Physical Therapy Act [225 ILCS 90], the Physician Assistant Practice Act

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of 1987 [225 ILCS 95], the Podiatric Medical Practice Act of 1987 [225 ILCS 100], the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107], the Respiratory Care Practice Act [225 ILCS 106], the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115], and the Illinois Public Accounting Act [225 ILCS 450];

an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

an administrator, employee, or person providing services in or through an unlicensed community-based facility;

any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and APS provider agencies, and the Office of State Long Term Care Ombudsman; provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report abuse, although they may voluntarily do so;

any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and

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all other persons having direct contact with eligible adults;

a person who performs the duties of a coroner or medical examiner; or

a person who performs the duties of a paramedic or an emergency medical technician. [320 ILCS 20/2(f-5)]

"Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that must be met to reach a "some indication" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, neglect, ~~or~~ financial exploitation, or self-neglect is occurring or has occurred.

"Procurement" means the method and document issued by the regional administrative agency or the Department to allow potential APS provider agencies to submit qualifications for purposes of designation as an APS provider agency.

"Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. A provider agency may provide services in more than one planning and service area when appointed by the regional administrative agency with prior

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approval by the Department. [320 ILCS 20/2(h)]

"Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in Section 3(b) of the Act. [320 ILCS 20/2(i)]

"Report taker" means the trained staff of the Department's Adult Protective Services Hotline and Senior HelpLine, regional administrative agencies or APS provider agencies that performs intake of alleged or suspected abuse, neglect, financial exploitation or self-neglect.

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been or is being abused, neglected, or financially exploited, or is neglecting himself or herself.

"Senior HelpLine" means the Department's toll-free statewide number that can be called to report suspected cases of ~~elder~~-abuse, neglect, ~~and~~ financial exploitation, or self-neglect to obtain additional information about services available to eligible adults.

"Self-determination" means the right of an eligible adult with decisional capacity to:

decide where and how he or she will live;

choose whether to accept program services or other community assistance;
and

make decisions different from those a reasonable adult would make, including "bad" decisions, that are not harmful to others.

"Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large

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quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety. [320 ILCS 20/2(i-5)]

"Services" means medical, social, economic, legal, housing, law enforcement, or other protective, early, emergency or supportive action provided to, or on behalf of, the eligible adult.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Shared service area" means the designated area within a planning and service area where two or more APS provider agencies are responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, ~~or~~ neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agencies shall respond to reports in accordance with the time frame outlined in Section 270.240.

~~"Source of information" means the point of origin of information about the client.~~

"State Triad" is a statewide, unincorporated, voluntary association of law enforcement, senior citizens and community groups, organized around the issue of senior safety, crime against the elderly, and financial exploitation of the elderly. The State Triad Council was created under the aegis of the National Association of Triads, Inc., 1450 Duke Street, Alexandria VA 22314.

"Substantiation" is the process by which an APS provider agency determines, after a review of all available information, that abuse, neglect, ~~or~~ financial exploitation, or self-neglect of an eligible adult has occurred.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation or self-neglect in which an APS provider agency, after assessment, determines that there is reason to believe abuse, neglect, ~~or~~ financial exploitation, or self-neglect has occurred. [320 ILCS 20/2(j)]

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"Suspicious death" means an instance in which an APS provider agency reasonably believes that the death of an individual may be the result of abuse or neglect.

"Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, neglect, or financial exploitation. [320 ILCS 20/2(k)]

"Victim" means an eligible adult who is the subject of a substantiated report of abuse, neglect, ~~or~~ financial exploitation, or self-neglect.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.215 Organizational Standards and Responsibilities: Department on Aging

~~a)~~ Contingent upon adequate funding, *the Department shall establish, design and manage a protective services program of response and services for eligible adults who have been, or are alleged to be, victims of abuse, neglect, financial exploitation, or self-neglect. The Department shall contract with or fund, or contract with and fund, regional administrative agencies, APS provider agencies, or both, for the provision of those functions, and, contingent on adequate funding, with attorneys or legal services provider agencies for the provision of legal assistance pursuant to the Act. For self-neglect, the program shall include, but is not limited to, the following services for eligible adults who have been removed from their residences for the purpose of cleanup or repairs: temporary housing; counseling; and caseworker services to try to ensure that the conditions necessitating the removal do not reoccur. [320 ILCS 20/3(a)] The Department will have the overall responsibility for designing, managing and monitoring the Adult Protective Services Program in accordance with the following: ~~[320 ILCS 20/3(a)]~~*

~~a)~~ The Department shall designate an Area Agency on Aging as the regional administrative agency. ~~The Department shall have the overall responsibility for~~

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- 1) *In the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency; or*
 - 2) *The Department may designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department. [320 ILCS 20/2(i)]-designing, managing and monitoring the Adult Protective Services Program.*
- be) The Department ~~will~~shall ~~designate regional administrative agencies and approve the designation and withdrawal of designation recommendation~~termination of the regional administrative agencies for APS provider agencies. ~~The Department reserves the right to provide recommendations and direct action by regional administrative agencies on designation, approval and termination action with respect to APS provider agencies. Designated regional administrative agencies and APS provider agencies are agents of the Illinois Department on Aging.~~
- 1) *The Department reserves the right to provide recommendations, reject recommendations, or direct action of a regional administrative agency in the designation of APS provider agencies.* ~~*In the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department. [320 ILCS 20/2(i)]*~~
 - 2) *The Department will enter into the contract with the designated APS provider agency.* ~~*If a regional administrative agency terminates its contract, it must so notify the Department in writing at least 30 days in advance and cooperate in the transition of functions and records to a successor agency so as to minimize risk to clients in the program.*~~
 - 3) *A designation is deemed withdrawn in the event of a contract termination.*
- d) ~~The Department shall design and manage the programmatic and financial reporting system for the program. The Department shall develop and manage a monitoring/quality assurance system for the program.~~

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- e) ~~The Department shall develop and implement public awareness efforts designed to publicize the purposes and mode of operation of the program through public service announcements, posters, and brochures.~~
- f) ~~The Department shall provide technical assistance, policy clarifications and/or interpretations to regional administrative agencies on adherence to the rules, standards, and procedures established for the program. The Department may provide technical assistance in case handling directly to the APS provider agencies. The technical assistance provided by the Department may include legal advice and consultation. The Department's interpretation of statutes, rules, policy and procedure shall prevail.~~
- g) ~~The Department shall provide training to APS provider agency staff who will assess reports of ANE or who will supervise staff performing the assessment function. Regional administrative agency staff working in the program shall also be trained by the Department.~~
- ch) The Department ~~will~~shall maintain a ~~list~~registry of all APS provider agency and regional administrative agency staff ~~who have~~that has successfully completed Department sponsored certification training and are employed in the program.
- di) The Department's "Adult Protective Services Hotline ~~will~~"shall receive reports of abuse, neglect, financial exploitation, or self-neglect~~ANE~~ and relay those reports to the appropriate APS provider agency within the ~~required~~ timelines established in Section 270.240(f).
- ej) ~~The Department shall also be responsible for, contingent upon adequate funding, coordination of efforts and promotion activities to increase awareness of, response to, and prevention of abuse, neglect, financial exploitation, or self-neglect with other agencies, councils, and like entities, which may impact awareness of, and response to, abuse, neglect, and financial exploitation, and promotion of prevention activities for eligible adults. [320 ILCS 20/3.5(b) and (c)]~~
- 1) The Department will provide technical assistance, policy clarifications and/or interpretations to regional administrative agencies on adherence to the rules, standards, and procedures established for the program.
 - 2) The Department shall establish and coordinate a training program on the unique nature of APS cases with other agencies and councils, including

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the Office of the Attorney General, the State Police, the State Triad, the Illinois Criminal Justice Information Authority, Department of Healthcare and Family Services, Department of Public Health, Department of Human Services, the Family Violence Coordinating Council, and other similar violence and law enforcement agencies. [320 ILCS 20/3.5(f)]

- 3) The Department will provide training to APS provider agency staff who will assess reports of abuse, neglect, financial exploitation, or self-neglect, or who will supervise staff performing the assessment function. Regional administrative agency staff working in the program will also be trained by the Department.
- 4) The Department will develop and implement public awareness efforts designed to publicize the purposes and mode of operation of the program through public service announcements, posters, and brochures.
- ~~fk)~~ *The Department shall file with the Governor and the General Assembly, within 270 days after the end of each fiscal year, a report concerning its implementation of the Act during such fiscal year, together with any recommendations for future implementation. [320 ILCS 20/11]*
- ~~gl)~~ The Department ~~will shall~~ reimburse APS provider agencies under contract at a uniform rate established by the Department. A separate rate ~~will shall~~ be established for each of the following case activities completed by the APS provider agency: assessment, case work, and follow-up.
- ~~hm)~~ If a designated APS provider agency terminates its contract to provide services, the Department, in coordination with the regional administrative agency, will use best efforts to ensure that services are available without interruption to eligible adults within the terminated APS provider agency's service area.
- ~~n)~~ *~~The Department shall establish and coordinate a training program on the unique nature of APS cases with other agencies and councils, including the Office of the Attorney General, the State Police, the State Triad, HFS, DPH, DHS and other similar violence and law enforcement agencies. [320 ILCS 20/3.5(f)]~~*
- ~~ie)~~ The Department ~~will shall~~ solicit financial institutions for the purpose of making information available to the general public warning of financial exploitation of eligible adults and related financial fraud or abuse, including such information

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and warning available through signage or other written materials provided by the Department on the premises of such financial institutions, provided that the manner of displaying or distributing such information is subject to the sole discretion of each financial institution. [320 ILCS 20/3.5(g)]

- ~~j~~) The Department ~~will~~shall coordinate efforts with utility and electric companies to send notices in utility bills to explain to persons 60 years of age or older their rights regarding telemarketing and home repair fraud. [320 ILCS 20/3.5(h)]
- ~~k~~) Designated regional administrative agencies and APS provider agencies are agents of the Illinois Department on Aging.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies

- ~~a~~) *The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is deemed by the Department to be unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the regional administrative agency; any such designation shall be subject to terms set forth by the Department. [320 ILCS 20/2(i)]*
- ~~a~~b) Each regional administrative agency in turn shall procure and recommend the designation of an~~designate~~ APS provider ~~agency~~agencies within its planning and service area with prior approval by the Department on Aging and:
- 1) monitor the use of services;
 - 2) provide technical assistance to the APS provider agencies, including policy interpretations of the Department; and
 - 3) be involved in program development activities. [320 ILCS 20/3(b)]
- ~~b~~e) A procurement ~~process~~ shall be ~~issued~~held by the regional administrative agency ~~for the designation of an APS provider agency in each service area~~ at least every six years, except as provided in subsection ~~(e)(g)(1)~~.

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- c) The procurement for APS providers shall include a solicitation and evaluation of potential APS provider agencies.
- 1) Qualified potential APS provider agencies shall be ranked by the regional administrative agency. The highest ranked potential APS provider agency shall be recommended as the designated APS provider agency for the applicable planning and service area.
 - 2) The Department will approve or take other action regarding the recommendation for designation in accordance with Section 270.215(c).
- d) ~~The contract for services in a specified geographical area shall be awarded to a designated APS provider agency for a period of one year. The contract for services may be renewed annually by the regional administrative agency, with the prior approval of the Department.~~
- de) ~~If thea review of the proposals submitted during a procurement process fails to produce an acceptable APS provider agency for the service area that demonstrates adequate qualifications for designation, the regional administrative agency shall propose for designation a conditionally qualified provider agency for a limited term and until such time that a subsequent procurement results in an APS provider agency for the service areashall designate, with the prior approval of the Department, a qualified agency on an emergency basis under subsection (f).~~
- f) ~~The regional administrative agency, after notification to, and concurrence by, the Department, may terminate the designation of an APS provider agency for failure to provide services in accordance with the contract and this Part.~~
- eg) ~~If the designation of an APS provider agency has been terminated, either at the initiative of the regional administrative agency or an APS provider agency, the regional administrative agency shall designate, with the prior approval of the Department, a qualified agency on an emergency basis until such time that a subsequent procurement results inprocess produces an acceptable APS provider agency for the service area.~~
- 1) ~~When an APS provider agency has been selected on an emergency basis, the APS provider agency shall be designated for the balance of the fiscal year in which such designation was awarded, and for up to one additional~~

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year.

- 2) ~~Not later than two years following the emergency designation, the regional administrative agency shall conduct a procurement process for the designation of an APS provider agency for the specified service area.~~
- fh) A regional administrative agency may elect, for its planning and service area, to designate APS provider agencies, from those agencies designated in accordance with subsections (a) through ~~(e)(f) of this Section~~, for the purpose of providing either a combined or shared service area response, during non-business hours, to reports of alleged or suspected abuse, ~~or neglect, or self-neglect~~ when an eligible adult is at risk of death or serious physical injury. Each regional administrative agency shall follow the steps outlined in subsections (a) through ~~(e)(f)~~ for ~~assuring~~~~procuring~~ services for non-business hours for a combined or shared service area.
- i) ~~The regional administrative agencies shall provide technical assistance to APS provider agencies and shall seek from Department staff policy clarifications and interpretations of standards and procedures.~~
- j) ~~Regional administrative agencies shall monitor the performance of APS provider agencies, according to Departmental policies.~~
- k) ~~The regional administrative agencies may assist the Department and APS provider agencies in raising public awareness and providing education on the issues of abuse, neglect, financial exploitation and self-neglect. The regional administrative agencies shall include the following information when producing any public education materials:~~
 - 1) ~~identification as a part of the Adult Protective Services Program;~~
 - 2) ~~voice and teletypewriter (TTY) phone numbers for the Department on Aging's toll-free 24-hour Adult Protective Services Hotline; and~~
 - 3) ~~a nondiscrimination clause.~~
- gl) The regional administrative agency shall not serve as a legal guardian, an agent under the Illinois Power of Attorney Act [755 ILCS 45], or a representative payee for any client in the program. The Department may allow a waiver only if the

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APS provider agency has documented evidence that no other qualified person or entity exists to serve in the foregoing capacities on behalf of a client of the program and the regional administrative agency is willing and qualified to take on those responsibilities.

- ~~hm~~) The regional administrative agency shall retain all books, records and other documents relevant to the operation of the program as directed by the Department~~for three full years after final payment on the agreement and all other pending matters are closed, unless transfer is authorized in writing by the Department.~~ The regional administrative agency shall~~APS provider agency must~~ insure that records are purged pursuant to Department standards~~by completely shredding or incinerating.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.225 Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies

- a) In accordance with Section 270.220, the designated~~The~~ APS provider agency shall enter into a written contract with the Department~~regional administrative agency~~ to provide services ~~in a specific geographical area in the regional administrative agency's planning and service area.~~
- b) The APS provider agency shall provide such services to an adult with disabilities or a person aged 60 or older in accordance with the Act and this Part.
- c) The APS provider agency shall be open for business and available to receive reports of abuse, neglect, financial exploitation, or self-neglect~~ANE reports~~ not less than 246 working days per calendar year under the following conditions:
- 1) The APS provider agency shall not be closed for more than four consecutive days, unless an alternative method of receiving ~~ANE~~ reports is approved by and on file with the regional administrative agency and the Department.
 - 2) If a recorded message is activated during business hours, there ~~has to~~must be an option to talk directly to a report taker at that time, rather than leaving a message on voice mail.

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- 3) A report taker ~~has to~~must be available at least seven hours each working day.
- d) ~~The APS provider agency will not serve as a legal guardian or an agent under the Illinois Power of Attorney Act for any client in the program. The APS provider agencies may assist the Department by providing public awareness and education on the issues of abuse, neglect, financial exploitation and self neglect. The APS provider agencies shall include the following information when producing any public education materials:~~
- 1) ~~identification as a part of the Adult Protective Services Program;~~
 - 2) ~~voice and teletypewriter (TTY) phone numbers for the Department on Aging's toll-free 24-hour Adult Protective Services Hotline; and~~
 - 3) ~~a nondiscrimination clause.~~
- e) ~~The APS provider agency shall not serve as a legal guardian or an agent under the Illinois Power of Attorney Act for any client in the program.~~
- ef) The APS provider agency shall retain all books, records and other documents relevant to the operation of the program ~~as directed for three full years after final payment on the agreement and all other pending matters are closed, unless transfer is authorized in writing~~ by the Department. The APS provider agency has to~~must~~ insure that records are purged ~~per Department standards by completely shredding or incinerating.~~
- fg) A contract to provide adult protective services may be terminated by the APS provider agency in accordance with the termination clause in the contract. The APS provider agency will assist in the transition to a replacement APS provider agency for the specific geographic area.
- gh) Pursuant to the terms of their contract, APS provider agencies shall maintain ~~have~~ sufficient staff to perform all duties and responsibilities of the program for which an agreement to perform is in effect.
- hi) APS supervisors have to~~must~~ be involved in guiding and directing abuse, neglect, financial exploitation, or self-neglect~~ANE~~ cases and share responsibility in the case workers' decisions and actions in those~~ANE~~ cases.

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ij) Qualifications

1) APS supervisors shall have:

A) Education

- i) a Master's Degree in health, social sciences, social work, health care administration, gerontology, disability studies, criminal justice or public administration, and one year experience in health or human services; or
- ii) a Registered Nursing license, or a Bachelor of Science in Nursing (B.S.N.) or a Bachelor of Arts (B.A.)/Bachelor of Science (B.S.) in health, social sciences, social work, health care administration, gerontology, or criminal justice and three years' experience in health or human services, including either one year of supervisory experience or one year of experience in aging, adults with disabilities or domestic violence programs or services;

B) Department sponsored APS case worker certification and on-line forms training;

C) Department sponsored Phase II certification training within six months after the APS case worker certification, to be placed on the Department's [list of APS Case Workers](#) ~~Worker Registry~~;

D) Department sponsored APS supervisor's certification training;

E) Fourteen hours of participation by actual attendance at in-service training and/or webinars on abuse of eligible adults, rights of older adults and adults with disabilities, self-neglect, and domestic violence subjects within a calendar year. For partial years of employment, training shall be prorated to equal approximately 45 minutes for each full month of employment. Participation by actual attendance at regional, State or national conferences on abuse of older adults and adults with disabilities and rights of older adults and adults with disabilities, self-neglect, and domestic

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violence qualify as in-service training. Participation should be documented and included in the employee's personnel file; and

- F) Eleven hours of qualifying recertification every three years, which must be documented in the employee's personnel file.
- 2) APS case workers shall have:
- A) Education
 - i) Master's Degree in health, social services, social work, health care administration, gerontology, disability studies, criminal justice or public administration;
 - ii) a Registered Nursing license, or a B.S.N. or a B.A./B.S. in health, social sciences, social work, health care administration, gerontology, or criminal justice and one year experience in health or human services; or
 - iii) a Practical Nursing license, with two years' experience in health or human services;
 - B) Department sponsored APS case worker certification and on-line forms training;
 - C) Department sponsored Phase II certification training within six months after the APS case worker certification, to be listed on the Department's [list of APS Case Workers](#) ~~Worker Registry~~;
 - D) Twelve hours of participation by actual attendance at in-service training and/or webinars on abuse of eligible adults, rights of older adults and adults with disabilities, self-neglect, and domestic violence subjects within a calendar year. For partial years of employment, training shall be prorated to equal approximately 45 minutes for each full month of employment. Participation by actual attendance at regional, State or national conferences on abuse of older adults and adults with disabilities and rights of older adults and adults with disabilities, self-neglect, and domestic

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violence qualify as in-service training. Participation should be documented and included in the employee's personnel file; and

- E) Eleven hours of qualifying recertification every three years, which must be documented in the employee's personnel file.
- j) The Department will suspend or remove from the Department's list of APS Case Workers any case worker or supervisor who fails or refuses to perform the duties of a case worker or supervisor in accordance with this Part.
- k) The APS provider agency must return to the Department, within 15 days, any identification card of a case worker or supervisor who separates from employment.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.226 Public Awareness and Education

The regional administrative agencies and APS provider agencies may assist the Department by providing public awareness and education on the issues of abuse, neglect, financial exploitation, and self-neglect. The regional administrative agencies and APS provider agencies shall include the following information when producing any public education materials:

- a) identification as part of the Adult Protective Services Program;
- b) voice and teletypewriter (TTY) phone numbers for the Department on Aging's toll-free 24-hour Adult Protective Services Hotline; and
- c) a nondiscrimination clause in accordance with State and federal requirements.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 270.240 Intake of Abuse, Neglect, ~~and~~ Financial Exploitation, or Self-Neglect Reports

- a) The following agencies and hotlines are authorized to receive ~~ANE~~ reports of abuse, neglect, financial exploitation, or self-neglect:
- 1) the Department on Aging's toll-free 24-hour Adult Protective Services

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Hotline;

- 2) the Department on Aging's Senior HelpLine;
 - 3) regional administrative agencies; and
 - 4) APS provider agencies.
- b) An APS provider agency receiving a report of abuse, neglect, financial exploitation, or self-neglect will~~ANE shall~~ assign a priority to the report in accordance with the following:
- 1) Priority one reports are reports of abuse, ~~or~~ neglect, or self-neglect in which the alleged victim is reported as being in serious physical harm or in immediate danger of death or serious physical harm. Priority one reports include, but are not limited to, the following:
 - A) physical abuse or self-neglect causing injuries such as fractures, head injuries, internal injuries, or burns, when the injury is of a serious nature, such as to require medical treatment;
 - B) threats of serious injury or death;
 - C) passive neglect or willful deprivation involving a lack of basic physical necessities severe enough to result in freezing, serious heat stress or starvation;
 - D) immediate medical attention is needed to treat conditions that could result in irreversible physical damages such as unconsciousness, acute pain, or severe respiratory distress;
 - E) alleged sexual abuse that has occurred in the last 72 hours;
 - F) threats of sexual abuse where the alleged abuser has access to the alleged victim; and
 - G) punishment by the alleged abuser, such as locking the alleged victim in the closet.

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- 2) Priority two reports are reports of abuse, neglect, ~~or~~ financial exploitation, or self-neglect in which the alleged victim is reported as being abused, neglected, or exploited, or is self-neglecting, and the report taker has reason to believe that the consequences are less serious than priority one reports. Priority two reports include, but are not limited to, the following:
- A) physical abuse or self-neglect involving scratches or bruises;
 - B) verbal threats of physical harm;
 - C) passive neglect or willful deprivation involving inadequate attention to physical needs, such as insufficient food or medicine;
 - ~~D~~) unreasonable confinement; and
 - ~~E~~) probability of liquidation or depletion of an alleged victim's income and assets.
- 3) Priority three reports are reports of abuse, neglect, or financial exploitation in which the alleged victim is reported as the target of emotional abuse ~~being emotionally abused~~ by a caregiver or the alleged victim's financial resources are being misused or withheld and the report taker has reason to believe that there is no immediate threat of harm to the alleged victim.
- c) If a report includes allegations or conditions of more than one priority, the report taker that has received the report assigns it to the higher priority.
- d) An agency that is not an APS provider agency shall forward the reports of abuse, neglect, financial exploitation, or self-neglect ~~ANE~~ to the appropriate APS provider agency within two hours.
- e) The APS provider agency is directed to respond to reports of abuse, neglect, financial exploitation, or self-neglect ~~ANE~~ within the required time frames indicated in subsection (f), including making a good faith attempt to conduct a face-to-face visit with the alleged victim.
- f) The applicablerequired time frames for each priority are: for "priority one" reports, 24 hours from the receipt of the report; "priority two" reports, 72 hours

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from the receipt of the report; and for "priority three" reports, seven calendar days from the receipt of the report.

- g) The following exceptions shall apply and extend the time frames specified for by that priority:
- 1) The alleged victim of the "priority one" report has been admitted to the hospital, in which case the ~~required~~ response time for a face-to-face visit is extended from 24 hours to the following work day.
 - 2) The report is a "priority two" or "priority three" report, the APS case worker is likely to be in danger, and a police officer or another appropriate individual is called to investigate or escort the worker. An appropriate escort may be, but is not limited to, a mental health professional, health professional, or significant relative. The ~~required~~ response time for a face-to-face visit is then extended until such a time as the police officer or appropriate escort is available, not to exceed three days beyond the ~~required~~ response time established for thatthe priority.
 - 3) The alleged victim does not wish or consent to a face-to-face visit within the time frame.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.245 Access to Alleged Victims and Relevant Records

- a) *The designated APS provider agencies shall have access to alleged victims who are reported to be victims of abuse, neglect, ~~or~~ financial exploitation, or self-neglect in order to assess the validity of the report, assess other needs of the alleged victim, and provide services in accordance with the Act. [320 ILCS 20/13(a)]*
- 1) A representative of the Department or a designated APS provider agency that is actively involved in an abuse, neglect, financial exploitation, or self-neglect investigation under the Act shall be allowed access to the financial records, mental and physical health records, and other relevant evaluative records of the eligible adult that are in the possession of any individual, financial institution, health care provider, mental health provider, educational facility, or other facility if necessary to complete the

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investigation mandated by the Act.

- 2) The provider or facility shall provide these records to the representative upon receipt of a written request and certification from the Department or designated APS provider agency that an investigation is being conducted under the Act and the records are pertinent to the investigation.
 - 3) Any records received by the representative, the confidentiality of which is protected by another law or rule, shall be maintained as confidential, except that the records may be used as necessary for any administrative or legal proceeding.
- b) When the case worker is unable to access the alleged victim due to interference by another, the case worker shall seek the assistance of law enforcement. If the report is a "priority one", the APS case worker shall immediately seek police assistance in accessing the alleged victim. If the report is a "priority two" or a "priority three", the APS case worker ~~shall~~will make at least one additional attempt, and up to four additional attempts, to gain access to the residence prior to seeking police assistance.
- c) *When access to an eligible adult is denied, including the refusal to provide requested records, the Office of the Attorney General, the Department, or the APS provider agency may petition the court for an order to require appropriate access where:*
- 1) *a caregiver or third party has interfered with the assessment or service plan, or*
 - 2) *the agency has reason to believe that the eligible adult is denying access because of coercion, extortion, or justifiable fear of future abuse, neglect, or financial exploitation. [320 ILCS 20/13(b)]*
- d) If the initial face-to-face visit indicates that the alleged victim does not meet the eligibility criterion for the program, the APS provider agency will terminate the assessment, document this finding in the case record, and refer the person to other appropriate services or agencies.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 270.250 Minimum Assessment and Classification Standards

- a) An APS provider agency designated to receive reports of alleged or suspected abuse, neglect, ~~or financial exploitation,~~ or self-neglect under the Act shall conduct a face-to-face assessment with respect to such report. The assessment shall include, but not be limited to, a visit to the residence of the alleged victim who is the subject of the report and may include interviews or consultation with service agencies or individuals who may have knowledge of the alleged victim's circumstances. [320 ILCS 20/5(a)]
- b) A decision on the merits of each report must be made according to the following:
- 1) Verified: When ~~there is~~ clear and convincing evidence ~~results~~resulting in a determination that the specific injury or harm alleged was the result of abuse, neglect or financial exploitation.
 - 2) Some Indication: When ~~the there is a fair~~ preponderance of ~~the~~ evidence ~~that~~ suggests some indication ~~that~~of abuse, neglect, ~~or~~ financial exploitation, or self-neglect has occurred.
 - 3) No Indication: When there is a lack of credible evidence indicating that abuse, neglect, ~~or~~ financial exploitation, or self-neglect has occurred.
 - 4) Unable to Verify: This determination is used when the report does not meet the eligibility criteria of the program, the APS provider agency is unable to locate the alleged victim, the APS provider agency staff has been unable to gain access to the alleged victim, or the alleged victim refuses the assessment.
- c) Each report ~~has to~~must be either substantiated, unsubstantiated or unable to substantiate, as follows:
- 1) Substantiated: When one or more of the alleged types of abuse, neglect, financial exploitation, or self-neglect~~ANE~~ was classified as either "verified" or "some indication".
 - 2) Unsubstantiated: When all of the alleged types of abuse, neglect, financial exploitation, or self-neglect~~ANE~~ were determined to lack credible evidence that indicated abuse, neglect, ~~or~~ financial exploitation, or self-

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neglect.

- 3) Unable to substantiate: When the APS provider agency lacked jurisdiction; was unable to locate the alleged victim; was unable to access the alleged victim; the alleged victim was ineligible for services; the alleged victim refused to cooperate; or the alleged victim was deceased.
- d) If, after the assessment, the APS provider agency determines that the case is substantiated and the victim has consented to services, it shall develop a service care plan for the eligible adult.
- e) The APS provider agency shall prepare a confidential case record to document each report of abuse, neglect, ~~or~~ financial exploitation, or self-neglect to include the following information when~~where~~ available and ~~when~~ applicable to the case:
 - 1) essential client information, such as name, address, age and phone number;
 - 2) descriptions of the reported, suspected or alleged abuse, neglect, ~~or~~ financial exploitation, or self-neglect;
 - 3) investigative reports;
 - 4) injury location charts;
 - 5) records of financial transactions;
 - 6) summaries of conversations and communications with the eligible adult, the alleged or suspected abuser, and other sources of information;
 - 7) information relating to the mental competency of the eligible adult;
 - 8) information on the assessment of the eligible adult, including medical or psychiatric reports;
 - 9) summaries of the substantiation decision;
 - 10) summaries of services or interventions offered or arranged;

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- 11) reports on the termination, resolution or closure of the case;
 - 12) referrals to law enforcement, coroners or medical examiners;
 - 13) notification to the probate court of a substantiated finding of abuse, neglect, or financial exploitation by a guardian; and
 - 14) suspicious death reports and any follow-up documentation.
- f) An APS provider agency shall prepare a final investigative report, upon the completion or closure of an investigation, in all cases of reported abuse, neglect, ~~or~~ financial exploitation, or self-neglect of an eligible adult, whether or not there is a substantiated finding.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.255 Abuse, Neglect, ~~and~~ Financial Exploitation, or Self-Neglect Case Work, Follow-Up, Referrals and Case Closure

- a) Case Work
APS provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently. [320 ILCS 20/3(c)]
- 1) If, after the assessment, the APS provider agency determines that the case is substantiated, it shall develop a case plan for the eligible adult, when he or she consents to services.
 - A) *In developing a case plan, the APS provider agency may consult with any other appropriate professional and/or provider of services, such as advocacy, care coordination, counseling, education, emergency aid, financial, housing, law enforcement, legal, long term care, managed care, medical, nutrition, personal assistance, relocation, respite, social supports through charitable and community assistance, disability agencies, private means, or public benefit programs to meet identified needs for the purpose of stabilizing the abusive situation and reducing the risk of further harm, and such professionals and/or providers shall be immune*

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from civil or criminal liability on account of those acts. [320 ILCS 20/5(a)]

- B) *The case plan shall include alternative suggested or recommended services that are appropriate to the needs of the eligible adult and that involve the least restriction of the eligible adult's activities commensurate with his or her needs. [320 ILCS 20/5(a)]*
- i) The case worker shall use his or her professional judgment in advocating in the best interest, safety and welfare of the eligible adult.
 - ii) The eligible adult's interest in living in the most independent setting with the least restrictive alternatives for legal, medical and social services come before those of any other family or community members.
 - iii) The case worker shall involve the eligible adult, and his or her family members for support, if possible, in the development of the intervention, and explain, in a direct manner, the situation, the range of available options for services, and the consequences of failing to cooperate or refusing to accept services, so the eligible adult can exercise his or her maximum decision-making ability.
- C) The APS provider agencies shall establish working relationships with disability agencies for purposes of mutual training, referral and service response.
- 2) *Only those services to which consent is given in accordance with Section 9 of the Act shall be provided, contingent upon the availability of those services. [320 ILCS 20/5(a)]*
- b) **Follow-up**
All services provided to an eligible adult shall be reviewed by the APS provider agency on at least a quarterly basis for up to one year to determine whether the service care plan should be continued or modified, except that, upon review, the Department may grant a waiver to extend the service care plan for up to one additional year. [320 ILCS 20/7]

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- c) Referral
An APS provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at intake or any time during the case.
[320 ILCS 20/5(b)]
- d) The "evidence of crimes" referred to in subsection (c) includes:
- 1) death that may have been the result of abuse or neglect;
 - 2) brain damage;
 - 3) loss or substantial impairment of a bodily function or organ;
 - 4) bone fracture;
 - 5) extensive burns;
 - 6) substantial disfigurement;
 - 7) sexual assault or aggravated sexual assault;
 - 8) serious bodily injury as the result of a pattern of repetitive actions;
 - 9) extensive swelling or bruising, depending on such factors as the eligible adult's physical condition, circumstances under which the injury occurred, and the number and location of bruises;
 - 10) serious symptoms resulting from the use of medications or chemical restraints, or the withholding of life sustaining medications (e.g., insulin);
 - 11) evidence of severe neglect, such as unreasonable decubiti;
 - 12) other activity that would place the eligible adult in imminent danger of death or serious bodily injury; or
 - 13) any felonious criminal activity directed at the eligible adult that the case worker directly observes.

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- e) *When an APS provider agency has reason to believe that the death of an eligible adult that occurs during the course of assessment, case work, or follow-up may be the result of abuse or neglect, the agency shall promptly report the matter to both the appropriate law enforcement agency and coroner or medical examiner and make subsequent contact with them in accordance with the ~~time frame~~timeframes set forth in Section 270.241(b). [320 ILCS 20/3(c-5)]*
- f) Upon request by an APS provider agency, law enforcement agencies, coroners and medical examiners shall supply a summary of their action in response to a reported death of an eligible adult. The APS provider agency shall maintain a copy of the reports, and all follow-up with law enforcement, coroners and medical examiners shall be documented in the case record of the eligible adult.
- g) In all cases in which there is a substantiated finding of abuse, neglect or financial exploitation by a guardian, the APS provider agency shall, within 30 days after the finding, notify the probate court with jurisdiction over the guardianship.
- h) Case Closure
An APS provider agency shall close a case when:
- 1) the alleged victim refuses services;
 - 2) the alleged victim is deceased; however, an APS provider agency will still be unless the death was the apparent result of the ANE, subject to the requirements of subsection ~~e~~operation under subsection (c) and (e);
 - 3) the alleged victim has entered a long term care facility and resided there for 60 days; provided the Department may waive the 60-day limitation in cases in which the APS provider agency submits evidence that the waiver is necessary to protect the safety and well-being of the client;
 - 4) the alleged victim has moved out of the area; provided, if the alleged victim remains at risk and the APS provider agency is aware of the new location, the APS provider agency shall refer the case to the APS provider agency in the location of the new residence for case work and follow-up services;
 - 5) the victim is no longer at risk of abuse, neglect, financial exploitation, or

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self-neglect~~ANE~~;

- 6) the victim has received "uninterrupted" follow-up services for 12 months, which shall be considered an "administrative closure";
- 7) the report is not substantiated; or
- 8) the alleged victim is determined to be ineligible for services.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 270.275 Confidentiality and Disclosure

- a) The Adult Protective Services Act provides that the identity of any person making a report of alleged or suspected abuse, neglect, ~~or~~ financial exploitation, or self-neglect may be disclosed only with that person's written consent or by court order.
- b) *All records concerning reports of abuse, neglect, financial exploitation, or self-neglect and all records generated as a result of those reports, including, but not limited to, referrals and intervention services, shall be confidential and shall not be disclosed or subject to subpoena except as specifically authorized by the Act or other applicable law and only after a case is closed [320 ILCS 20/8].*
- c) These confidential records are exempt from inspection and copying under the Freedom of Information Act [5 ILCS 140/7.5(y)].
- d) *Access to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, financial exploitation, or self-neglect as contained in such records, shall be allowed to the following persons and for the following persons:*
 - 1) *Department staff, APS provider agency staff, other aging network staff, and regional administrative agency staff in the furtherance of their responsibilities under the Act;*
 - 2) *A representative of the public guardian acting in the course of investigating the appropriateness of guardianship for the eligible adult or while pursuing a petition for guardianship of the eligible adult pursuant to the Probate Act of 1975 [755 ILCS 5];*

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- 3) *A law enforcement agency or State's Attorney's office investigating a known or suspected case of abuse, neglect, financial exploitation, or self-neglect. When a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, including any reports made after death, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;*
- 4) *A law enforcement agency, fire department agency or fire protection district having proper jurisdiction pursuant to a written agreement with an APS provider agency under which the agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk~~investigating a known or suspected case of abuse, neglect, financial exploitation, or self-neglect. When an APS provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, including any reports made after death, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;~~*
- 53) *A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, financially exploited or self-neglected or who has been referred to the Adult Protective Services Program;*
- 64) *An eligible adult reported to be abused, neglected, financially exploited or self-neglected who completes an authorization for release of records or to that adult's legal guardian or agent who has current authority to act on behalf of the eligible adult when access to those records is relevant to representing the interests of the eligible adult, and a complete authorization for release of records is submitted, unless the guardian or agent is the substantiated abuser or is the alleged abuser in an open case;*
- 75) *An executor or administrator of the estate of an eligible adult who is deceased when relevant to administration of the estate and a complete authorization for release of records is submitted;*
- 86) *A court or a guardian ad litem, upon its or his or her written finding that*

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access to such records may be necessary for the determination of an issue before the court. However, such access shall be limited to an in camera inspection of the records, unless the court determines, following the in camera inspection, that disclosure of the information contained in the records is necessary for the resolution of an issue then pending before it;

97) *In cases regarding self-neglect, a guardian ad litem;*

108) *A grand jury, upon its determination that access to such records is necessary for conduct of its official business;*

119) *Any person authorized by the Director, in writing, for audit, program monitoring or bona fide research purposes;*

1240) *A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, ~~or~~ financial exploitation, or self-neglect. The APS provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult;*

1344) *A coroner or medical examiner having proper jurisdiction, pursuant to a written agreement between an APS provider agency and the coroner or medical examiner, under which the APS provider agency may furnish to the office of the coroner or medical examiner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation or self-neglect;*

1412) *Department of Financial and Professional Regulation staff and members of the Illinois Medical Disciplinary Board or the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act [225 ILCS 20] by APS provider agency staff or other licensing bodies at the discretion of the Director of the Department on Aging;*

1543) *Department of Healthcare and Family Services staff and its vendors when that Department is funding services to the eligible adult, including being given access to the identity of the eligible adult;*

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- 1614) *Department of Human Services staff and its vendors when that Department is funding services to the eligible adult or is providing reimbursement for services provided by the abuser or alleged abuser, including being given access to the identity of the eligible adult;*
- 1715) *Hearing officers in the course of conducting an administrative hearing under the Act;*
- 1816) *A caregiver who challenges placement on the Adult Protective Services Registry shall be given the statement of allegation in the abuse report and the substantiation decision in the final investigative report; and*
- 1917) *The Illinois Guardianship and Advocacy Commission and the agency designated by the Governor under Section 1 of the Protection and Advocacy for ~~Persons with Developmental Disabilities~~ Developmentally Disabled Persons Act [405 ILCS 40] shall have access, through the Department, to records, including the findings, pertaining to a completed or closed investigation of a report of suspected abuse, neglect, financial exploitation or self-neglect of an eligible adult. [320 ILCS 20/8]*
- e) An authorization for release of records by the Department or the APS provider agencies must be legally sufficient and include:
- 1) supporting documentation of the agency or guardianship evidencing current authority and the extent of the authority to act on behalf of the eligible adult or his or her estate; and
 - 2) a sworn statement as to the purpose of the request and its relevance to representing the interests of the eligible adult or his or her estate.
- f) The release of records may be refused if evident that it is not in the best interest of the eligible adult.
- g) All records must be maintained as confidential and stored in a designated and secure area within the APS provider agency offices.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
302.310	Amendment
302.410	Amendment
- 4) Statutory Authority: 20 ILCS 505/4 and 5
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking brings the Department into compliance with Federal reimbursement guidelines for youth who are adopted or who have had guardianship transferred after the age of 16. Youth age 16 and older when they achieve permanency, adoption or kinship guardianship, are able to receive benefits beyond the age of 18 and up to the age of 21 provided that they meet the criteria outlined within the proposed amendments. The proposed amendments are part of the recent PIP agreement between the Federal government and DCFS.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
302.20	Amendment	41 Ill. Reg. 1863; February 17, 2017
302.410	Amendment	41 Ill. Reg. 2709; March 3, 2017
- 11) Statement of Statewide Policy Objective: The amended rule does not expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a

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period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 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: The proposed rulemaking was not included on either of the 2 most recent regulatory agendas because the need for rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

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302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship (KinGAPKinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section

302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

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5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19427, effective March 5, 2012; amended at 40 Ill. Reg. 693, effective December 31, 2015; amended at 40 Ill. Reg. 7721, effective May 16, 2016; amended at 42 Ill. Reg. _____, effective _____.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

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Section 302.310 Adoption Assistance

- a) General Provisions
 - 1) Eligibility, Funding Source, Assistance Amounts
 - A) Adoption assistance may be provided to those persons adopting children who are legally free for adoption, who are residents or youth in care of Illinois, and who the Department has determined meet the special needs criteria for non-recurring adoption assistance or who meet both the eligibility and special needs criteria for ongoing adoption assistance and who, it is reasonable to conclude, are not likely to be adopted without the provision of adoption assistance.
 - B) Adoption assistance is available through a combination of federal and State funding. The State receives federal reimbursement for a portion of the assistance provided for children meeting the Title IV-E eligibility criteria of the Social Security Act. The Department must comply with all of the requirements of that Act to claim funding for Title IV-E eligible children. The Title IV-E adoption assistance process is a combination of the field staff preparing the subsidy and documenting special needs followed by a centralized eligibility unit determining financial aspects of Title IV-E assistance.
 - C) State funding provides adoption assistance for children for whom the Department has placement and care responsibility and who meet the special needs criteria but are not eligible for Title IV-E adoption assistance. State funding also provides adoption assistance as well as for children who age out of eligibility for Title IV-E adoption assistance and continue in school up to the earliest of their nineteenth birthday or graduation from high school.
 - D) ~~Eligibility~~Although eligibility for adoption assistance shall be determined regardless of the financial circumstances of the adoptive parents, the types and amounts of assistance shall be determined by the Department and the adoptive parents on an

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individual basis. The Department shall notify the prospective adoptive parents of the availability and the types of assistance. The adoptive parent may refuse any or all of the adoption assistance. The ongoing monthly payment shall be issued to the person identified in the adoption assistance agreement. Any type of adoption assistance services included in this Part that are payable through insurance or other funding sources will not be paid for by the Department. The child adopted with adoption assistance is entitled to receive only those services and/or payments specified in the adoption assistance agreement.

- 2) Responsibility of the State in Interjurisdictional Adoptions
 - A) When the Department has responsibility for placement and care of a child who is eligible for Title IV-E reimbursement, the Department is responsible for entering into the adoption assistance agreement and paying the adoption subsidy, even if the child is placed in an adoptive home in another state.
 - B) If the Department does not have responsibility for placement and care of a Title IV-E eligible child, it is the adoptive parent's state of residence where the adoption assistance application should be made. In that event, the public child welfare agency in the adoptive ~~parent's~~parents' state of residence is responsible for determining whether the Title IV-E child meets the definition of special needs, entering into the adoption assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.
- 3) Continued Eligibility of Children
 - A) If an adoption is dissolved because of the termination of parental rights, or the death of the adoptive parents, a child adopted with Title IV-E adoption assistance continues to be eligible for Title IV-E adoption assistance if the State determines that the child meets the definition of a child with special needs prior to finalization of adoption.

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- B) When an adoption assistance agreement is terminated because of the death of the adoptive parents, or the termination of parental rights and the child is adopted again, the Title IV-E child's state of residence is responsible for entering into the assistance agreement and paying the subsidy, consistent with the way public benefits are paid in other programs.
- C) A child who was previously adopted with adoption assistance and whose adoption dissolves or whose adoptive parents die may be treated as if the financial circumstances for a subsequent adoption are the same as the first time the child was adopted.
- b) Eligibility for Adoption Assistance
- ~~1)~~ Children ~~who are~~ under the Department's legal responsibility and those who are not under the Department's legal responsibility when the adoption petition is filed are eligible for Title IV-E adoption assistance when they meet one of the eligibility criteria described in this subsection (b)(~~1~~) and the special needs criteria detailed in subsection (b)(2). Children for whom the Department of Children and Family Services is responsible for placement and care when the adoption petition is filed who do not meet the eligibility requirements in this subsection (b)(~~1~~) but do meet the special needs criteria detailed in subsection (b)(2) are eligible for State-funded adoption assistance. Children not under the legal responsibility of the Department who do not meet the eligibility criteria described in this subsection (b)(~~1~~) but who meet the definition of a child with special needs are eligible for adoption assistance non-recurring expenses only. The Department will not disqualify a child who is otherwise eligible for adoption assistance based on the child being an alien child. A qualified alien child must meet the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L. 104-193, 110 Stat. 2168), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (P.L. 104-208), and the Balanced Budget Act of 1997 (BBA) (P.L. 105-33, 8 USC 1642).
- 1A) The child was eligible for AFDC under the provisions of Title IV-A of the Social Security Act in effect as of July 16, 1996 during the month the petition was filed to remove the child from the home and the Department has determined that the child meets the definition of a child with special needs; or

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- Aii) An AFDC-eligible child removed from the home as a result of a court order shall be eligible for adoption assistance when there is a judicial determination in the removal order that it was contrary to the welfare of the child to remain in the home; or-
- Bii) An AFDC-eligible child removed from the home as a result of a voluntary placement agreement shall be eligible for adoption assistance when the child was placed in a foster home and at least one Title IV-E maintenance payment was made while the voluntary placement agreement was in effect; or-
- Ciii) An AFDC-eligible child who was voluntarily relinquished to a public or private not-for-profit agency shall be eligible for adoption assistance in the following circumstances:
- i)• a petition to officially remove the child from the home was filed with the court within 6 months after the date the child last lived with the relative who voluntarily relinquished the child; and
 - ii)• there is subsequent judicial determination with respect to the petition that remaining in the home is contrary to the child's welfare; or
- DB) The child's eligibility for Supplemental Security Income (SSI) was established and documented by the Social Security Administration and the Department determines that the child meets the definition of a child with special needs prior to the finalization of the adoption; or
- EC) The child is a child of minor parent receiving Title IV-E foster care maintenance payments that include the child, although the child is not a ward of the Department and the child meets the definition of a child with special needs; or
- FD) The child is a child for whom adoptive parents were previously receiving adoption assistance and the Department has determined that the child meets the definition of a child with special needs prior to the finalization of the subsequent adoption.

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2) Special Needs Criteria

In order to be eligible for adoption assistance, the Department must determine that the child meets all three of the following criteria that comprise the definition of a child with special needs:

- A) the child cannot or should not be returned to the home of his or her parents as evidenced by:
 - i) ~~a voluntary or involuntary termination of parental rights; and/or a termination of parental rights; or~~
 - ii) ~~the death of a parent, a petition to terminate parental rights; or~~
 - iii) ~~a voluntary relinquishment; and~~
- B) there exists a specified factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance. These factors or conditions include:
 - i) an irreversible or non-correctable physical, mental or emotional disability; or
 - ii) a physical, mental, or emotional disability correctable through surgery, treatment or other specialized services; or
 - iii) the child is one year of age or older; or
 - iv) the child is a member of a sibling group being adopted together where at least one child meets one of the conditions in subsections (b)(2)(B)(i) through (iii); or
 - v) the child is being adopted by adoptive parents who have previously adopted, with adoption assistance, another child born of the same mother or father; and

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- C) a reasonable, but unsuccessful, effort has been made to place the child with adoptive parents without providing adoption assistance, and the prospective adoptive parents are either unwilling or unable to adopt the child without adoption assistance, as evidenced by a written statement from the adoptive parents. A documented search for alternative adoptive placements without adoption assistance shall be made unless the Department determines that such a search would not be in the best interests of the child because the child has developed significant emotional ties with the prospective adoptive parents while in their care.
- c) Types of Adoption Assistance
The types of adoption assistance that a family may apply for include:
- 1) Non-recurring Expenses
Payment for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child, up to a maximum of \$1500 for each adopted child.
 - 2) Monthly Payments
An ongoing monthly payment is to be determined through the discussion and negotiation process between the adoptive parents and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the parent's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family upon entry of the final order of adoption unless the child is an unlicensed relative placement. In such a case, upon entry of a final order or adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the adoption assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. A non-custodial parent may request notice of periodic reviews or subsequent amendments to the adoption assistance agreement regarding their children.

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~~B) The Department shall make an initial determination whether to provide ongoing monthly payments and the amount of the payment in each individual case by taking into consideration the circumstances of the adoptive parents and the needs, age, and type of placement of the child being adopted, which may be adjusted for any benefits the child will be receiving, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in the determination of the ongoing monthly payment. When a child is SSI eligible following the adoption, the adoptive parents shall tell the Social Security Administration the amount of the ongoing monthly adoption assistance payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.~~

3) A Medicaid card.

4) Needs Not Payable Through Other Sources

A) Payment may be made for physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the entry of the final order of adoption. Payment shall not be made until the Department has been notified in writing that such services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary, and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the adoption assistance agreement or can be documented as a pre-existing condition that was unknown at the time of the agreement by a medical provider.

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- 5) **Therapeutic Day Care**
Therapeutic day care is available only for children who are determined to have a disability that requires special educational services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that such services will begin, has approved the requested services, and a contract has been executed (when applicable).
- 6) **Employment Related Day Care**
Payment ~~may be made~~ for day care for children under the age of three years may be made if the adoptive parent is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
- 7) College Scholarships and the Education and Training Voucher Program
Children who are receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department on a competitive basis. A limited number of scholarships are awarded by the Department each year to high school or high school equivalent graduates. Youth who enter into subsidized guardianship or are adopted from foster care after attaining age 16 are eligible to enter the Education and Training Voucher (ETV) Program.

~~Respite Care for Medically Fragile/Technology Dependent Care~~

- A) ~~The Department may make payment for care for children who have a pre-existing condition that meets the medical eligibility guidelines used by the Department of Healthcare and Family Services (HFS) for the Home and Community Based Services (HCBS) Waiver program for Children who are Medically Fragile/Technology Dependent. Such payment shall not exceed 10 days per State fiscal year. Unused days from one fiscal year cannot be carried over to a new State fiscal year or donated to another family. This program is operated by the Division of Specialized Care for Children (DSCC) for HFS. DCFS regional~~

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~~nurses shall assist in making the determination of whether the child meets the eligibility requirements for the waiver program.~~

B) ~~Respite care shall be provided by an authorized provider licensed by the Department of Public Health as a children's respite care center under the Alternative Health Care Delivery Act [210 ILCS 3]. The provider must accept the Medicaid nursing hourly rate as the payment rate for the respite care. DCFS shall select and contract directly with the authorized provider to pay for this service. The adoptive parents must not already be receiving respite care from another source.~~

i) ~~For existing adoptive cases: If the adoptive parents agree to apply, the parents should apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible and the adoptive parents agree to accept HCBS waiver program services, then the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).~~

ii) ~~For new adoptive cases, the adoptive parents must apply for the HCBS waiver program. As part of this application process, medical eligibility and cost neutrality calculations shall be determined. If determined eligible, the adoptive parents must agree to accept HCBS waiver program services, and the respite care shall be provided through that program (if respite care is available as part of the service package resulting from these determinations and there is available capacity in the waiver program).~~

~~8) College Scholarships
Children who are adopted and receiving adoption assistance may apply for a 4-year college scholarship awarded by the Department to high school or high school equivalent graduates.~~

89) Conditional Adoption Assistance

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Conditional adoption assistance is available to children adopted before February 1, 2004. To be eligible for conditional adoption assistance, the child must meet all of the eligibility requirements for adoption assistance and have a documented disability or risk factor not evident at the time of the adoption but that may require intervention, treatment or services in the future.

- 10) ~~Adoption Incentive (Independent Facilitation Grants)~~
The Department will pay an incentive payment for children who are 14 to 18 years of age when adopted during the time period of March 15, 2001 through January 31, 2003. The Department will provide a payment of \$3000 to be awarded to an adopted child under the following circumstances in the manner described:
- A) ~~In order to assist youth who have been adopted to make the transition to adulthood, the Department will provide a payment of \$3000 directly to the youth upon termination of his or her adoption subsidy.~~
 - B) ~~The payment is intended to assist the child's transition to adulthood by helping pay for education, housing, or other forms of vocational training or employment assistance.~~
 - C) ~~In order to be eligible for this payment, the child:~~
 - i) ~~must have been the legal responsibility of the Department prior to the adoption; and~~
 - ii) ~~must have been 14 to 18 years of age when adopted, during the time period of March 15, 2001 through January 31, 2003.~~
 - D) ~~Children in adoptive placements within this time period who do not have their adoptions finalized by January 31, 2003 will not be eligible for this grant award.~~
 - E) ~~The payment will be awarded directly to the child.~~
- 11) ~~Enhanced Subsidized Guardianship and Adoption Assistance~~

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~~The Enhanced Subsidized Guardianship and Adoption Program (ESGAP) provides transition services to youth who are 14 years old or older when adopted or when guardianship is transferred. It is a Title IV-E waiver program that is federally funded. Federal regulations limit the Title IV-E waiver services a child can receive to those offered by the waiver program to which he or she is assigned. Children are randomly assigned to a single Title IV-E waiver program per mandatory federal guidelines for the program.~~

- A) ~~ESGAP provides the following services to youth as they transition to adulthood:~~
- ~~i) Youth in College/Vocational Training;~~
 - ~~ii) Employment Incentive Program;~~
 - ~~iii) Life Skills Training;~~
 - ~~iv) Housing Cash Assistance; and~~
 - ~~v) Education and Training Vouchers.~~
- B) ~~To be eligible for ESGAP, a youth must meet the following criteria:~~
- ~~i) Is 14 years of age or older and not yet 18 years of age when moving to adoption or guardianship; is assigned to the subsidized guardianship demonstration group; and is eligible for adoption assistance or subsidized guardianship; or~~
 - ~~ii) Is a younger sibling of an eligible youth and is moving to permanency in the same home and at the same time as the eligible youth.~~
- C) ~~Documentation from the caseworker that the child is eligible for ESGAP must be included in the subsidy packet prior to the finalization of the adoption or transfer of guardianship.~~

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- d) **Adoption Assistance Agreement**
The adoption assistance agreement shall be signed prior to the entry of the final order of adoption. The types, amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parents prior to the entry of the final order of adoption, and shall be set forth in the adoption assistance agreement, which shall be binding on the parties to the agreement. This payment shall not exceed the amount the child received in his or her current foster family home upon entry of the final order of adoption unless the child is in an unlicensed relative placement. In such a case, upon entry of the final order of adoption, the adoptive family may receive up to the applicable licensed foster family home rate. The adoption assistance agreement shall remain in effect, regardless of where the adoptive parents currently reside and shall contain provisions for the protection of the interests of the child in cases where the adoptive parents and child move. The adoptive parents may request a change in their child's subsidy due to a change in the family or child's circumstances. All changes and/or services are subject to periodic review and authorization by the Department.
- e) **Notification ~~Requirements~~Requirement by Adoptive Parents**
The adoptive parent shall notify the Department no later than 30 days after any of the following occurrences:
- 1) the child is no longer the legal responsibility of the adoptive parents;
 - 2) the adoptive parents no longer financially support the child;
 - 3) the child graduates from high school or equivalent;
 - 4) there is a change of residential address or mailing address of the adoptive parents or the child;
 - 5) the child dies;
 - 6) the child becomes an emancipated minor;
 - 7) the child marries;
 - 8) the child enlists in the military; ~~or~~
 - 9) the child's custodial status changes; ~~or~~

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- 10) if the child was adopted before July 1, 2017, or was younger than 16 years of age when the adoption was finalized on or after July 1, 2017, the child completes his or her secondary education or a program leading to an equivalent credential; or
- 11) if the child was adopted after July 1, 2017 and was 16 years of age or older when the adoption was finalized and the child reaches the age of 18, the child's participation in any of the following:
- A) the child is completing secondary education or a program leading to an equivalent credential;
 - B) the child is enrolled in an institution that provides post-secondary education or a vocational program;
 - C) the child is participating in a training program or activity designed to promote, or remove barriers to, employment;
 - D) the child is employed at least 80 hours per month; or
 - E) the child is incapable of doing any of the above due to a medical condition.
- f) Notification Requirements by the Department
The Department shall provide adoptive parents of children adopted with adoption assistance with information about the Department's post-adoption search and reunion services, including information about accessing these services, at least once each year until adoption assistance payments cease. Youth who were adopted with adoption assistance shall be provided this same information within 30 days after his or her eighteenth birthday.
- g) Periodic Reviews
The Department shall mail an Annual Notification letter to the adoptive parent or parents on an annual basis, which will facilitate the adoptive parent's communication with the Department.~~Periodic reviews are annual recertifications that are required for children in adoptive homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The adoptive parents,~~

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~~including non-custodial parents if the non-custodial parent has provided the Department with the correct mailing address, will receive written notice of the review. Adoptive parents are required to participate and cooperate with the review.~~

- h) Termination of Adoption Assistance
The adoption assistance shall terminate when the Department has determined that one of the following has occurred:
- 1) ~~The~~When the terms of the adoption assistance agreement are fulfilled.
 - 2) The adoptive parents have requested that the adoption assistance permanently stop.
 - 3) The adoptive parents are no longer legally or financially responsible for the child.
 - 4) The child becomes an emancipated minor.
 - 5) The child marries.
 - 6) The child enlists in the military.
 - 7) If the adoption was finalized before July 1, 2017, or the child was under the age of 16 when the adoption was finalized on or after July 1, 2017:
 - A) the child reaches age 18;
 - B) a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or
 - C) a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the adoption and documented prior to the youth's 18th birthday reaches age 21. The child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability associated with a condition or risk

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~~factor that existed prior to the finalization of the adoption and that was documented prior to the child's 18th birthday reaches age 21.~~

8) For children who were were 16 years of age or older when the adoption was finalized on or after July 1, 2017, the child reaches age 21. Between the ages of 18 and 21, the adoption assistance payments may stop and start based on the child's compliance with, and the adoptive parent's confirmation of, the requirements listed in this subsection (h)(8) (failure of the adoptive parent to provide annual written confirmation will cause the subsidy payment to stop).

A) The child is completing secondary education or a program leading to an equivalent credential;

B) The child is enrolled in an institution that provides post-secondary education or a vocational program;

C) The child is participating in a program or activity designed to promote, or remove barriers to, employment;

D) The child is employed at least 80 hours per month; or

E) The child is incapable of doing any of the above due to a medical condition.

98) The adoptive parents die.

109) The adoptive parents' parental rights are terminated.

1140) The child dies.

i) Title IV-E Demonstration Waiver
The Department has received a Title IV-E demonstration waiver from the Department of Health and Human Services (DHHS) to operate a subsidized legal guardianship program. The Title IV-E terms and conditions allow reinstatement of the child's IV-E eligibility status that was in place prior to the establishment of the guardianship in situations where the guardianship disrupts. Therefore, if a guardianship disrupts and the child returns to foster care or is going to be adopted,

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~~the State shall apply the eligibility criteria in section 473 of the Social Security Act for the child as if the legal guardianship had never occurred.~~

- ij) Appeal of Department Decisions
Adoptive parents may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337, Service Appeal Process:
- 1) The Department failed to advise the potential adoptive parents about the availability of adoption assistance to children under the care of the Department;
 - 2) The adoptive parents disagree with the Department's determination that a child is ineligible for adoption assistance;
 - 3) The Department's denial of Title IV-E adoption assistance eligibility to a child for whom it does not have placement and care responsibility;
 - 4) Inaction on the part of the Department on a Title IV-E adoption assistance eligibility determination request;
 - 5) Adoption assistance or a specific component of adoption assistance was denied;
 - 6) Relevant facts regarding the child were known by the Department and were not presented to the adoptive parents prior to the finalization of the adoption;
 - 7) The Department denies the adoptive parents request to modify the adoption assistance agreement; or
 - 8) An adoption assistance agreement has been amended, suspended or terminated without the concurrence of the adoptive parent.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 302.410 Subsidized Guardianship (KinGAPKinGap)

- a) General Provisions

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- 1) The subsidized guardianship program (~~KinGAP~~~~KinGap~~) implements provisions of 42 USC 673 that allow the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed foster parent and for whom they have committed to care on a permanent basis. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A licensed relative foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.
- 2) The State funded option of subsidized guardianship provides subsidized guardianship for children for whom the Department has placement and care responsibility and who meet the special needs criteria as defined in Section 302.310(b)(2), but are not eligible for Title IV-E KinGAP, as well as for children who age out of eligibility for Title IV-E KinGAP and continue in school up to the earliest of their 19th birthday or graduation from high school, or age 21 when the child meets specific requirements outlined in this Part.

b) The Subsidized Guardianship Agreement1) General Provisions

The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. ~~It shall be stipulated~~~~The agreement shall also stipulate~~ that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases in which the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law

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regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement. The child may require services in the future that are not currently being provided for pre-existing physical, emotional or mental health needs or risk factors. Any pre-existing conditions must be described in the subsidized guardianship agreement to be eligible for assistance through the [Subsidized Guardianship Adoption Assistance](#) Program at a future date. Assistance cannot be granted for ~~services for~~ pre-existing conditions if the conditions are not listed in the subsidized guardianship agreement in accordance with subsection (e)(4) or cannot be documented, as a pre-existing condition that was unknown at the time of the agreement, by a medical provider. The subsidized guardianship agreement must be signed, and a copy of the signed agreement must be provided to the prospective guardian, prior to the transfer of guardianship.

- 2) [Successor of Guardianship](#)
The subsidized guardianship agreement may not be transferred by the guardians to any other party. However, in the event of the death or incapacity of the guardians, the child remains eligible for assistance if the guardians have designated a successor guardians in the agreement (or any amendment to the agreement). Upon assuming care of the child, the successor guardians shall contact the Department to inform the Department of changes in the child's living situation, to request a home study and background checks, and to initiate the application process for a subsidy.

c) Eligibility Criteria

- 1) Eligibility for Subsidized Guardianship under [KinGAP](#)~~KinGap~~
- A) For a child to qualify for subsidized guardianship under [KinGAP](#)~~KinGap~~, the following criteria must be met:
- i) the child must have been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in

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- the home would be contrary to the welfare and the best interest of the child; and
- ii) the child must be eligible for foster care maintenance payments while residing for at least 6 consecutive months in the home of a licensed prospective relative guardian immediately prior to the establishment of the guardianship; and
 - iii) the prospective relative guardian must have been a licensed foster parent for at least the consecutive 6 month period that the child has been in his/her home immediately prior to the establishment of the guardianship; and
 - iv) ~~return being returned~~ home or ~~adoption adopted~~ are not appropriate permanency options for the child; and
 - v) the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
 - vi) ~~with respect to~~ a child who has attained 14 years of age, ~~the child~~ has been consulted and the child has agreed to the guardianship arrangement.
- B) A sibling of an eligible child who is placed with the same relative as the eligible child under a kinship guardianship agreement, when DCFS and the relative guardian agree that the placement is appropriate, also qualifies for subsidized guardianship under [KinGAPKinGap](#).
- 2) Eligibility for the State Funded Option of Subsidized Guardianship
- A) the child is 14 years of age or older; and
 - B) the child has lived with a licensed non-relative for at least the 6 consecutive month period prior to the establishment of the guardianship and meets the following:

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- i) the child was removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and best interest of the child; and
 - ii) the child was eligible for foster care maintenance payments while residing for at least 6 consecutive months in the licensed non-relative home immediately prior to establishing guardianship; and
 - iii) the prospective guardian has been a licensed foster parent for at least the consecutive 6 month period immediately prior to the establishment of the guardianship; and
 - iv) being returned home or adopted are not appropriate permanency options for the child; and
 - v) the child demonstrates a strong attachment to the prospective guardian and the prospective guardian has a strong commitment to caring permanently for the child; and
 - vi) the child has been consulted and has agreed to the guardianship arrangement.
- d) Determination Whether Subsidized Guardianship under the [KinGAPKinGap](#) Program is in the Best Interests of the Child
- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors, including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian and the guardian's demonstrated ability to provide care that meets the special needs of the child, if any;

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- B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship between the child and the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school and community;
 - E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is safe and suitable placement by means of a safety checks, which shall include a CANTS/SACWIS and LEADS check [in accordance with 89 Ill. Adm. Code 385 \(Background Checks\)](#).
- e) Types of Assistance
A child meeting the eligibility criteria for subsidized guardianship is entitled to the following types of assistance:
- 1) Non-recurring Expenses
Payment for non-recurring expenses associated with obtaining legal guardianship for the child subject to the maximum of up to \$2000 per child.
 - 2) Ongoing Monthly Payments
 - A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated

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authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

- B) ~~Eligibility~~ ~~Although eligibility~~ for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) ~~of this Part~~.
- 3) A Medicaid card.
- 4) Needs Not Payable through Other Sources
A child meeting the eligibility criteria for subsidized guardianship entitled to the types of assistance outlined in subsections (e)(1), (2) and (3) may also apply for the following types of assistance:
- A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that the services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement

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shall be limited to what is usual, customary and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.

- B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the subsidized guardianship agreement or can be documented by a medical provider as a pre-existing condition that was unknown at the time of the agreement.
- 5) Therapeutic Day Care
Therapeutic day care is available only for children who are determined to have a disability that requires special education services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that requested services have been~~that those services will begin and has~~ approved, when services will begin~~the requested services~~, and that a contract has been executed (when applicable).
- 6) Employment Related Day Care
Payment ~~may be made~~ for day care for children under the age of 3 years may be made if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
- 7) College Scholarships and the Education and Training Voucher Program
Children who are receiving subsidized guardianship assistance may apply for a 4-year college scholarship awarded by the Department on a competitive basis. A limited number of scholarships ~~are~~is awarded by the Department each year to high school or high school equivalent graduates. Youth who enter into subsidized guardianship or are adopted from foster care after attaining age 16 are eligible to enter the Education and Training Voucher (ETV) Program.

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- f) Responsibilities of the Subsidized Guardian
Subsidized guardians are responsible for the following:
- 1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and
 - 2) notifying the Department no later than 30 days after any one of the following occurrences:
 - A) the child is no longer the legal responsibility of the guardian;
 - B) the guardian no longer financially supports the child;
 - C) the child graduates from high school or equivalent;
 - D) there is a change of residential address or mailing address of the guardian or the child;
 - E) the child dies;
 - F) the child becomes an emancipated minor;
 - G) the child marries;
 - H) the child enlists in the military;
 - I) the mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child;
 - J) the custodial status of the child changes; ~~or~~
 - K) the guardianship is vacated;-
 - L) the child has completed his or her secondary education or a program leading to an equivalent credential, if the guardianship was awarded before July 1, 2017 or the child was younger than 16 years of age when guardianship was awarded on or after July 1, 2017;

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- M) on or after July 1, 2017, if the child was 16 years of age or older when guardianship was awarded, and the child reaches the age of 18, the child:
- i) is completing secondary education or a program leading to an equivalent credential;
 - ii) is enrolled in an institution that provides post-secondary education or a vocational program;
 - iii) is participating in a training program or activity designed to promote, or remove barriers to, employment;
 - iv) is employed at least 80 hours per month; or
 - v) is incapable of doing any of the above due to a medical condition.
- g) Department Responsibilities
- 1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).
 - 2) The Department shall explain in the child's service plan the following:
 - A) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - B) the reasons for ~~the any~~ separation of any and all siblings during placement;
 - C) the reasons why a permanent placement with a fit and willing relative through a subsidized guardianship assistance arrangement is in the child's best interests;

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- D) the ways in which the child meets the eligibility requirements for a subsidized guardianship assistance payment;
 - E) the efforts the agency has made to discuss adoption with the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons not to pursue; and
 - F) the efforts made by the Department to discuss with the child's parent or parents the subsidized guardianship assistance arrangement, or the reasons why the efforts were not made.
- 3) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.
 - 4) The Department shall ensure that an orientation is provided to the caregiver's family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
 - 5) The Department shall ensure that each guardian has access to post-guardianship staff [who shall](#)~~to~~ respond to requests for information and assistance.
 - 6) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process) [as summarized in subsection \(j\)](#).
 - 7) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian does not care for the child to the extent the child's health or well-being is endangered.
- h) Periodic Reviews

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~~The Department shall mail an Annual Notification letter to the guardian on an annual basis, which will facilitate the guardian's communication with the Department. Periodic reviews are annual re-certifications that are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardians will receive written notice of the review, and response from the guardians to this notice is a requirement.~~

i) Termination of Payments

Payments for subsidized guardianship assistance shall terminate when the Department has determined that any one of the following has occurred:

- 1) when the terms of the subsidized guardianship agreement are fulfilled;
- 2) the guardian has requested that the payment permanently stop;
- 3) the guardian is no longer financially supporting the child;
- 4) the child becomes an emancipated minor;
- 5) the child marries;
- 6) the child enlists in the military;
- 7) if the guardianship was finalized before July 1, 2017, or the child was under the age of 16 when the guardianship was finalized on or after July 1, 2017:
 - A) the child reaches age 18;
 - B) a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or
 - C) a child who has a physical, mental or emotional disability associated with a condition or risk factor that existed prior to the finalization of the guardianship and that was documented prior to the youth's 18th birthday reaches age 21~~the child reaches age 18; a child 18 years of age graduates from high school or equivalent or~~

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~~reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21;~~

8) for children who were 16 years of age or older when the guardianship was transferred on or after July 1, 2017, the child reaches age 21. Between the ages of 18 and 21, the subsidy payments may stop and start based on the child's compliance with, and the guardian's confirmation of, the requirements listed in this subsection (i)(8) (failure of the guardian to provide annual written confirmation will cause the subsidy payment to stop).

A) The child is completing secondary education or a program leading to an equivalent credential;

B) The child is enrolled in an institution that provides post-secondary education or a vocational program;

C) The child is participating in a training program or activity designed to promote, or remove barriers to, employment;

D) The child is employed at least 80 hours per month; or

E) The child is incapable of doing any of the above due to a medical condition;

98) the guardian dies;

109) the guardianship is vacated; or

114) the child dies.

j) Appeal of Department Decisions
Guardians may appeal the following Department decisions in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process):

1) The Department failed to advise the potential guardian about the availability of a subsidy to children under the care of the Department;

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- 2) The potential guardians disagree with the Department's determination that a child is ineligible for subsidized guardianship;
- 3) The Department's denial of Title IV-E subsidized guardianship eligibility to a child for whom it does not have placement and care responsibility;
- 4) Inaction on the part of the Department on a Title IV-E subsidized guardianship eligibility determination request;
- 5) Subsidized guardianship or a specific component of the subsidized guardianship was denied;
- 6) Relevant facts regarding the child were known by the Department and were not presented to the guardian prior to the transfer of guardianship;
- 7) The Department denies the guardian's request to modify the subsidized guardianship agreement; or
- 8) A subsidized guardianship agreement has been amended, suspended or terminated without the concurrence of the guardian.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Low Income Home Energy Assistance Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
100.40	Amendment
100.50	Amendment
100.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2009-2.
- 5) A Complete Description of the Subjects and Issues Involved: Under the existing Low-Income Home Energy Assistance Program (LIHEAP) rules, certain eligible entities are designated as Local Action Agencies (LAAs) for purposes of administering the State of Illinois' LIHEAP and Illinois Home Weatherization Assistance Program (IHWAP) by offering energy assistance and weatherization services to the State's most vulnerable populations, namely the low-income community, in a specific service area approved by the Department. The proposed rules provide modifications, including but not limited to, (i) adding the option of a suspension of an LAA's designation to address situations in which immediate action is necessary to protect the public interest, including during the pendency of a designation revocation proceeding and (ii) providing a more flexible and streamlined process for LAA designation revocation proceedings. The proposed amendments also implement the option of a temporary assignment of a qualified alternate provider to operate the LIHEAP and IHWAP programs in the designated LAA's service area for that program year during the pendency of a suspension or revocation proceeding in order to ensure continuity of LIHEAP and IHWAP services for those low-income households.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will these rulemakings replace an emergency rule currently in effect? Yes, the emergency rules are published in this issue of the *Illinois Register*.
- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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- 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: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].
- 12) Information and questions regarding this rulemaking shall be directed in writing to:
- Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701
- 217/557-1820
fax: 217-524-3701
jolene.clarke@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: The proposed rules changes aim to provide continued access to critical heating and weatherization services for local municipalities throughout the State of Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration, monitoring and reporting
- C) Types of professional skills necessary for compliance: Accounting, grant administration and financial management
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because the Department did not anticipate the changes.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page: 14119

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures for Reporting Releases of Livestock Waste
- 2) Code Citation: 35 Ill. Adm. Code 580
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
580.104	Amendment
580.107	Amendment
580.200	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 18 of the Livestock Management Facilities Act (510 ILCS 77/18 and Section 4(h) of the Illinois Environmental Protection Act (415 ILCS 5/4(h)).
- 5) A Complete Description of the Subjects and Issues Involved: These amendments will update statutory and regulatory references. The statutory references and regulatory references have been repealed or moved, and these amendments will reflect these changes to the rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an 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 amend 35 Ill. Adm. Code 580 to reflect updated statutory and regulatory references found in Sections 104, 107 and 200.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Stefanie N. Diers
Assistant Counsel

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/82-5544
Stefanie.diers@illinois.gov

- 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: The amendments reflect statutory and reference changes. They do not require the preparation of a report or record, and do not require any new reporting, recordkeeping, or other administrative costs for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate the amendments to Part 580 prior to the July 2017 Regulatory Agenda.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 580
PROCEDURES FOR REPORTING RELEASES OF LIVESTOCK WASTE

Section	
580.100	Introduction
580.101	Scope
580.102	Applicability
580.103	Purpose
580.104	Definitions
580.105	Method of Reporting a Release of Livestock Waste
580.106	Contents of Report
580.107	Reporting of Releases to Groundwater
580.200	Distribution of Information
580.300	Follow-up Written Report

AUTHORITY: Implementing and authorized by Section 18 of the Livestock Management Facilities Act [510 ILCS 77/18] (see P.A. 91-0110, effective July 13, 1999); and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)].

SOURCE: Adopted at 22 Ill. Reg. 21863, effective December 4, 1998; amended at 24 Ill. Reg. 15415, effective October 6, 2000; amended at 42 Ill. Reg. _____, effective _____.

Section 580.104 Definitions

Terms used in this Part have the meaning specified in the Livestock Management Facilities Act [510 ILCS 77] or the Environmental Protection Act [415 ILCS 5]. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

"Controlled and recovered release" means any release that:

does not result in a discharge to waters of the State; and

has been controlled by diking or berming, or has been otherwise restricted

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in flow or extent; and

has been recovered so that the unrecovered portion of the released livestock waste is less than or equal to the agronomic application rate of the crop or vegetation grown at the site of the release.

"Department" means the Illinois Department of Agriculture.

"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management ~~facilities~~ ~~facilities~~ under common ownership, where the ~~facilities~~ ~~facilities~~ are not separated by a minimum distance of ¼ mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at education institutions, livestock pasture operations where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to this Part. [510 ILCS 77/10.30]

"Livestock waste" means livestock excreta and associated feed losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership, and where the facilities are not separated by a minimum distance of ¼ mile, shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]

"Owner or Operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or their legal representative, agent, or

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assigns. [510 ILCS 77/10.55]

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of livestock waste into the environment. For purposes of this Part, a release does not include the normal application of fertilizer such as the application of livestock waste to crop land at agronomic rates established by guidelines of the Agency, regulations of the Illinois Pollution Control Board or in a waste management plan developed pursuant to the Livestock Management Facilities Act [510 ILCS 77] and regulations promulgated thereunder for the crop grown. A release is not application to a grassed area under 35 Ill. Adm. Code 506.303(r) or use of a runoff field application system under 35 Ill. Adm. Code 501.404(d). Air emissions are not releases under this Part.

"Transportation equipment" means all structures and devices including but not limited to pipes, pumps, tanks, or containers, both mobile and non-mobile, used for conveying livestock waste to or from a livestock management facility or livestock waste handling facility.

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State. [415 ILCS 5/3.5503-56] For purposes of this Part, waters of the State do not include small temporary accumulations of surface water from precipitation or irrigation systems. [510 ILCS 77/18]

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 580.107 Reporting of Releases to Groundwater

If an owner or operator of a lagoon required to implement groundwater monitoring under 35 Ill. Adm. Code 506.204(d) submits a report to the Department of a proposed response action required under [8 Ill. Adm. Code 900.61135 Ill. Adm. Code 506.206\(g\)\(2\)](#), the owner or operator will submit that report to the Agency at the same time.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 580.200 Distribution of Information

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- a) Reports under this Part are required by Section 18(a) of the Livestock Management Facilities Act [510 ILCS 77/18(a)] and Section 4(h) of the Environmental Protection Act [415 ILCS 5/4(h)], ~~and are therefore not privileged under Section 52.2(h)(1) of the Environmental Protection Act [415 ILCS 5/52.2(h)(1)].~~
- b) All reports under Sections 580.105 and 580.300 will be forwarded to the Department by the Agency.
- c) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to surface waters will be forwarded by the Agency to the Illinois Department of Natural Resources and to the health department of the county in which the release occurred.
- d) All reports under this Part indicating, or with respect to which subsequent investigations reveal, releases to groundwater will be forwarded by the Agency to the health department of the county in which the release occurred.
- e) All reports under this Part are accessible from the [Agency Illinois EPA](#) through the Freedom of Information Act [5 ILCS 140] and Agency regulations at 2 Ill. Adm. Code 1826.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Office of the Comptroller Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1120
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1120.15	Amendment
1120.525	Amendment
1120.1510	Amendment
1120.2005	Amendment
1120.2020	Amendment
1120.2025	Amendment
1120.4545	Amendment
1120.4550	Amendment
1120.5013	Amendment
1120.5550	Amendment
1120.5560	Amendment
- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21]. Implementing Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30].
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-43 made several changes to the Illinois Procurement Code [30 ILCS 500]. This rulemaking amends the Office of the Comptroller's procurement rules to remove Sections that are inconsistent with the Procurement Code, update the small purchase threshold, and reconcile various out of date references.
- 6) Proposed 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

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- 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:

Adam Alstott
Deputy General Counsel
Office of the Comptroller
325 W. Adams
Springfield IL 62704

217/558-5157
Adam.Alstott@illinoiscomptroller.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has the potential to impact small businesses seeking to do business with the Office of the Comptroller.
 - 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: These amendments were not included on either of the 2 most recent agendas because the Illinois Office of the Comptroller did not anticipate the filing of this rulemaking at the time for submittal of a regulatory agenda. Accordingly, the Illinois Office of the Comptroller did not summarize the rulemaking in a regulatory agenda.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XIV: COMPTROLLER

PART 1120

OFFICE OF THE COMPTROLLER STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	Title
1120.1	Title
1120.5	Policy
1120.8	Illinois Procurement Code
1120.10	Application
1120.15	Definitions of Terms Used in this Part
1120.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Title
1120.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Title
1120.1002	Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Title
1120.1510	Illinois Procurement Bulletin
1120.1560	Supplemental Notice
1120.1570	Error in Notice
1120.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section	Title
1120.2005	General Provisions

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- 1120.2010 Competitive Sealed Bidding
- 1120.2012 Multi-Step Sealed Bidding
- 1120.2015 Competitive Sealed Proposals
- 1120.2020 Small Purchases
- 1120.2025 Sole Economically Feasible Source Procurement
- 1120.2030 Emergency Procurements
- 1120.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1120.2036 Other Methods of Source Selection
- 1120.2037 Tie Bids and Proposals
- 1120.2038 Mistakes
- 1120.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 1120.2043 Suppliers
- 1120.2044 Vendor Lists
- 1120.2045 Prequalification
- 1120.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 1120.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 1120.2050 Specifications and Samples

SUBPART I: CONTRACT TYPES

Section

- 1120.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

- 1120.2060 Duration of Contracts – General

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SUBPART K: CONTRACT MATTERS

Section

- 1120.2560 Prevailing Wage (Repealed)
- 1120.2570 Equal Employment Opportunity: Affirmative Action
- 1120.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

- 1120.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION-RELATED PROFESSIONAL SERVICES

Section

- 1120.3005 Construction and Construction-Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

- 1120.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

Section

- 1120.4505 Procurement Preferences
- 1120.4510 Resident Bidder Preference
- 1120.4530 Correctional Industries
- 1120.4535 Sheltered Workshops for the Disabled
- 1120.4540 Gas Mileage
- 1120.4545 Small Business
- 1120.4550 Contracting with Business Owned and Controlled by Minorities, ~~Women~~Females, and Persons with Disabilities

SUBPART P: ETHICS

Section

- 1120.5013 Conflicts of Interest Prohibited by the Code

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1120.5015	Negotiations for Future Employment
1120.5020	Exemptions
1120.5030	Revolving Door
1120.5035	Disclosure of Financial Interests and Potential Conflicts of Interest
1120.5040	Lobbying Restrictions

SUBPART Q: CONCESSIONS

Section	
1120.5310	Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section	
1120.5510	Complaints Against Vendors or Subcontractors
1120.5520	Suspension
1120.5530	Settlement and Resolution of Contract and Breach
1120.5540	Violation of Statute or Rule
1120.5550	Protests
1120.5560	Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section	
1120.6010	Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

Section	
1120.6500	General
1120.6510	State Use of Other Contracts
1120.6520	No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section	
1120.7000	Severability
1120.7010	Government Furnished Property
1120.7015	Inspections
1120.7020	Records and Audits

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- 1120.7025 Written Determinations
1120.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12087, effective July 1, 1998, for a maximum of 150 days; emergency expired November 27, 1998; adopted at 23 Ill. Reg. 858, effective January 8, 1999; amended at 25 Ill. Reg. 14380, effective November 10, 2001; amended at 37 Ill. Reg. 3075, effective March 1, 2013; recodified Title of the Part at 39 Ill. Reg. 5903; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1120.15 Definitions of Terms Used in this Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined in this Section, and each term listed in this Section shall have the meaning set forth in this Section unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" – A written unilateral or bilateral modification to a contract term, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including, but not limited to, such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract.

"Award" – The selection of a vendor for a contract.

"Bid" – The response to an Invitation for Bids.

"Bidder" – Any person who submits a bid.

"Bidder or Offeror Authorized to do Business in Illinois" – A person that is a legal entity authorized to do business in Illinois by the Secretary of State-Department of Business Services.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality,

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performance, and other characteristics needed to meet State requirements and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Bulletin" – The Illinois Procurement Bulletin.

"Change Order" – A change order shall have the same meaning as an "amendment".

"Chief Procurement Officer" or "CPO" means the Chief Procurement Officer for the Illinois Office of the Comptroller.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right or a lease to engage in a certain activity for profit on the lessor's premises (e.g., a refreshment or parking concession).

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist an agency in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – A contract may be in written or oral form. The term contract as used in the Code and this Part does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds issued by or on behalf of any State agency, or contracts, other than for "concessions", that the State agency signs but under which it has no financial obligation to the other parties.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

["CPO-GS" means the Chief Procurement Officer for General Services as established by Section 10-20\(a\)\(4\) of the Illinois Procurement Code.](#)

"Day" – Calendar day. In computing any period of time, the day of the event

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from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"DCMS" – The Department of Central Management Services.

"IOC" – The Illinois Office of the Comptroller.

"Items" – Anything that may be procured under the Code.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45]

"Multi-Year Contract" – A contract with a performance term of more than 12 months.

"Offeror" – A person who responds to an IFB, RFP or other form of solicitation.

"Procurement Officer" – The Chief Procurement Officer (CPO) or his or her designee.

"Proposal" – The response to a Request for Proposals.

"Protest Review Office" – The office address of the person designated in the solicitation documents to which protests must be directed. The person designated in the solicitation documents will respond to or coordinate the response to the protest.

"Qualified Products List" – An approved list of supplies, described by model or catalogue numbers, that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Renewal" – An extension of an original contract that contains terms materially identical to the original contract.

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"Request for Information" or "RFI" – The process by which a purchasing agency requests information from offerors for all State contracts and leases of real property or capital improvements.

"Request for Proposals" or "RFP" – *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Responsible Bidder or Offeror" – A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time the bid or proposal is submitted for State contract.

"Reverse Auction" – A source selection technique that allows for purchase of supplies or services through a competitive auction process. A reverse auction allows bidders to electronically submit prices for an IFB during a predefined time period and is designed to obtain the lowest cost for supplies and services.

"Service" – *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* [30 ILCS 500/1-15.90], and the financing of that labor, time or effort.

"Solicitation" – An IFB, RFP or other request to one or more vendors to respond to a procurement need expressed by the State.

"Specification" – Any description of the physical, functional, or performance characteristics of, or of the nature of, a supply, service, or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service, or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"Subcontract" – A contract between one person and another person who has or is seeking a contract subject to the Code, pursuant to which the subcontractor

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provides to the contractor or, if the contract price exceeds \$50,000, another subcontractor, some or all of the goods, services, property, remuneration or other form of consideration that are the subject of the primary contract, and includes, among other things, subleases from a lessee of a State agency.

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of \$50,000 or more with a person or entity who has a contract subject to the Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. For purposes of the Code, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to the Code. [30 ILCS 500/1-15.108]~~A person or entity that enters into a contractual agreement, for an amount greater than the small purchase limit set by Section 20-20 of the Code (or an amount set by rule pursuant to Section 20-20(e) of the Code), Section 35-35 of the Code or Section 45 of the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535/45], with a contractor who has or is seeking a contract subject to the Code, to provide the contractor some or all of the goods, services, property, remuneration or other forms of consideration that are the contractor's obligations under the contract.~~

"Supplies" or "Goods" – *All personal property, including, but not limited to, equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]*

"Unsolicited Offer" – Any offer other than one submitted in response to a solicitation.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: PROCUREMENT RULES

Section 1120.525 Rules

- a) To the extent practicable, the IOC may avail itself of master, scheduled or open-ended contracts established by the CPO-GSDCMS; items available from the Paper and Printing Warehouse; and the CPO-GSDCMS contracts for

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telecommunications equipment, software and services, paper and envelopes, and vehicles and vehicle services. The CPO or his/her designee may submit purchase requests to [the CPO-GS or a designated agencyDCMS](#) in accordance with rules promulgated by [the CPO-GSDCMS](#).

- b) The IOC shall procure its capital needs in a manner substantially in accordance with the requirements of this Part and will promulgate rules specifically for capital construction that are no less restrictive than the requirements of the Code. Until specific Comptroller rules can be promulgated for this purpose, the IOC will conform its capital procurement activities to the requirements of the Code by following the administrative rules of the CPO for Capital Development Board (44 Ill. Adm. Code 8), the Capital Development Board (44 Ill. Adm. Code 950 and 980) and the [CPO-GSCPO for General Services](#) (44 Ill. Adm. Code 1).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1120.1510 Illinois Procurement Bulletin

Notice of any procurement action required by the Code to be publicized in the Illinois Procurement Bulletin will be forwarded to [the CPO-GSDCMS](#) for inclusion in the appropriate volume of the Bulletin in accordance with rules promulgated by [the CPO-GSDCMS](#) (44 Ill. Adm. Code 1).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1120.2005 General Provisions

- a) Late Bids or Proposals, Late Withdrawals and Late Modifications
- 1) Definition. Any bid or proposal received after the time and date for receipt, and at other than the specified location, is late. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the IOC shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal received after the time and

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date set for opening of bids or proposals is late. If received at other than the specified location, the submission is late.

- 2) Treatment. No late bid or proposal, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of IOC personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 3) Records. Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 4) Other Submissions. Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
- 1) The Procurement Officer may, prior to the date or time for submitting or modifying, extend the date or time for the convenience of the IOC. Reasons for extension include, but are not limited to, allowing additional time for submissions to account for inclement weather or accidents and for other such reasons.
 - 2) All notices under this subsection (b) will be provided electronically and posted on the Illinois Procurement Bulletin.~~After opening bids or proposals, the Procurement Officer may request bidders or offerors who submitted timely bids or proposals to extend the time during which the IOC may accept bids or proposals, provided that, with regard to bids, no other change is permitted. The reasons for requesting an extension shall be documented. This extension does not provide an opportunity for others to submit bids or proposals.~~
- c) Electronic and Facsimile Submissions
- 1) The IFB or RFP may state that electronic and facsimile machine submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the IFB or RFP.

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- 2) Electronic submissions authorized by specific language in the IFB or RFP will be opened in accordance with electronic security measures in effect at the IOC at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.
 - 3) Fax submissions authorized by specific language in the IFB or RFP will be placed in a sealed container upon receipt and opened as other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.
- d) **Intent to Submit**
The IFB or RFP may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.
- e) **Only One Bid or Proposal Received**
If only one bid or proposal is received, an award may be made to the single bidder or offeror if the CPO finds that the price submitted is fair and reasonable, and that either other prospective bidders had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:
- 1) new bids or offers may be solicited, including under sole source (Section 1120.2025) or emergency (Section 1120.2030) procedures;
 - 2) the procurement may be canceled; ~~or~~
 - 3) ~~if the CPO determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted with any vendor under Section 1120.2025 or Section 1120.2030, as appropriate. The CPO shall attempt to negotiate the price to a more acceptable level.~~
- f) **Alternate or Multiple Bids or Proposals**
Alternate bids or proposals may be accepted if:

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- 1) permitted by the solicitation and in accordance with instructions in the solicitation; or
 - 2) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 1120.2025; or
 - 3) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.
- g) **Multiple Items**
An IFB or RFP may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.
- h) **"All or None" Bids or Proposals**
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be in the State's best interest.
- i) **Conditioning Bids or Proposals Upon Other Awards**
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall:
- 1) be rejected unless the vendor removes the condition; or
 - 2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other IFBs or RFPs, provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.
- j) ~~Unsolicited Offers~~
- 1) ~~Processing of Unsolicited Offers. The Procurement Officer may consider unsolicited offers and shall have final authority with respect to evaluation, acceptance and rejection of the unsolicited offer.~~
 - 2) ~~Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.~~

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- 3) ~~Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part, except if that unsolicited offer meets the requirements for a small, sole source or emergency procurement.~~
- 4) ~~Confidentiality. Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If agreement cannot be reached on confidentiality, the IOC shall reject the unsolicited offer.~~

~~jk)~~ Clarification of Bids and Proposals
The Procurement Officer may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification.

~~kl)~~ Extension of Time on Indefinite Quantity Contracts.
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of the extension. A clarification is not an opportunity for discussion or for submission of Best & Finals as authorized elsewhere in this Part.

~~lm)~~ Increase in Quantity on Definite Quantity Contracts

- 1) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20% provided the Procurement Officer determines that separate bidding for the additional quantity is not likely to achieve lower pricing.
- 2) The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.

~~mn)~~ Subsequent Purchase Request
If, within 30 days after making an award to a particular vendor pursuant to a competitive sealed bid on behalf of IOC, the CPO receives a purchase request for the same item and for the same or lesser quantity, the CPO may contract with that vendor on the same terms and conditions, including price, without additional notice and competition, if such a contract is acceptable to the vendor.

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- ne) Novation or Change of Name
- 1) Assignment. No IOC contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer; however, a vendor may assign monies receivable under a contract after due notice to the IOC. Assignment may require the execution of a contract with the assignee and, in ~~those such~~ cases, the assignee must meet all requirements for contracting with the IOC.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
 - A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the IOC; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the IOC, furnish a satisfactory performance bond.
 - 3) Change of Name. A vendor may submit to the Procurement Officer a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.
- op) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
- pe) Use of Source Selection Method that is Not Required
If IOC uses a method of source selection that it is not required by law to use (e.g., use of competitive sealed bid for a small purchase), the IOC is not bound to strict

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compliance with the Code and the rules governing the method of source selection used.

- q) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by the CPO.
- r) Stringing
Dividing or planning procurements to avoid the use of competitive procedures (stringing) is prohibited.
- s) Confidential Data
Vendors must clearly identify any information that is exempt from the disclosure requirement of the Freedom of Information Act [5 ILCS 140] and must request special handling of that material. It is the sole obligation of vendors to redact confidential information from bids or offers submitted to IOC. Failure to submit redacted copies will result in the release of bids or offers in response to requests made pursuant to the Freedom of Information Act.
- t) Documentation of Procurement Actions
- 1) The Procurement Officer shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:
 - A) Procurement Bulletin postings;
 - B) Solicitation documents (e.g., IFBs) and all amendments, clarifications and Best & Final requests;
 - C) Vendor's responses, including clarifications and responses to Best & Final requests;
 - D) Evaluation materials (e.g., scoring guidelines and forms, completed score sheets for individual evaluators (including notes), evaluation committee's combined score sheets, evaluation committee's recommendations, and management's decision);

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- E) Protests and resolutions;
- F) Contracts and any orders, changes, amendments, renewals or extensions.

- 2) All information from subsection ~~(t)(4)~~(1), less any information exempt from disclosure under the Freedom of Information Act, shall be prepared and made available for inspection and copying, with information from subsections ~~(t)(4)~~(1)(A) through (D) made available on the date any award is posted to the Bulletin.

uv) Communications Related to Procurement

- 1) Any IOC employee who receives a written or oral communication that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including but not limited to an application, contract or project, shall report the communication to the IOC PPB.
- 2) A communication must be reported if it is material, if it regards a potential action, if it relates to a procurement matter and if it is not otherwise excluded from reporting.

A) Materiality

- i) "Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance.
- ii) A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to communications initiated by an employee of the IOC for

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purposes of providing information for the evaluation of new products, trends, services or technologies.

- iii) In determining whether a communication is material, the State employee may consider:
- Whether the information conveyed is new or already known to the IOC (or repeated or restated privately) and other participants in the communication; and
 - The likelihood that the information would influence a pending procurement matter.
- B) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.
- 3) This Section does not apply to the following communications:
- A) Communication regarding the procurement of items that have a contract value less than the small purchase amount stated in Section 1120.2020;
 - B) Communications made in a public forum;
 - C) Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of the matter;
 - D) Communications regarding the administration and implementation of an existing contract (see 30 ILCS 500/50-39(a));
 - E) Communication between the IOC employee and:
 - i) the Comptroller;
 - ii) other State employees of the IOC;

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- iii) employees of the Executive Ethics Commission;
- iv) an employee of another State agency who, through the communication, is either:
 - exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate CPO; or
 - exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities;
- F) Unsolicited communications providing general information about products, services or industry best practices, prior to those products or services becoming involved in a procurement matter;
- G) Communications received in response to procurement solicitations pursuant to the Code, including, but not limited to, vendor responses to an RFI, RFP, Request for Qualifications or IFB, or a small purchase, sole source or emergency solicitation, and questions and answers posted to the Bulletin to supplement the procurement action. This exemption is not applicable unless the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines;
- H) Communications that are privileged, protected or confidential under law;
- I) Communications that are part of the formal procurement process as set out by statute, rule or procedure, such as the posting of procurement opportunities, the process for approving a Procurement Business Case (as defined in 2 Ill. Adm. Code 1620.825(i)) or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes.

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- 4) Notwithstanding any exemption provided in subsection ~~(u)~~(v)(3), an IOC employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.
- 5) As soon as is practicable, but in no event more than 30 days after receipt of the communication or the first of a series of communications described in subsection ~~(u)~~(v)(2), the State employee shall report the communication in accordance with Section 50-39 of the Code.
- 6) For purposes of this Section, "State employee" means:
 - A) any person employed full-time, part-time or pursuant to a personal services contract with the State and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed; or
 - B) any appointed or elected commissioner, trustee, director or member of a board of a State agency; or
 - C) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.
- 7) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02], but also other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required. Examples include educational seminars and conferences.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1120.2020 Small Purchases

- a) Application

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- 1) *Amount. Any individual procurement of supplies or services not exceeding \$100,000 and any procurement of construction not exceeding \$100,000, or any individual procurement of professional or artistic services not exceeding \$100,000 may be made without competitive source selection. Procurements shall not be artificially divided so as to constitute a small purchase under this Section. [30 ILCS 500/20-20(a)]*~~Procurements of \$33,500 or less for supplies or services, including those for professional and artistic services, and of \$40,100 or less for construction, may be made without advance notice, competition or use of any prescribed method of source selection.~~
 - 2) *Adjustment. Each July 1, the small purchase maximum established in subsection (a)(1) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100. [30 ILCS 500/20-20(b)]*~~Any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter, shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter. Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and are updated annually.~~
- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.
 - c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).
 - d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the CPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement

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Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

- e) Notice of award shall be published in the Bulletin no later than 10 business days after the contract is awarded.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1120.2025 Sole Economically Feasible Source Procurement

- a) **Application**
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 1120.2020 or unless emergency conditions exist as defined in Section 1120.2030.
- b) **Conditions for Use of Sole Source Procurement**
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
 - 1) the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;
 - 2) a sole supplier's items are needed for trial use or testing;
 - 3) a sole supplier's item is to be procured for commercial resale;
 - 4) public utility regulated services are to be procured;
 - 5) the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
 - 6) the procurement is of media and advertising;
 - 7) the procurement is of art or entertainment services; and

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- 8) existing contracts are being changed (see subsection (c)).
- c) Changes
- 1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the CPO determines that the cost of delay or disruption to the contract or program, and the cost of new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.
 - 2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 1120.2020 or that is an emergency as defined in Section 1120.2030, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.
- d) CPO to Determine
- 1) The determination as to whether a procurement shall be made as a sole source shall be made by the CPO. The determination and the basis for the determination shall be in writing. The CPO may specify the application of the determination and the duration of its effectiveness.
 - 2) Any purchase request submitted to the CPO suggesting that a procurement be restricted to one potential vendor shall be accompanied by an explanation as to why no other vendor will be suitable or acceptable to meet the need.
- e) Publication of Sole Source Notice
- The CPO shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract.
- 1) If no challenge to this determination is made by a vendor within the 14

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day period, the CPO may execute a contract with that vendor.

- 2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the CPO determines that more than one ~~economically~~ economically feasible source may be available and the sole source designation is, therefore, not appropriate, unless an emergency situation exists.

- 3) Any person challenging a sole source determination may request a public hearing.

f) Negotiation in Sole Source Procurement

The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

- 1) the vendor's name;
- 2) the amount and type of the contract; and
- 3) a listing of the supplies, services or construction procured under each contract.

g) Prohibition Against Amending a Contract for Professional or Artistic Services

The provisions of this Part shall not apply to an amendment to a contract for professional or artistic services if:

- 1) there is an increase in the amount paid under the contract of more than 5% of the initial award; or
- 2) the term of the contract would extend by a period not to exceed the time reasonably needed for a competitive procurement or 2 months, whichever is less.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART O: PREFERENCES

Section 1120.4545 Small Business

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- a) **Set-Aside-**
The CPO-GSDCMS may determine categories of goods or services procurements that will be set aside for small business located in Illinois. The SPO may contact the CPO-GSDCMS to determine whether a particular procurement has been set aside for small business, and, if so, the IOC may honor the set aside to the extent practicable.
- b) **Small Business List-**
The IOC may refer to the list of responsible vendors that meet the criteria of small business maintained by the CPO-GSDCMS. A business that fits the definition of small on the day of bid or proposal opening will be considered small for the duration of the contract.
- c) **Required Use-**
If the SPO wishes to make a procurement covered by a set-aside designation, the solicitation must note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses will be rejected as nonresponsive.
- d) **Withdrawal of Set-Aside-**
If the SPO determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the SPO shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Illinois Procurement Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.
- e) **Criteria for Small Business-**
Unless the SPO provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:
- 1) Independently owned and operated.
 - 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate

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factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

- 3) With annual sales for most recently ended fiscal year no greater than:
 - A) ~~\$10,000,000~~\$7,500,000 for wholesale business;
 - B) ~~\$10,000,000~~\$3,000,000 for construction business; or
 - C) ~~\$6,000,000~~\$1,500,000 for retail business.
- 4) With no more than 250 employees if a manufacturing business.
 - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most recently ended fiscal year.
 - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler or construction business, ~~then~~ the annual sales for each component may not exceed the higher of \$10,000,000 for a wholesaler, \$6,000,000 for a retailer, \$10,000,000 for a construction business, or the amounts shown in Section 45-45 of the Code~~amounts shown in subsection (e)(3)~~. For example, a business that is both a retailer and wholesaler may not have total sales exceeding ~~\$16,000,000~~\$9,000,000 and the retail component may not exceed ~~\$6,000,000~~\$1,500,000 and the wholesale component may not exceed ~~\$10,000,000~~\$7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (e)(4).
- 6) When computing the size status of a vendor, the number of employees and

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annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1120.4550 Contracting with Business Owned and Controlled by Minorities, WomenFemales, and Persons with Disabilities

- a) The Business Enterprise for Minorities, WomenFemales, and Persons with Disabilities Act [30 ILCS 575/0.01] (Act) sets a goal (minimum 2012%) for contracting with businesses owned by minorities, womenfemales, or persons with disabilities.
- b) ~~The~~ IOC hereby establishes a goal that at least 2012% of the dollar amount of contracts be awarded to businesses owned by minorities, womenfemales, or persons with disabilities. Of that 2012%, 75% shall be for womenfemale-owned businesses, 2% for businesses owned by persons with disabilities and not-for-profit entities for the disabled, and the remaining 115% for minority-owned businesses, unless these amounts are modified by the Business Enterprise Council for Minorities, WomenFemales, and Persons with Disabilities created under Section 5 of the Act [30 ILCS 575/5].
- c) The goal established in subsection (b) may be satisfied, in whole or in part, by counting expenditures made by IOC vendors to subcontractors.
- d) The CPO may undertake the following actions to reach the goal established in subsection (b):
 - 1) focus solicitation upon vendors from the list of certified businesses ascertained by the Business Enterprise Council for Minorities, WomenFemales, and Persons with Disabilities;

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- 2) advertise in appropriate media;
 - 3) divide job or project requirements, when economically, technically, and programmatically feasible, into smaller tasks or quantities;
 - 4) eliminate extended experience or capitalization requirements when programmatically feasible;
 - 5) identify specific, proposed projects, purchases, or contracts as particularly appropriate for participation by businesses owned by minorities, [womenfemales](#), or persons with disabilities; and
 - 6) establish set-asides in accordance with applicable law.
- e) The Act and the rules promulgated thereunder (44 Ill. Adm. Code 10) set forth the procedures for certification as a business owned by minorities, [womenfemales](#), or persons with disabilities.
- f) The CPO shall acquire and maintain a list of businesses certified by the Business Enterprise Council for Minorities, [WomenFemales](#), and Persons with Disabilities. The names and addresses of certified vendors shall be made available to the public.
- g) Those categories of contracts and expenditures exempted by the Business Enterprise Council for Minorities, [WomenFemales](#), and Persons with Disabilities as set forth in its rules (44 Ill. Adm. Code 10.22) are exempt from the contracting goal established in this Section. In addition, the CPO may exempt specific contracts or expenditures from the goal prior to the advertisement for bids or solicitation of proposals, when the CPO has determined, based upon the best information available at the time of the determination, that there is an insufficient number of businesses owned by minorities, [womenfemales](#), and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the specific contract or expenditure. A determination of the CPO made under this subsection shall be reduced to writing and published in the Illinois Procurement Bulletin.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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SUBPART P: ETHICS

Section 1120.5013 Conflicts of Interest Prohibited by the Code

- a) Any bid, proposal, offer of acceptance, or proposed contract must be reviewed for conflicts of interest pursuant to Section 50-13 of the Code. If a conflict is found, no contract will be executed unless the CPO requests and is granted an exemption by the Comptroller under Section 1120.5020 of this Part.~~An individual has a direct pecuniary interest in a contract when the individual is owed a payment in conjunction with performance of a contract, including but not limited to finders fees and commission payments.~~
- b) For the purpose of this Part, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise received a direct financial benefit in conjunction with performance of a contract, including finders fees and commission payments.~~Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, and the remaining amount is actually distributed to those entitled to receive a share of such income. In the case of a for profit corporation, distributable income means "dividends". When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.~~
- c) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, and the remaining amount is actually distributed to those entitled to receive a share of that income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.~~This Section does not apply to contracts with licensed professionals provided such contracts are competitively bid. (For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E of this Part.)~~
- d) This Section applies to those elected to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school districts, nor does it apply to those elected to federal offices in this State. This Section does not apply to contracts with licensed professionals, provided those contracts are competitively bid. For purposes of this Section,

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"bid" means procured pursuant to the competitive procedures identified in Subpart E.

- e) Additional exemptions to the application of this Part are listed in Section 50-13(f) of the Code.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section 1120.5550 Protests

- a) Protest Resolution by the CPO
An actual or prospective bidder, offeror or contractor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation or award.
- b) Complaint
Complainants should seek resolution of their complaints initially with ~~the~~ IOC. Complaints may be made verbally or in writing.
- c) Filing of Protest
- 1) Protests shall be made in writing to the CPO and shall be filed within 147 calendar days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Procurement Officer. Protests filed after the 147 calendar day period shall not be considered. With respect to a protest regarding specifications, the protest must be received within 147 calendar days after the date the solicitation was issued, and in any event must be received by ~~the~~ IOC at the designated address before the date for opening of bids or proposals.
 - 2) To expedite handling of protests, the envelope should be labeled "Protest". The written protest shall include as a minimum the following:
 - A) the name and address of the protester;

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- B) appropriate identification of the procurement and, if a contract has been awarded, its number;
 - C) a statement of reasons for the protest; and
 - D) supporting exhibits, evidence or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.
- d) Requested Information; Time for Filing
Any additional information requested by ~~the~~ IOC shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.
- e) Stay of Procurements During Protest
When a protest has been timely filed and before an award has been made, the CPO shall make no award of the contract and any award made shall be stayed until the protest has been resolved. The Comptroller may authorize award or reinstate the contract if necessary to protect the interests of the State.
- f) Decision by the CPO
Time for Decisions. A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.
- g) Effect of Judicial or Administrative Proceedings
If an action concerning the protest has commenced in court, the CPO shall not act on the protest but shall refer the protest to ~~the~~ IOC's Chief Legal Counsel.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1120.5560 Hearings and Decisions

- a) This Section shall govern~~The CPO shall conduct~~ public hearings held prior to awarding contracts for sole source procurements pursuant to Section 20-25 and before extending emergency procurements pursuant to Section 20-30.

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- b) Notice of hearings shall be published in the Bulletin at least 14 days prior to the date of the public hearing.
 - 1) All notices shall include the date, time and location of the public hearing.
 - 2) Notices for sole source procurements shall include the sole source procurement justification form, a description of the item to be procured, and the intended sole source contractor.
 - 3) Notices for extending emergency procurements shall include the CPO's written justification for the emergency contract and the name of the contractor.
- c) A copy of the notice and all documents provided at the hearing shall be included in the subsequent issue of the Bulletin.
- d) Any person~~The IOC PPB and members of the public~~ may present testimony at the hearings.
- e) The hearings shall be held in the offices of the Comptroller or at some other convenient location readily accessible to members of the public.
- f) The CPO or his or her designee shall preside over the hearings and shall issue a written determination within 14 calendar days after the conclusion of the hearing.
- g) Copies of all statements and exhibits introduced at the hearings, written determination of the CPO or designee, and a summary of the proceedings at the hearings shall be included in the appropriate procurement files.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.93 Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-113
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking slightly modifies the road test and restrictions for those drivers who seek a restricted local license to drive only to certain locations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.1	Amendment	41 Ill. Reg. 10906; August 25, 2017
1030.92	Amendment	41 Ill. Reg. 10906; August 25, 2017
1030.85	Amendment	41 Ill. Reg. 11889; Sept. 29, 2017
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii

SECRETARY OF STATE

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

217/557-4462

- 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: The rulemaking was not anticipated at the time Agendas were prepared.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses

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- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card

- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August

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10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4,

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2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. _____, effective _____.

Section 1030.93 Restricted Local Licenses

- a) An applicant for a restricted local license shall reside in a locality with a population of 3500 or less. The initial application for a restricted local license must be accompanied by a special restricted license request form. The request form shall include the applicant's full name and address, including the county. It shall also include the applicant's gender, height, weight, hair color, eye color, birth date and driver's license number. The applicant shall supply the reason why a restricted local license is necessary.
- b) At a facility, the applicant must pass the vision test found in Section 1030.70 and the written test if it is required by IVC Section 6-109(c). The applicant shall pay the statutory fee required in IVC Section 6-118.
- c) A person who has failed a road test for a driver's license, but has passed the other tests referred to in subsection (b), is eligible to apply for a restricted local license.
- d) Applications for restricted local licenses that comply with Section 1030.93(a) and (b) shall be approved by the Driver Analysis Division of the Department. An authorization will be provided to the Regional Manager or designee in the area in which the applicant resides. The Regional Manager or designee will assign the road test to the facility closest to the applicant's home or the facility that made the initial request. The applicant will be contacted by the Regional Manager or designee to set up a convenient date and time to administer the restricted local license road test.
- e) The Regional Manager or designee will go to the applicant's home to map out

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~~locations~~a route the applicant wishes to ~~drive~~use. The road test will be administered utilizing the ~~locations~~same route that has been mapped out and will test the basic driving skills provided in Section 1030.85.

- f) If the applicant passes the test, the Driver Analysis Division shall mail the applicant the restricted local license. The restricted local license shall restrict the driver to the ~~locations driven during the road test given~~route that was used on the road test.
- g) Approximately three weeks before the driver is due to renew the restricted local license, the Driver Analysis Division shall send a letter to the driver stating the expiration date of the license and renewal requirements. The applicant shall present the letter to a facility employee and take the required tests, pursuant to IVC Section 6-109(c). Upon successful completion of the test or tests, the facility employee shall submit a request for the road test portion of the testing.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Obligations of Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 412
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
412.10	Amendment
412.15	New Section
412.30	Repealed
412.100	Amendment
412.105	New Section
412.110	Amendment
412.115	New Section
412.120	Amendment
412.130	Amendment
412.140	Amendment
412.150	Amendment
412.160	Amendment
412.165	New Section
412.170	Amendment
412.180	Amendment
412.190	Amendment
412.200	Amendment
412.210	Amendment
412.220	Amendment
412.230	Amendment
412.240	Amendment
412.250	Amendment
412.300	Amendment
412.310	Amendment
412.320	Amendment
412.330	New Section
412.340	New Section
412.APPENDIX A	New Section
- 4) Statutory Authority: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].
- 5) Effective Date of Rules: November 1, 2017

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14931; November 4, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A number of substantive changes were made to the proposed rulemaking. These include the following: (1) the addition of subsection (d) to Section 412.105, Use of Utility Logo and Name, to allow an RES that is affiliated with an Illinois public utility and that was providing RES service on January 1, 2016, to continue using the utility's name, logo, and other identifying representations outside the utility's service territory; (2) the revision of subsection (g) in Section 412.120, In-Person Solicitation, to allow for the use of either a letter of agency or a third-party verification following an in-person solicitation that results in an enrollment; (3) the revision of subsection (d) of Section 412.130, Telemarketing, to require that a telemarketing solicitation that results in a telephone enrollment be recorded and the recording be retained for at least two years, rather than the longer of two years or the entire period the customer is served by the RES; (4) the revision of subsection (c) of Section 412.140, Inbound Enrollment Calls, to require that inbound calls that result in an enrollment be recorded and the recording be retained for at least two years, rather than the longer of two years or the entire period the customer is served by the RES; (5) the deletion of proposed subsection (d) of Section 412.140, which would have required the use of third-party verification for inbound enrollment calls; (6) the revision of subsection (d) of Section 412.165, Rate Notice to Customers, and the addition of subsections (g) and (h) to that section; (7) the revision of Section 412.180, Records Retention and Availability, to keep existing language in subsections (a) and (b) that requires an RES to retain records of a change of supplier and a customer's contract for the longer of two years or the length of the contract, rather than the longer of two years or the entire period of service with the RES, as proposed during first notice; (8) the revision of subsection (c) of Section 412.190, Renewable Energy Product Descriptions, to remove the proposed requirement that a renewable energy certificate underlying a claim of the use of "green" or "renewable" energy have been generated in the year of its retirement or in the two

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preceding years; and (9) the revision of subsection (c) of Section 412.240, Contract Renewal, concerning the methods by which an RES is required to contact a customer prior to the renewal of a contract. Also, the proposed amendment to Section 412.20—a nonsubstantive change—is not being made.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In this rulemaking and in a companion proceeding involving Part 453, Internet Enrollment Rules, the Commission is making changes to rules that regulate the marketing practices of retail electric suppliers. The changes will expand consumer protections through additional marketing controls of sales solicitations, will standardize contract content and descriptions, and will require that suppliers post their residential offers on the agency's website.
- 16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
412.10	Definitions
412.15	Compliance
412.20	Waiver
412.30	Construction of this Part (Repealed)

SUBPART B: MARKETING PRACTICES

Section	
412.100	Application of Subpart B
412.105	Use of Utility Logo and Name
412.110	Minimum Contract Terms and Conditions
412.115	Uniform Disclosure Statement
412.120	In-Person Door-to-Door Solicitation
412.130	Telemarketing
412.140	Inbound Enrollment Calls
412.150	Direct Mail
412.160	Online Marketing
412.165	Rate Notice to Customers
412.170	Conduct, Training and Compliance of RES Agents
412.180	Records Retention and Availability
412.190	Renewable Energy Product Descriptions

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section	
412.200	Application of Subpart C
412.210	Rescission of Sales Contract
412.220	Deposits

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412.230	Early Termination of Sales Contract
412.240	Contract Renewal
412.250	Assignment

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section	
412.300	Application of Subpart D
412.310	Required RES Information
412.320	Dispute Resolution
412.330	Failure to Comply
412.340	Severability

[412.APPENDIX A Uniform Disclosure Statement](#)

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 36 Ill. Reg. 17886, effective January 1, 2013; amended at 41 Ill. Reg. 13972, effective November 1, 2017.

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means an entity *that offers for sale or lease, or delivers or furnishes, [electric](#) power or energy to retail customers.* (See 220 ILCS 5/16-102.)

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an RES, by a customer or other entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer" means:

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a retail customer as defined by the Act as a single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or is served by a municipal system or electric cooperative; or

an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]

"Early termination fee" means a fee or penalty for terminating a contract for electric power and energy service before the end of the contract term.

"Electric utility" means *a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area. [220 ILCS 5/16-102]*

"Enrollment" means the process by which a customer contracts with an RES to provide the supply portion of electric service and the RES submits a valid direct access service request to the utility to effectuate that contract.

"Fixed rate" means that the per kWh charge for electric power and energy service remains the same for the term of the contract.

"Inbound enrollment call" means a telephone call to an RES agent initiated by a customer that results in either an enrollment or a change of provision of his or her electric power and energy service.

"In-person solicitation" means any sale initiated or conducted when the RES agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

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"Pending enrollment" means a valid direct access service request that has been accepted by an electric utility, for which the meter read switch has not yet occurred.

"Renewable energy credit" or "REC" means a tradeable credit that represents the environmental attributes of one megawatt hour (1,000 kWh) of energy produced from a renewable energy resource. [20 ILCS 3855/1-10]

"Renewable energy resources" means, according to 42 USC 7372, any energy resource that has recently originated in the sun. "Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, tree waste, hydropower that does not involve new construction or significant expansion of hydropower dams, and landfill gas produced in Illinois. "Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood. [20 ILCS 3855/1-10]

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for electric power and energy service on behalf of an RES.

"Recission" or "to rescind" "~~Rescind~~" means the cancellation of a contract with an RES and/or pending customer enrollment to an RES during a grace period in which no early termination fees can be assessed, without the incurrance of an early termination fee.

"Residential customer" means a person receiving gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers outside their service areas or providing competitive non-tariffed service and alternative retail electric suppliers (ARES) (see Section 16-116 of the Act).

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"Send" or "Sent", when used in this Part to describe the action to be taken by a Retail Electric Supplier of sending a document to a residential customer or small commercial retail customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 ~~kWh~~kilowatt hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 ~~kWh~~kilowatt hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises, even if measured by more than one meter, and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RES as to a customer's status as a small ~~retail~~-commercial retail customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" or "TPV" means the process required by described in Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE(b)] ~~and required~~ to be used to verify that the customer wants to make a change in electric supplier. An RES or its agent shall not describe the TPV as having any other purpose.

"Time-of-use rate" means that the per-unit charge for electric power and energy service changes more than once per month.

"Transferred call" means any enrollment call to an RES in which the customer did not directly dial an RES agent. This includes calls that originate as live or automated calls to the customer, who then might select an option that results in the call being forwarded to an RES agent. "Transferred call" does not include enrollment calls in which the customer directly dials an RES call center and selects to be forwarded to an RES agent from a call center menu or live operator. For purposes of enrollment compliance, transferred calls shall be treated as telemarketing within the meaning of Section 412.130.

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"Variable rate" means that the per-unit charge for electric power and energy service changes at any time during the term of the contract but does not change more than once per month.

"Written" or "in writing" means a hard copy. When this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as both the RES and the customer have agreed to electronic communication.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.15 Compliance

The Commission shall require implementation of each requirement on the first day of the month following 6 months from the date of the Commission's final order, unless the Commission grants an extension of time for cause.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.30 Construction of this Part (Repealed)

~~In the event of any conflict between this Part and the requirements provided in electric utility tariffs on file with the Commission as of January 1, 2013, this Part shall control. Electric utility tariffs approved after January 1, 2013 shall comply with this Part.~~

(Source: Repealed at 41 Ill. Reg. 13972, effective November 1, 2017)

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

- a) The provisions of this Subpart shall only apply to an RES serving or seeking to serve residential or small ~~retail~~ commercial retail customers, and only to the extent that ~~an~~ the RES ~~provides~~ provide services to residential or small ~~retail~~ commercial retail customers.
- b) The following exceptions to Subpart B apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to an RES serving or seeking to serve any retail customer, other than an RES certified under Subpart E of, or under the applicable of Subpart

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B or C of, 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.105 Use of Utility Logo and Name

- a) An RES shall not utilize the logo of a public utility in any manner.
- b) An RES shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an RES is soliciting on behalf of or is an agent of a utility.
- c) An RES shall not utilize the name, or any other identifying insignia, graphics or wording that has been used at any time to represent a public utility company or its services, to identify, label or define any of its electric power and energy service offers.
- d) Notwithstanding anything in this Subpart B or elsewhere in this Part 412, an RES that is an affiliate of an Illinois public utility, and that was doing business in Illinois providing RES service as of January 1, 2016, may continue to use that public utility's name, logo, identifying insignia, graphics, or wording in its business operations occurring outside the service territory of the public utility with which it is affiliated.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.110 Minimum Contract Terms and Conditions

The sales contract shall contain the disclosures specified in this Section in 12-point type size or larger, in the order presented in this Section. The disclosures specified in this Section shall appear at the beginning of the sales contract; no other contract terms shall precede these disclosures must disclose the following information to the customer, regardless of the form of marketing used. Any additionalThe sales contract language shall must use 10-point type size font

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or larger, ~~and, if it is a separate document, it must not exceed two pages in length.~~ The sales contract shall include the following disclosures:

- a) The legal name of the RES and the name under which the RES will market its products, if different;
- b) The ~~RES'~~ business address of the RES;
- e) ~~The RES' toll free telephone number for billing questions, disputes and complaints, as well as the Commission's toll free phone number for complaints;~~
- cd) The charges for ~~the~~ service for the term length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;
- d) For any product for which the price includes a fixed monthly charge, that does not change with the customer's usage and does not include all supply and delivery service charges, the RES shall provide an estimated total bill for electric service using sample monthly usage levels of 500, 1,000 and 1,500 kWh;
- e) For any product offered at a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the RES must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for electric service and identifying which charges are not included in the fixed monthly charge;
- f) The term length of the contract, including any applicable possible automatic renewal clause disclosed in a manner consistent with this Part;
- gf) Whether an~~The presence or absence of~~ early termination ~~fees~~ or penalty will be imposed for termination of the contract by the customer prior to the expiration of its term and the penalties, applicable amount amounts. If the early termination fee or penalty is not a set amount, the RES shall disclose the manner in which that fee will be calculated or the formula pursuant to which they are calculated;
- hg) If the RES intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the RES shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the deposit or prepayment will be calculated and the

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~~circumstances in which the deposit or prepayment will be refunded. Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;~~

- i) Any fees assessed by the RES to a customer for switching to the RES;
- ii) ~~If an RES represents that a customer will realize savings under any conditions or circumstances, the RES shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the savings to be realized. The statement shall disclose the entity or entities and price or prices to which the RES is comparing its own offer for purposes of assessing or calculating savings. The name of the power and energy service for which the customer is being solicited;~~
- j) ~~A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;~~
- k) A statement that the customer may contact the RES to rescind the contract and the pending enrollment; within 10 calendar days after the electric utility processes the enrollment request, ~~by contacting the RES~~. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility. ~~The statement shall provide both toll free phone numbers;~~
- l) A statement that the RES is an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that the RES agent is not representing, endorsed by, or acting on behalf of, ~~at the electric utility or a utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body~~ bodies (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) ~~or consumer groups;~~
- m) A statement that:
 - 1) the electric utility remains responsible for the delivery of electric power and energy to the customer's premises and will continue to respond to any service calls and emergencies; ~~and that~~

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- 2) the customer will receive written notification from the electric utility confirming a switch of the customer's electricity supplierswitching to an RES will not impact the customer's electric service reliability; and
- n) The toll-free telephone numbers for the RES, the electric utility, and the Commission's Consumer Services Division.A statement that the customer will receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;
- o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and inbound enrollment calls, the statement shall be provided in accordance with Sections 412.130(e) and 412.140(c); and
- p) A price per kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide an estimated price per kWh for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.115 Uniform Disclosure Statement

- a) All RES product offers for residential and small commercial customers require a one-page Uniform Disclosure Statement (UDS) using the form in Appendix A.
- 1) All text in the UDS shall be printed in a 12-point type or larger.
- 2) The UDS may include a logo of the RES.

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- 3) The UDS shall not contain any items other than those found in Appendix A or described in this Section.
- b) The disclosures in the UDS shall conform to Appendix A and shall include the information listed in this subsection (b), in the order listed.
- 1) Name: The legal name of the RES and the name under which the RES will market its products, if different.
 - 2) Address: The RES' business address and internet address.
 - 3) Phone: The RES' toll-free telephone number and hours of availability.
 - 4) Price: The price in cents per kWh and the number of months the price stays in effect.
 - A) If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollar amounts instead.
 - B) If the price is a custom price, the UDS shall include the word "custom" and the RES shall replace "custom" with the price offered to a particular customer once the RES has determined the custom price for the customer.
 - C) If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase "Refer to contract."
 - D) If the price is a price that varies more than once a month, the UDS shall include the phrase "Time-of-use. Refer to contract."
 - 5) Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, that charge shall be disclosed in dollar amounts.
 - 6) Total Price with Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, and the fixed monthly charge does not include all supply and delivery service

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charges, the UDS shall display the total price in cents per kWh at sample usage levels of 500, 1,000 and 1,500 kWh.

- 7) Length of the Contract: The length of the contract in months.
- 8) Subsequent Prices after the Initial Price: If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state the price in cents per kWh and the number of months that price will stay in effect. If the price after the initial price is a price that includes a fixed monthly charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kWh at sample usage levels of 500, 1,000 and 1,500 kWh. If the price after the initial price is a rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the electric utility's rate during any given period." If the price after the initial price is a variable rate, yet one or both of the statements in the preceding sentence do not apply, the UDS shall include the following: "Variable. Refer to contract". If the price is a price that varies more than once a month, the UDS shall include the phrase "Time-of-use. Refer to contract."
- 9) Early Termination Fee: The UDS shall disclose the amount of the early termination fee or penalty, if any. If the early termination fee or penalty is not a set amount, the UDS shall disclose the manner in which the fee or penalty will be calculated.
- 10) Contract Renewal: The UDS shall disclose whether the contract renews automatically.
- 11) Rescission: The UDS shall include the following: "You have a right to rescind (stop) your enrollment within 10 calendar days after your utility has received your order to switch suppliers. You may call us at (insert toll-free number) or your utility at (insert toll-free number) to rescind."
- 12) Cancellation: The UDS shall include the following: "You also have the right to terminate the contract without any termination fee or penalty if you contact us at (insert toll-free number) within 10 business days after the date of your first bill with charges from (RES name)."

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- 13) Seller: The UDS shall include the following: "This is a sales solicitation and the seller is (insert RES name), an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)."
- 14) Questions/Information: The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795. For information about the electric supply price of your utility and offers from other retail electric suppliers, please visit PlugInIllinois.org."
- 15) Date of Solicitation: The UDS shall state the date the customer was solicited.
- 16) Agent ID: The UDS shall include an agent ID.
- 17) Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per kWh price and a one-year price history, or history for the life of the product, if it has been offered less than one year, are available on the RES' website and at a toll-free number. An RES shall not rename a product in order to avoid disclosure of price history.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.120 In-person~~Door-to-Door~~ Solicitation

- a) An RES agent shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission ~~and~~. ~~An RES agent shall not state or otherwise imply~~ that he or she is not employed by, representing, endorsed by, or acting on behalf of, ~~at the electric utility, or a utility program, a consumer group or consumer group program, or~~ a governmental body (unless the RES has entered into a contractual arrangement with the

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governmental body and has been authorized by the governmental body to make the statements), ~~or a consumer group.~~

- b) If any sales solicitation, agreement, contract or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language. When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.
- c) RES agents who engage in ~~in-person door-to-door~~ solicitation for the purpose of selling electric power and energy service offered by the RES shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following:
- 1) The RES agent's full name in reasonable size font;
 - 2) An agent ID number;
 - ~~3)~~ A photograph of the RES agent; and
 - ~~4)~~ The trade name and logo of the RES the agent is representing. If the agent is selling electric power and energy services from multiple RES to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.
- d) The RES agent shall leave the premises at the customer's, owner's or occupant's request. In the absence of local ordinances or regulations, RES and their agents shall not conduct in-person solicitation at residential dwellings before 9:00 a.m. and after 7:00 p.m. or civil dusk, whichever is earlier.
- e) The RES agent shall ~~ensure that~~, during the sales presentation to the customer, verbally disclose the items listed in Section 412.110(a) and (c) through (n) items

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~~(d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally disclosed to the customer unless the sales presentation is terminated by the customer before the disclosures are completed. An RES agent may disclose the items in any order, provided that as long as all applicable items are explained to the customer during the sales presentation.~~

- f) ~~The RES agent shall require the customer to initial the RES agent's copy of the uniform disclosure statement. A copy of the UDS uniform disclosure statement described in Section 412.115 and Appendix A is to be left with the customer at the conclusion of the visit unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents an RES agent from providing the UDS electronically instead of in paper form to a customer upon that customer's request. The minimum list of items to be included in the uniform disclosure statement is contained in Section 412.110. The RES agent shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the RES' name and contact information, including telephone number.~~
- g) ~~In-person solicitations that lead to an enrollment require a Letter of Agency or a third-party verification. If a customer's enrollment is authorized by third party verification during door to door solicitation, the third party verification is used, it shall obtain the customer's acknowledgement require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(c) and (e) through (n). Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The RES agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The RES shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.~~
- h) ~~The RES agent shall not conduct any in-person solicitations at any building or premises where any sign, notice or declaration of any description whatsoever is posted that prohibits sales, marketing or solicitations. When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.~~

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- i) The RES agent shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or occupant of the dwelling shall not constitute consent to market to any other prospective customers in the dwelling without separate consent. Upon a customer's request, the RES shall refrain from any further marketing to that customer.
- j) Upon a customer's request, the RES shall not conduct any further marketing to that customer until the customer requests to receive further marketing. The RES shall notify its agents of a customer's request.
- k) Each RES shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The RES shall maintain a record confirming that a criminal background check has been performed on its employees or agents in accordance with this Section.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.130 Telemarketing

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an RES agent who contacts customers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and, ~~on request, the~~ identification number ~~if the RES has assigned one to the agent~~. The RES agent shall state that he or she represents an independent seller of electric power and energy service, certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, ~~the electric utility~~ or a utility program, a consumer group or a consumer group program, or a governmental body or a program of a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), ~~or a consumer group~~.
- b) When it ~~would be~~ is apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, ~~or and~~ the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.

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- c) An RES agent shall ~~ensure that~~, during the sales presentation to the customer, ~~items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are~~ verbally make to the customer all disclosures required by Section 412.110(a) and (c) through (n) and any information included in the UDS required by Section 412.115 that is not included in Section 412.110(a) and (c) through (n) disclosed to the customer, unless the sales presentation is terminated by the customer before the disclosures are completed. An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.
- d) Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years. All telemarketing calls that do not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment.~~If an RES agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must require the customer to verbally acknowledge that he or she understands items (d) through (p) of the uniform disclosure statement in Section 412.110.~~
- e) For telemarketing that leads to a completed telephone enrollment, a third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(c) through (m). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An RES agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established.
- f) The ~~UDS uniform disclosure statement~~ and contract ~~shall~~must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.
- g) Upon a customer's request, the RES shall refrain from any further marketing to that customer. The RES shall notify its agents of a customer's request.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

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Section 412.140 Inbound Enrollment Calls

~~If a customer initiates a call to an RES agent in order to enroll for service, the agent must:~~

- a) ~~The RES agent shall fully comply with~~Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act. An RES agent shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements);
- b) ~~The RES agent shall verbally make to the customer the disclosures required by Section 412.110(a) and (c) through (n)~~Verbally disclose to the customer items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)). An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; ~~and~~
- c) All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment;
- de) ~~The RES shall send~~Send the ~~UDS~~uniform disclosure statement and contract to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.150 Direct Mail

- a) ~~If an RES agent contacts~~agents contacting customers for enrollment for electric power and energy service by direct mail, the direct mail material shall include all the disclosures required in ~~items of the uniform disclosure statement (Section~~

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412.110) for the service being solicited. Statements in direct~~Direct~~ mail material shall not claim that the RES agent represents, is endorsed~~make any statements of representation of, endorsement by, or is acting on behalf of, at the electric utility or a utility program, a consumer group or program, or, a governmental body or program~~ (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)~~or a consumer group~~.

- b) If a direct mail solicitation includes a written Letter of Agency, the direct mail solicitation shall include the items listed in Section 412.110(a) and (c) through (i) and also the UDS described in Section 412.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written LOA~~Letter of Agency~~ is being used to authorize a customer's enrollment, it~~the written LOA shall comply with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and~~ shall contain a statement that the customer has read and understood each of the disclosures required by Section 412.110(a), (c) and (e) through (m)~~the items contained in the uniform disclosure statement in Section 412.110. The documents~~document containing the Section 412.110 disclosures and~~items of the UDS~~uniform disclosure statement must remain with the customer.
- c) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 412.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 412.160 shall apply.
- de) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.160 Online Marketing

- a) Each RES offering electric power and energy service to customers online shall clearly and conspicuously make all disclosures required by Section 412.110~~display the items of the uniform disclosure statement (Section 412.110)~~ for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought, unless the RES secures consent to obtain

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customer-specific information for the purposes of pricing a product through a letter of agency or another Commission-approved method. The RES' ~~marketing~~ RES internet and electronic material shall not make any statements that it is a representative of representation of, endorsed endorsement by, or acting on behalf of, ~~the electric utility or a utility program, a consumer group or a program run by a consumer group,~~ a governmental body or a program run by a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) ~~or a consumer group.~~

- b) The ~~UDS document containing the items of the uniform disclosure statement~~ must be printable in a PDF format ~~not to exceed two pages in length~~ and shall be available electronically to the customer.
- c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act, an authorization to change RES that confirms and includes appropriate verification data by encrypted customer input on the RES website.
- d) The enrollment website of the RES shall, at a minimum, include:
- 1) All disclosures required by items within the uniform disclosure statement (Section 412.110);
 - 2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and
 - 4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.165 Rate Notice to Customers

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- a) At least 30 days prior to the start of a billing cycle, each RES shall make available on its website, or through the customer's account login, the variable and time-of-use rates for its residential customers applicable for that billing cycle. The RES must disclose the one-month period to which the rates will apply. In addition, each RES shall provide the rate information to its variable and time-of-use rate customers who request it through the RES' toll-free number. The customer's contract shall contain the website address and toll-free phone number for the customer to obtain variable and time-of-use rate information in accordance with this Section.
- b) If the RES uses the utility's single bill pursuant to Section 16-118(d) of the Act to bill its residential variable or time-of-use rate customers, the RES shall use the allotted space on the bill to disclose the customer's variable or time-of-use rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable or time-of-use rate from one monthly billing period to the next. When there is insufficient available allotted space on the bill for the RES to make these disclosures each month, the RES shall ensure that no residential variable or time-of-use rate customer receives consecutive monthly bills that fail to disclose upcoming variable or time-of-use rates in the bill's message section. If the RES bills its residential variable or time-of-use rate customers directly, the RES shall ensure that those customers' bills always contain the variable or time-of-use rate information described in this Section. If the electric utility's implementation of Section 16-118(d) prevents an RES from complying with this Section, the RES shall include a bill message that contains the toll-free phone number and/or website address where the variable or time-of-use rate information can be obtained by the customer. The requirements of this subsection to provide notifications in customer bills do not apply if the RES sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.
- c) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, the RES shall send a separate written notice to the customer, informing the customer of the upcoming rate change.
- d) Subsections (a) through (c) shall not apply to contracts that disclose the formula that will allow a customer to determine the variable or time-of-use rate based on a publicly available index or benchmark. For contracts to which subsections (a) through (c) do not apply:

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- 1) The RES shall provide sufficient information on its website to identify the inputs to the formula used to calculate the variable or time-of-use rate, including the timing and location of the index or benchmark price and any other information necessary to calculate the rate;
 - 2) The RES shall provide clear and unambiguous information on the index or benchmark and any risks represented by the potential volatility (price spikes) involved in the rate calculations;
 - 3) Notice of the rates shall be available on the RES's website and by toll-free telephone as soon as reasonably practicable; and
 - 4) For time-of-use rates, high price notifications shall be given when the rate meets or exceeds a level set by the customer; notice shall be given as soon as practicable by telephone, email, or text message, as authorized by the customer.
- e) If a contract includes a provision that results in a change to the residential customer's rate plan, the RES shall send a separate written notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Plan Change";
 - 2) The bill cycle in which the changes to the rate plan will begin; and
 - 3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is eligible for one or more fixed rate offers from the RES, the RES shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.

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- f) An RES that currently enrolls residential customers on a variable or time-of-use rate for three consecutive months in any electric utility's service territory must, for a variable or time-of-use rate product, disclose on the RES' website and through a toll-free number the one-year price history, or history for the life of the product if it has been offered less than one year. An RES shall not rename a product in order to avoid disclosure of price history.
- g) If the contract includes a rate that changes, or has the potential to change, more than once a month (i.e., time-of-use rate) and if the specific prices per kWh for the duration of the contract are not specified in the contract, subsections (a) through (f) apply, but:
- 1) The written notice in subsection (c) is required if a change in the time-of-use rate structure leads to a 20% or greater increase in an estimated bill for the customer's next billing cycle based on a reasonable proxy of that customer's usage pattern for the upcoming billing cycle without any modifications to the customer's consumption patterns.
 - 2) The subsection (f) disclosures shall include an example of monthly bills paid by a reasonable proxy of the customer's usage pattern.
- h) Subsections (a) through (d) and subsection (f) do not apply to time-of-use rates when the timing and price per kWh for the duration of the contract are clearly and unambiguously specified in the contract.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.170 Conduct, Training and Compliance of RES Agents

- a) An RES agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.
- b) All RES agents ~~shall~~should be familiar with electric power and energy services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for

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billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.

- c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) No RES agent shall make a record of a customer's account number unless the customer has agreed to enroll with the RES or otherwise provided his or her consent to the release of that information in accordance with Commission orders and rules, except when the recording of this information is required by Sections 412.130 and 412.140.
- e) All RES agents shall complete a training program that covers the applicable Sections of this Part. The RES shall document the training of its agents and provide a certification to the Commission showing that an agent completed the training program prior to an agent being eligible to market or sell electricity in Illinois. The RES shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, an RES shall provide training materials and training records within seven business days.
- f) When an RES contracts with an independent contractor or vendor to solicit customers on the RES' behalf, the RES shall confirm that the contractor or vendor has provided training in accordance with this Section.
- g) Each RES shall monitor marketing and sales activities to ensure that its RES agents are providing accurate and complete information and complying with all laws and regulations.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.180 Records Retention and Availability

- a) An RES must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.

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- b) Throughout the duration of the contract, and for two years thereafter, the RES shall retain the customer's contract. Upon the customer's request, the RES shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile within seven business days. The RES shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.190 Renewable Energy Product Descriptions

- a) No RES shall state or imply in any marketing or promotional material that any electric~~Only~~ power and energy service marketed or sold by the RES is "green", "renewable", or "environmentally friendly" or provide any description that conveys the impression that the electric power and energy service has a reduced impact on the environment, unless the RES purchases and retires the appropriate number of RECs in addition to, and over and above, the power or renewable energy credits purchased, or the alternative compliance payments made, to satisfy that includes power and energy purchased entirely separate and apart from the renewable portfolio standard requirements applicable to RES under Section 16-115D of the Act can be marketed as "green", "renewable energy" or "environmentally friendly". Nothing in this subsection prevents an RES from stating that it complies with the Illinois Renewable Portfolio Standard if in fact it does so, but these statements must also disclose that every RES must comply with the Renewable Portfolio Standard because RPS compliance is required by law. An RES shall not identify its product as "green", "renewable", or use any other term or descriptor of like or similar meaning if it is only compliant with the RPS.
- b) An RES marketing "green", "renewable" or "environmentally friendly" electricity offers, or other offers of any description that convey the impression that the electric power and energy service has a reduced impact on the environment, in compliance with subsection (a), shall comply with the following:
- 1) disclose, on all materials used in the marketing of these offers and on its website, the following information:
- A) the total percentage of electric power and energy represented by subsections (b)(1)(B) and (b)(1)(C);

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- B) of the total electric power and energy used to supply customers pursuant to the offer, the percentage of electricity paired with RECs required to satisfy the RPS if greater than zero (accompanied by the RPS disclaimer language in subsection (a));
- C) of the total electric power and energy used to supply customers pursuant to the offer, the percentage of electricity paired with RECs in addition to, and over and above, the RPS;
- D) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.), of the RECs that were paired with the electric power and energy used in supplying electricity to customers pursuant to each offer;
- 2) disclose on all materials used in the marketing of these offers and on its website the percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that will be used in supplying the electricity to customers pursuant to each offer;
- 3) if an RES cannot comply with subsections (b)(1)(D) and/or (b)(2) because it has not committed to particular renewable energy resources and/or has not committed to a particular location or locations of renewable energy resources at the time it markets the offers, the RES shall disclose this fact in marketing materials and on its website. If the electricity product has been offered for 12 months or more, the RES shall disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois for the electricity product for the previous year. If the electricity product has been offered for fewer than 12 months, the RES must disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that it may purchase for the electricity product;
- 4) the disclosures required in subsections (b)(1) through (b)(3) shall also apply to offers posted by an RES on the Commission's PlugInIllinois.org website;

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- 5) within 14 months after enrolling a customer on a "green", "renewable" or "environmentally friendly" offer or offers of any description that convey the impression that the electric power and energy service has a reduced impact on the environment, and annually thereafter, the RES shall:
- A) provide the customer with a written disclosure of the following information for the customer's electric power and energy use:
- i) of the customer's total electric power and energy usage, the total percentage of electricity represented by subsections (b)(5)(A)(ii) and (b)(5)(A)(iii);
 - ii) of the customer's total electric power and energy usage, the percentage of electricity paired with RECs required to satisfy the RPS if greater than zero (accompanied by the RPS disclaimer language in subsection (a));
 - iii) of the customer's total electric power and energy usage, the percentage of electricity paired with RECs in addition to, and over and above, the RPS;
 - iv) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.) and locations (at a minimum by state) of the RECs that were paired with electricity used by the customer; and
- B) upon request, provide Commission Staff with the disclosure referenced in subsection (b)(5)(A) for each offer. In addition, the RES shall provide to Commission Staff, upon request, verification of the information submitted pursuant to this Section;
- 6) upon request of Commission Staff, the RES shall provide verification that the renewable energy credits claimed have been retired; and
- 7) the annual disclosure requirement of subsection (b)(5) shall apply to "green", "renewable" or "environmentally friendly" claims from RES serving customers in municipal aggregation programs.

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- c) For any electric power or energy service marketed or sold by an RES that is described as "green", "renewable" or "environmentally friendly", or by any term or descriptor of like or similar meaning, the RES shall retire the appropriate number of RECs.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to an RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES ~~provides~~provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to non-RES electric utilities.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.210 Rescission of Sales Contract

- a) The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing electric power and energy service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment and provide contact information for the RES. The written enrollment notice from the electric utility shall also provide information regarding the customer's rights under this Section, including contact information for the utility and the Commission, if the enrollment has been made in error or without the customer's consent.
- b) A residential customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility processes the enrollment request.

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- c) A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request.
- d) If the 10th calendar day falls on a non-business day, the rescission period will be extended through the next business day.
- e) In the event the residential customer provides notice of rescission to the electric utility, the electric utility shall notify the RES within one business day after processing a valid rescission request from the customer.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.220 Deposits

Any other provision of this Part notwithstanding, an~~an~~ RES shall not require a customer deposit if the RES is selling the receivables for electric power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.230 Early Termination of Sales Contract

Any contract between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee and shall comply with Section 16-119 of the Act. Any early termination fee or penalty shall not exceed \$50 for residential customers and \$150 for small commercial retail customers. The caps on early termination fees and penalties apply only to early termination fees and penalties for early termination of electric service. [220 ILCS 5/16-119] Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.

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(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.240 Contract Renewal

- a) Non-Automatic Renewal. The RES shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";
 - 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the RES shall include a UDS that identifies the new terms, as well as a side-by-side comparison of the material changes between the existing contract and the new contract; and
 - 4) A statement, in at least 12-point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.
- b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly and conspicuously disclose

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any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:

- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has until the end of the existing contract term to reject the new contract in order to avoid termination fees under the new contract~~If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term~~; and
 - 5) A clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract's terms differ from the existing contract, the RES shall include a UDS that identifies the new terms, as well as a side-by-side comparison of material changes between the existing contracts and the new contracts.
- c) In addition to sending documentation required by subsection (b) by U.S. Mail, an RES must alert the customer to the information contained in subsection (b) by one additional means of communication. The RES may provide for the customer's

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choice one or more options for this additional notification. Permissible forms of notification an RES may offer include e-mail, text message/SMS, postcards, or phone calls; provided, however, that the policy preference of the Commission is that an RES use phone calls when an RES is able to obtain a customer's express written consent to give notice in this manner. An RES may provide the additional notification by directing the customer to a website that contains the entirety of the information required by subsection (b). Each RES shall maintain records that the additional notification was sent to the customer for the longer of two years or one year after the customer is no longer served by the RES.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

- a) The new supplier is an RES;
- b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;
- c) The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided, however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract and so long as the customer is provided the disclosures described in Section 412.110;
- d) The customer is given 15 calendar ~~days~~ days prior written notice of the assignment by the current RES; and
- e) ~~Prior to~~ Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

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Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to an RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES ~~provides~~provide services to residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to non-RES electric utilities.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.310 Required RES Information

- a) Prior to the RES initiating marketing to residential and small commercial retail customers, and annually thereafter, the RES shall provide the following to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing) (combined billing for RES services and electric utility services);
 - 2) Standard customer contract;
 - 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.
- c) If the RES has declared force majeure within the past 10 years on any contracts to deliver ~~electric power and energy~~ services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.320 Dispute Resolution

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- a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right.
- b) A customer or prospective customer applicant for electric power and energy service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer's or prospective customer's complaint verbally, the RES shall inform the customer or prospective customer of the ability to request and obtain the RES' response in writing. When the RES responds, a customer or prospective customer ~~who is dissatisfied with the RES' response~~ shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.
- c) Complaints to the Commission
 - 1) Informal Complaints (see 83 Ill. Adm. Code 200.160)
 - A) ~~The~~If a complainant is dissatisfied with the results of an RES' complaint investigation, the RES shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer's informal complaint includes:
 - i) The customer's name, mailing and service addresses, and telephone number;
 - ii) The name of the RES;
 - iii) The customer's electric utility and RES account numbers;
 - iv) An explanation of the facts relevant to the complaint;
 - v) The complainant's requested resolution; and

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- vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.
- B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES' receivables or electric utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.
- C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the RES.
- D) The CSD shall review the complaint information and the RES' response and notify the complainant of the results of the Commission's investigation.
- E) While an informal complaint process is pending:
- i) The RES (or the electric utility in the case of the electric utility having purchased the RES' receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has ~~closed~~taken final action ~~on~~ the informal complaint; and
 - ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES' receivables or the utility presenting the RES' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
- F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name

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and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.

- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act and 83 Ill. Adm. Code 200.170.
- 3) Disclosure of RES' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

(Source: Amended at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

Section 412.340 Severability

If any provision of this Part is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

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Section 412.APPENDIX A Uniform Disclosure Statement**UNIFORM DISCLOSURE STATEMENT**Name:Address:Phone:

Rates and Product Information			
<u>Price (in cents/kWh) and number of months this price stays in effect:</u>			
<u>Other monthly charges:</u>			
<u>Total Price (in cents/kWh) with other monthly charges:</u>	<u>500 kWh</u>	<u>1,000 kWh</u>	<u>1,500 kWh</u>
<u>Length of contract:</u>			
<u>Price after the initial price:</u>			
Early Termination Fees and Contract Renewal			
<u>Early Termination Fee:</u>			
<u>Contract Renewal:</u>			
Right to Rescind and Cancel			
<u>Rescission:</u>	<u>You have a right to rescind (stop) your enrollment within 10 days after your utility has received your order to switch suppliers. You may call us at (toll-free number) or your utility at (toll-free number) to accomplish this.</u>		

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<u>Cancellation:</u>	<u>You also have the right to terminate the contract without any termination fee or penalty if you contact us at (toll-free number) within 10 business days after the date of your first bill with charges from (RES Name).</u>
----------------------	---

This is a sales solicitation and the seller is (RES Name), an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or utility program, a governmental body or a governmental program, or a consumer group or a consumer group program (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements).

If you have any concerns or questions about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795. For information about the electric supply price of your electric utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.

Date: _____

Agent ID: _____

(Source: Added at 41 Ill. Reg. 13972, effective November 1, 2017)

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- 1) Heading of the Part: Internet Enrollment Rules
- 2) Code Citation: 83 Ill. Adm. Code 453
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
453.10	Amendment
453.20	Amendment
453.30	Amendment
453.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].
- 5) Effective Date of Rules: November 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14971; November 4, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes have been requested.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In this rulemaking and in a companion proceeding involving Part 412, Obligations of Retail Electric Suppliers, the Commission

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is proposing changes to rules that regulate the marketing practices of retail electric suppliers. The proposed changes will expand consumer protections through additional marketing controls of sales solicitations, will standardize contract content and descriptions, and will require that suppliers post their residential offers on the Agency's website.

- 16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 453
INTERNET ENROLLMENT RULES

Section

453.10	Definitions
453.20	Criteria by Which to Judge the Validity of an Electronic Signature
453.30	Method by Which the Authenticity of Electronic Signatures May Be Proven
453.40	Additional Requirements for an Electronic Letter of Agency (LOA)

AUTHORITY: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

SOURCE: Adopted at 27 Ill. Reg. 9017, effective July 1, 2003; amended at 36 Ill. Reg. 13127, effective August 1, 2012; amended at 41 Ill. Reg. 14013, effective November 1, 2017.

Section 453.10 Definitions

"Electronic Signature" shall mean [a digitized recording of the handwritten signature of the executing person](#), an electronic sound, symbol, or process attached to or logically associated with a Letter of Agency (LOA) and executed by a person with the intent to sign the LOA. A recording of oral assent is not an electronic signature.

"Encryption" shall mean to convert information (especially a message) from one system of communication into another in a manner that allows the information to later be converted back into its original form.

"Internet Enrollment" means any electronic record except a recording of an oral assent, of a customer's authorization to change electric service providers, which satisfies the disclosure requirements of the LOA prescribed in 815 ILCS 505/2EE.

"Letter of Agency" [or "LOA"](#) shall mean the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS

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505/2EE] and referenced in Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A].

"Retail Electric Supplier" or "RES" shall mean either:

an Alternative Retail Electric Supplier (ARES) certified by the Illinois Commerce Commission pursuant to Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115], meeting all obligations of an ARES pursuant to Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A], and authorized to provide electric power and energy supply services in an Illinois electric utility's service territory; or

an Illinois electric utility as defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102] meeting all obligations provided in Sections 16-115A and 16-116 of the Public Utilities Act [220 ILCS 5/16-115A and 16-116].

"Retail Customer" or "Customer" shall have the same meaning as that stated in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102].

(Source: Amended at 41 Ill. Reg. 14013, effective November 1, 2017)

Section 453.20 Criteria by Which to Judge the Validity of an Electronic Signature

- a) An electronic signature ~~shall~~should indicate who signed the LOA.
- b) An electronic signature ~~shall~~should be unique to the signer.
 - 1) A digitized version of the handwritten signature of the executing person shall be self-authenticating.
 - 2) Other Forms of Electronic Signature
 - A) For any other form of electronic signature, a~~A~~ security procedure shall require unique and private information from the signer. This information ~~shall~~may include:
 - i) ~~A~~ Algorithms or codes;

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- ~~iiB)~~ Identifying words or numbers previously established or sent to signer's ~~registered~~ e-mail account provided by the signer to the RES; or and
- ~~iiiC)~~ Credit card verification.
- B) An internet protocol (IP) address alone will not satisfy the requirements of this subsection (b)(2). This information shall~~may~~ not include the customer's account number information that is also necessary to effect a switch of RESs.
- 32) No party shall~~may~~ use a signer's unique information disclosed under this Section for any marketing or billing purposes without specific separate consent from the signee.
- 43) The security procedure shall~~must~~ be provided on a securely encrypted web page; ~~security and encryption shall meet or exceed current industry practices.~~
- c) An electronic signature shall~~must~~ reliably indicate the date of the signature.
- d) Affixing an electronic signature to ~~an~~ LOA shall~~must~~ be a separate affirmative act.
- e) The LOA shall~~must~~ be conspicuously displayed on a separate screen or web page.

(Source: Amended at 41 Ill. Reg. 14013, effective November 1, 2017)

Section 453.30 Method by Which the Authenticity of Electronic Signatures May Be Proven

- a) The electronically signed LOA shall~~must~~ provide:

 - 1) The unique information used to sign the LOA; and
 - 2) The date signed.
- b) The party seeking to prove the authenticity of an LOA must demonstrate~~show~~:

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- 1) That the LOA was signed by the customer on the date claimed by ~~demonstrating~~~~showing~~ that the unique identifier used to sign the LOA and the date it was signed is embedded in the LOA; and
- 2) The electronically signed LOA has not been altered since ~~the date of~~ signing.

(Source: Amended at 41 Ill. Reg. 14013, effective November 1, 2017)

Section 453.40 Additional Requirements for an Electronic Letter of Agency (LOA)

- a) In addition to the ~~requirements set forth in Section 2EE of the Illinois Consumer Fraud and Deceptive Business Practices Act~~~~information and structure set out for an LOA in~~ [815 ILCS 505/2EE], by virtue of being in electronic form, an electronic LOA ~~shall~~~~must~~ provide the following additional information:
 - 1) The means by which any future correspondence between the customer and RES will be sent;
 - 2) Whether the customer has the option to receive correspondence ~~by via the~~ United States ~~Mail~~~~Postal Service~~ or electronic means; and
 - 3) ~~A disclosure stating that~~~~That~~ the customer may opt to receive a written copy of the contract.
- b) In addition to the ~~requirements~~~~procedures~~ set ~~forth~~~~out for a RES~~ in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act ~~[815 ILCS 505/2EE]~~, the RES ~~shall comply with~~~~also must abide by~~ the following procedures when utilizing electronic LOAs:
 - 1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;
 - 2) Ensure that the customer indicates by a separate affirmative act that ~~he or she~~~~it~~ has the authority to execute the electronic LOA;
 - 3) Ensure that the customer understands and assents to the LOA;

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- 4) Include a version number in the body of the electronic LOA in order to permit verification of the ~~particular~~ LOA to which the customer assents;
 - 5) Prompt the customer to print or electronically save a copy of the electronic LOA;
 - 6) Immediately send a message to the ~~customer's registered~~ e-mail account provided by the customer to the RES acknowledging receipt of the electronic LOA;
 - 7) Retain the electronic LOA for a period of at least five years after execution or the length of time that the customer takes service with the RES, whichever is longer; and
 - 8) Upon request, provide to the Commission, Commission Staff, or the customer ~~Provide~~ a written and/or electronic copy of the LOA, including information to support adherence to Section 453.20(b) to the Commission or its Staff, the customer, or the customer's incumbent RES upon request.
- c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission July 1, 2003, this Section shall control.

(Source: Amended at 41 Ill. Reg. 14013, effective November 1, 2017)

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- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1910.20	Amendment
1910.25	Amendment
1910.30	Amendment
1910.31	Amendment
1910.40	Amendment
1910.60	Amendment
1910.66	Amendment
1910.67	Amendment
1910.80	Amendment
1910.90	Amendment
1910.95	Amendment
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-180
- 5) Effective Date of Rules: December 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 8214; July 14, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking: No
- 11) Differences between Proposal and Final Version: The major difference is that the Property Tax Appeal Board deleted changes to section 1910.67(l) with respect to requiring the appraiser who prepared an appraisal that had been submitted by a party to appear and testify at the scheduled hearing in order for the conclusion of value contained within the report to be given weight.

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking amended the section 1910.20 updating the address of the Property Tax Appeal Board office in Des Plaines and to provide the current address of the Property Tax Appeal Board's website. Amended section 1910.25 to provide that documents sent to the Property Tax Appeal Board by electronic means shall be considered received based on the time stamp of the electronic transmission. Section 1910.30 was amended to allow a party to file an "Amended Petition" to change the assessed valuation the contesting party claims to be correct during the period of time an extension had been granted to submit evidence. Section 1910.30 was also amended to allow the Clerk of the Property Tax Appeal Board to send copy of the petition and documentary evidence filed by a contesting party to the board of review by electronic means. Section 1910.31 was amended to provide that an amendment to the petition is to be used to determine whether administrative review is to be filed in the circuit court or the appellate court; whether taxing districts are to be notified of the appeal by the board of review; and whether the contesting party is required to provide a court reporter at the hearing. Sections 1910.40 and 1910.60 were amended to allow the Clerk of the Property Tax Appeal Board to send by electronic means the evidence filed by the board of review and intervenor to the other parties to the appeal. Section 1910.66 was amended to allow a party to file rebuttal evidence by electronic means. Section 1910.67 was amended to provide that once a hearing has been scheduled communications should be directed to the Members of the Board or Hearing Officer assigned to hold the hearing. Section 1910.80 was amended to provide the Property Tax Appeal Board's current website. Amended section 1910.90 to allow the Clerk of the Property Tax Appeal Board to serve decisions on the parties by either mail or electronic means and to allow the parties to designate one or more individuals that can receive electronic correspondence on behalf of that party. Section 1910.95 was amended to provide for the electronic service of documents by the parties in those appeals where a change in assessed valuation of \$1 million or more is sought.
- 16) Information and questions regarding these adopted rules shall be directed to:

Louis G. Apostol, JD, CAE
Executive Director & General Counsel

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Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield IL 62706

217/785.4456 or 847.294.4399
fax: 217.785.4425
email: louis.apostol@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order (Repealed)
1910.12	Meetings of the Board
1910.20	Board Information – Correspondence
1910.25	Computing Time Limits
1910.30	Petitions— Application Paper
1910.31	Amendments
1910.40	Board of Review Response to Petition— Application Paper
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention Paper
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence — Paper
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications – Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.79	Policy on Discovery
1910.80	Forms
1910.88	Use of Facsimile Machines

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1910.90	Procedural Hearing Rules
1910.91	Business Records (Repealed)
1910.92	Rules of Pleading, Practice and Evidence
1910.93	Request for Witnesses
1910.94	Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner
1910.95	Service of Documents in Certain Cases
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
1910.99	Adoption of Evidence
1910.100	Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006; amended at 31 Ill. Reg. 16222, effective November 26, 2007; amended at 32 Ill. Reg. 16864, effective October 1, 2008; amended at 33 Ill. Reg. 7910, effective July 1, 2009; amended at 38 Ill. Reg. 19171, effective October 1, 2014; amended at 41 Ill. Reg. 14020, effective December 1, 2017.

Section 1910.20 Board Information – Correspondence

- a) Communications
Communications~~All communications~~ to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 402 William G. Stratton Building, 401 S. Spring Street, Springfield, Illinois 62706-0002, unless otherwise directed. The main telephone number is (217)782-6076. The facsimile number is (217)785-4425. The office of the Clerk of the Property Tax Appeal

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Board at Springfield, Illinois is the official location of the Board for the filing of papers and electronic documents for all counties.

- b) The regional office of the Illinois Property Tax Appeal Board in Cook County is located at the Suburban North Regional Office, 9511 West Harrison Street, Suite LL-54, Des Plaines, Illinois 60016. The main telephone number is (847)294-4121.
- c) The website ~~addresses~~ addresses of the Illinois Property Tax Appeal Board is ~~www.ptab.illinois.gov~~ www.illinois.gov/ptab and www.ptabil.com.
- d) The official business hours of the Illinois Property Tax Appeal Board office located at 402 William G. Stratton Building, 401 S. Spring Street, Springfield, Illinois are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays for the State of Illinois. The official business hours of the Illinois Property Tax Appeal Board office located at the Suburban North Regional Office, 9511 West Harrison Street, Suite LL-54, Des Plaines, Illinois are from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays for the State of Illinois.
- e) Upon service of notice of the scheduled hearing by the Board upon all parties to the appeal in accordance with Section 1910.67(b), communications concerning that appeal and the scheduled hearing shall be directed to the Members of the Board or the Hearing Officer that has been assigned to hold the hearing pursuant to Section 1910.67(e).

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.25 Computing Time Limits

- a) The time within which any act under this Part is to be done shall be computed by excluding the first day and including the last. Saturdays, Sundays and legal holidays for the State of Illinois shall be included in computing the time, except that when the time period expires on a Saturday, Sunday or a legal holiday for the State of Illinois, the time period shall be extended to include the next following business day.
- b) Petitions, evidence, motions, and all other written correspondence sent by United States Mail to the Property Tax Appeal Board shall be considered filed as of the

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postmark date in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25]. Petitions, evidence, motions, and all other written correspondence sent to the Property Tax Appeal Board by a delivery service other than the United States Mail shall be considered as filed with the Property Tax Appeal Board on the date sent as indicated on the tracking label. [Petitions, evidence, motions and all other written correspondence sent by electronic means shall be considered filed on the date received by the Property Tax Appeal Board based on the time stamp of the electronic transmission.](#)

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.30 Petitions—~~Application Paper~~

- a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later. (See Section 16-160 of the Code.)
- b) Petitions for appeal shall be filed within 30 days after the date of written notice of the application of final adopted township equalization factors by the board of review. Petitions shall be filed for the subsequent year within 30 days after the date of the written notice when the Property Tax Appeal Board rendered a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review, or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered. (See Section 16-185 of the Code.)
- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for contiguous single-owner parcels that constitute a single property and except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. The request, together with the petition, shall be filed within 30 days after the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor, pursuant to Section 16-125, its final action on the township in which the

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property is located, whichever is later. Each petition shall identify and describe the particular property including the PIN assigned to the subject parcel by the county. In appeals in which multiple PINs are consolidated into a single petition, the assessed values and the relief requested for each individual PIN must be separately listed.

- d) Appeals filed with the Property Tax Appeal Board shall bear a signature of the contesting party or the contesting party's attorney on at least one petition, and shall be filed with the Clerk of the Property Tax Appeal Board. Corporations, limited liability companies (LLC), partnerships, and other similar entities, and taxing districts shall be represented at all stages before the Property Tax Appeal Board by any person licensed to practice law in the State of Illinois.
- e) Two copies of the written notice of the decision of the board of review must be filed with the petition, if one has been issued. Alternatively, two copies of the decision of the Property Tax Appeal Board reducing the assessment of the subject property for the prior year shall be provided.
- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d). In every case in which a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case in which a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, the contesting party must submit a written request for an extension of time with the petition. Upon receipt of this request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include, but is not limited to, the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked or in accordance with Section 1910.25(b).

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- h) Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g). Failure to do so shall result in dismissal of the appeal.
- i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by the contesting party or his or her attorney, together with the contesting party's telephone number. Notice to the contesting party's attorney shall be deemed notice to the contesting party. A contesting party or attorney may provide an e-mail address for receipt of service of proceedings. The Property Tax Appeal Board must be notified in writing or electronically by any party of a change of mailing address or e-mail address within 30 days after the change.
- j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the board of review. The petition must also state the assessed valuation of the land, and the assessed value of the improvements (structures), and the total assessed value that the contesting party claims to be correct. The contesting party may only amend the assessment claimed to be correct by filing an appeal petition denoted as "Amended" setting forth the assessed valuation of the land, the assessed value of the improvements, and the total assessed valuation that the contesting party considers correct upon the completion of the filing of the documentary evidence in accordance with extensions granted pursuant to subsection (g). No amendment to the contesting party's assessment request will be accepted after the expiration of the extension of time to submit evidence that has been granted pursuant to subsection (g).
- k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions that are not properly signed, petitions that do not state the assessed valuation assigned by the board of review, petitions that do not state the assessed

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valuation considered correct by the contesting party, and petitions not containing all information as required in this Section, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a written request for an extension of time was filed in accordance with Section 1910.30(g) and granted.

- l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, by mail or by electronic means, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the completed petition, including all documentary evidence, to become a part of the appeal proceedings and record.
- m) If the petition for appeal is filed by an interested taxing body, rather than by the owner or taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner and/or taxpayer of the property in question. A copy of the completed petition shall then be sent to the owner and/or taxpayer of the property by the Clerk of the Property Tax Appeal Board. Any petition filed by an interested taxing body without the name and address of the owner and/or taxpayer of the property in question shall be treated as an incomplete petition in accordance with subsection (k).

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.31 Amendments

- a) After the Property Tax Appeal Board has transmitted an appeal to the board of review and the time period for intervention under Section 1910.60 has expired, a petition for appeal may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.
- b) The original filing of the petition or any amendment as allowed by Section 1910.30(j), and not any subsequent amendment, shall determine whether:
 - 1) review of the Property Tax Appeal Board's final decision is afforded in the circuit court or the Appellate Court as provided in Section 16-195 of the Code; ~~and~~

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- 2) the board of review shall notify taxing districts of the appeal as required by Section 16-180 of the Code and Section 1910.40(f); ~~and-~~
- 3) the contesting party is required to provide a court reporter as required by Section 16-190 of the Code and Section 1910.98(a).

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.40 Board of Review Response to Petition—~~Application Paper~~

- a) Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The Board of Review Notes on Appeal shall also reflect the application of a local township equalization factor when applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, if possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 90 days after the date of the notice of the filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. In every case in which a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate. In every case in which a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate.
- b) If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In these cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the contesting party and secure a written response to the request for dismissal from the contesting party within 30 days after the date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the board of

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review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a ruling determining if it has jurisdiction in the matter.

- c) If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit its Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's ruling determining jurisdiction.
- d) If the board of review is unable to submit the additional written or documentary evidence with the Notes on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal. Upon receipt of the request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include, but is not limited to, the inability to submit evidence for a cause beyond the control of the board of review, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal is filed.
- e) The Clerk shall cause the board of review's evidence to become a part of the appeal proceeding and record and shall send a copy of the evidence, [by mail or electronic means](#), to the contesting party or his or her attorney.
- f) Pursuant to Section 16-180 of the Property Tax Code, in every case in which a change in assessed valuation of \$100,000 or more is sought, the board of review shall, within 30 days after the receipt of the notice of the filing of an appeal with the Board, serve a copy of the petition on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board, within 30 days after the receipt of the notice of the filing of an appeal with the Board, affirming that all taxing districts have been notified of the appeal. The certificate of service shall be signed by a member of the board of review or the clerk of the board of review.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.60 Interested Parties – Intervention ~~Paper~~

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- a) Taxpayer/Owner of Property: Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his or her property may appeal that decision by filing a petition with the Property Tax Appeal Board within 30 days after the written notice of the decision of the board of review or the date of the written notice of the application of final, adopted township equalization factors by the board of review. If the taxpayer or owner of property files a petition within 30 days after the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor. Petitions shall be filed for the subsequent year within 30 days after the date of the written notice when the Property Tax Appeal Board rendered a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review, or after adjournment of the session of the board of review, at which assessments for the subsequent year are being considered. (See Section 16-185 of the Code.)
- b) Taxing Body Acting as Appellant: Any taxing body that has a revenue interest in a decision of the board of review may file an appeal by filing its petition within 30 days after the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.
- c) Taxpayer/Owner as Intervenor: Upon notice to the owner that a taxing body has filed an appeal affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene within 30 days after the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal and shall comply with subsection (e) regarding the submission of evidence or with subsection (f) to seek an extension of time to submit evidence.
- d) Interveners
 - 1) Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene through legal counsel in accordance with Section 1910.70(c). The Request to Intervene must be filed within the later to occur of:

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- A) 60 days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal; or
 - B) within 60 days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code.
- 2) The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.
- e) Intervenor – Taxing District and Taxpayer/Owner – ~~Paper~~ Written and Documentary Evidence: Requests to Intervene shall be filed in triplicate and all copies of the same shall be signed. All additional written and documentary evidence must be submitted with the Request to Intervene in triplicate. Any Request to Intervene that is received without a properly adopted copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. The filing of an incomplete Request to Intervene shall not extend the 60 day deadline without a written request explaining good cause for failure to timely submit a properly completed Request to Intervene and resolution.
- f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, it must submit a letter requesting an extension of time to file additional written or documentary evidence with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time for the filing of written or documentary evidence. This shall not include an extension of time to file a Request to Intervene or resolution. The Board shall grant additional or longer extensions for the filing of written or documentary evidence for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the intervening party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Request to Intervene is filed.
- g) Records: The Clerk of the Property Tax Appeal Board shall cause a Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same, by mail or electronic

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means, to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party by mail or electronic means.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.66 Rebuttal Evidence —~~Paper~~

- a) Upon first receipt of the argument and accompanying documentation filed by an opposing party, any other party may, within 30 days after the date of the Board's notice, file written or documentary rebuttal evidence either by mail or electronic means. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party and must tend to explain or contradict or disprove evidence offered by an adverse party. Rebuttal evidence shall include a written factual critique based on applicable facts and law, a review appraisal, or an analysis of an adverse party's appraisal prepared by a person who is an expert in the appraisal of real estate. This written critique, review appraisal, or analysis must be submitted within the responding party's 30-day rebuttal period pursuant to this Section.
- b) In any appeal in which a change in assessed valuation of \$100,000 or more is sought, the Board shall grant one 30-day extension of time to submit rebuttal evidence upon good cause shown in writing. Good cause shall include the complexity of the appeal, the volume of the evidence submitted by an opposing party, and the inability of a rebuttal appraiser to complete the review and written critique within the 30-day filing period. A request for an extension of time to submit rebuttal evidence shall be in writing, supported by affidavit, and served on the Board and all other parties to the appeal. No further extensions to submit rebuttal evidence shall be granted.
- c) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.67 Hearings

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- a) The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with this Part to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal. Upon service of notice of the scheduled hearing by the Board upon all parties to the appeal, communications concerning that appeal and the scheduled hearing shall be directed to the Members of the Board or the Hearing Officer that has been assigned to hold the hearing in accordance with subsection (e).
- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.
- f) Each hearing shall be open to public observation, except for a hearing or part of a hearing that the Board or its designated Hearing Officer states to be closed for purposes of insuring the protection of any confidential, proprietary or trade secret nature of any data, information or studies that are discussed by a witness.
- g) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must

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meet the following requirements:

- 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical information both orally and in writing;
 - 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
 - 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
 - 6) possess an ability to conduct hearings and obtain and analyze necessary information;
 - 7) possess a valid Illinois driver's license;
 - 8) be of high integrity and good personal repute;
 - 9) be familiar with this Part and the Property Tax Code;
 - 10) be disinterested and impartial; and
 - 11) have no financial or personal interest in the result of the hearing.
- h) Authority of the Board and designated Hearing Officers
- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:
 - A) To conduct hearings and pre-hearing conferences;

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- B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
 - E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
 - G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.
- i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.
 - j) At the hearing, the contesting party shall first introduce his case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to a

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rebuttal after all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.

- k) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:
 - 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
- l) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears on the document~~thereon~~.
- m) All testimony taken at the hearing shall be under oath or affirmation.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.80 Forms

All forms issued pursuant to this Part will be available at the offices of the Property Tax Appeal Board, the Board's Internet site at www.ptab.illinois.gov ~~www.illinois.gov/ptab and www.ptabil.com~~, and at the county boards of review and supervisor of assessments or chief county assessment officer's offices. Only the prescribed forms of the Property Tax Appeal Board may be used.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.90 Procedural Hearing Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board.

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Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.

- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d). Hearings shall be open to the public in accordance with Section 1910.67(f).
- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
 - 1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
 - 3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;
 - 5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuances of appeals set for hearing shall be granted pursuant to Section

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1910.67(i); a hearing that has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.

- e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
- f) Any party may object to the admissibility of evidence or testimony, and those objections must clearly state the specific ground or rule of law that is the basis for the objection.
 - 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses from all other parties. The Board shall issue its ruling on the objection in writing prior to the hearing of the appeal.
 - 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 3) Any party offering evidence that is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.
- g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.
- h) Writings, documents and all copies of writings and documents submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.
- i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.

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- j) Any party or his or her witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling the witness is surprised by the witness' testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.
- k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:
- 1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
 - 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.
 - 3) The Hearing Officer may at any time voluntarily disqualify himself or herself.
- l) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law.
- 1) Decisions shall be served by [the Clerk of the Property Tax Appeal Board](#) [by United States mail](#) [or by electronic means](#) on the appellant, board of review and intervenor, if any.
 - 2) [The final administrative decision of the Property Tax Appeal Board shall be deemed served on a party when a copy of the decision is either:](#)

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- A) deposited in the United States Mail, in a sealed package, with postage prepaid, addressed to that party at the address listed for that party in the pleadings, except that, if the party is represented by an attorney, the notice shall go to the attorney at the address listed in the pleadings; or
- B) sent electronically to the party at the e-mail addresses provided for that party in the pleadings.
- 3) Decisions may also be delivered or made available to the proper authorities affected by the decision, including the State's Attorney, Chief County Assessment Officer, County Clerk and County Collector by United States mail or electronic means, if available, as provided in Section 16-185 of the Code.
- 4) Decisions of the Board shall be based on the evidence contained in the administrative record.
- m) The Property Tax Appeal Board shall allow each party to designate one or more individuals to receive electronic correspondence on behalf of that party and shall allow each party to change, add or remove designees selected by that party during the course of the proceedings. Decisions and all electronic correspondence shall be directed to each individual so designated.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

Section 1910.95 Service of Documents in Certain Cases

- a) Service Requirements and Application. This Section contains the Property Tax Appeal Board's service requirements for documents submitted by a party in support of an issue pending in any appeal where a change in assessed valuation of \$1 million or more is sought before the Board. Service of documents shall commence after the contesting party has initiated a petition for appeal with the Board and after notice has been given to the board of review of the appeal filing as provided in Section 1910.40(a). Requests and motions for extensions of time made pursuant to Sections 1910.30(g), 1910.40 (b) and (d), and 1910.60(f) are not subject to this Section. All other motions made by the parties shall be governed by Section 1910.64.

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- b) **Method of Service.** Service of documents shall be made at the same time upon all parties by personal delivery, by the United States Postal Service or by any other mail delivery service, properly addressed, with postage prepaid or by electronic means. Service on a party shall be at its last known address or e-mail address, unless otherwise designated by the party.
- c) **Service on the Board.** A party shall serve on the Board, at its Springfield office, an original and one copy of any document. Otherwise, all other parties are entitled to one legible copy of the document to be served.
- d) **Proof of Service.** Proof of service shall be attached to any document served upon a party. The proof of service shall show the date, time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by certified mail with return receipt.
- e) **Failure to Serve.** Failure to serve copies of documents as required under this Section does not in any way impair the jurisdiction of the Board over any party. The Board shall order the offending party to reimburse the aggrieved party for any expenses shown to have been incurred as a result of the failure to serve.
- f) **Definition.** "Document" includes any form of documentary or rebuttal evidence as provided in Sections 1910.65 and 1910.66, any board of review submission required under Section 1910.40, and requests to intervene and resolutions required under Section 1910.60.

(Source: Amended at 41 Ill. Reg. 14020, effective December 1, 2017)

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

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1.710	Amendment
1.720	Amendment
1.737	Amendment
- 4) Statutory Authority: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21B, and 2-3.6].
- 5) Effective Date of Rules: November 3, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 8308; July 14, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Numerous technical changes were made to align this rulemaking to the current Administrative Code style and consistency within the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: At recent State Board of Education meetings district superintendents testified that they are unable to locate and hire appropriately licensed staff for a number of teaching positions. Identified statewide teacher shortages,

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as well as local and regional shortages, have placed school districts in the impossible position of offering required coursework while ensuring that teachers in these positions are appropriately qualified. In some cases, school districts have been unable to offer coursework due to shortages. As a result of teacher shortages across Illinois, the U.S. Department of Education in 2016 approved all endorsement areas as shortage areas. In doing so, individuals are eligible for loan forgiveness.

These rules are necessary insofar as many students are unable to access opportunities due to a shortage of appropriately endorsed teachers. Put differently, the teacher shortage has impacted the availability of opportunities for each and every child in Illinois. Insofar as schooling is a primary way in which young people are introduced to content areas of which they may not otherwise be aware, the teacher shortage impacts the public interest generally and welfare of students in particular.

The teacher shortage is a concern nationwide, but ISBE can assist Illinois districts by allowing currently licensed teachers to be placed immediately in the classroom while they work to obtain endorsements in those assignments, provided they pass the content area test for the assignment. In practical terms, affording educators this opportunity can increase the diversity of courses a district may offer.

In Part 1, portions of the rules that focus on assignment are modified to state that a teacher who successfully completes a content test will or nine credit hours in a content area may teach in that content area, for up to three years, during which time the individual can complete the required coursework for the endorsement.

- 16) Information and questions regarding these adopted rules shall be directed 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

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation

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- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004

- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten

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- and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher

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

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6, 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8].

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

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effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017.

SUBPART G: STAFF QUALIFICATIONS

Section 1.710 Requirements for Elementary Teachers

- a) [Except as otherwise allowed in this Section, each](#)~~Each~~ elementary teacher shall hold a valid professional educator license endorsed in a teaching field for the grade level or levels to be taught.
- b) Each elementary teacher first assigned to an elementary position on or after September 1, 1978 shall have formal training in each basic instructional area to be taught.

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- c) The endorsement for self-contained general education shall be issued when an individual whose application is received on or before June 30, 2005 demonstrates that he or she has completed the coursework listed in this subsection (c) and passed the content-area test and, if he or she has not already passed the test of basic skills and received an educator license based on it, that test as well. For applications received on or after July 1, 2013, the requirements of 23 Ill. Adm. Code 25.37(b) shall apply.
- 1) Language Arts
 - 2) Mathematics
 - 3) Science
 - 4) Social Science
 - 5) Physical Education
 - 6) Health
 - 7) Fine Arts
 - 8) General Elementary Teaching Methods
 - 9) Elementary Reading Teaching Methods
- d) No teacher may be assigned to teach self-contained general education at the elementary level unless he or she holds a professional educator license ~~valid for the grade level or levels to be taught~~ and:
- 1) holds the applicable endorsement; ~~or~~
 - 2) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; ~~or~~

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- 3) beginning no later than September 1, 2017, meets the requirements of 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1-6)); or-
 - 4) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels).
- e) Assignments in reading at the elementary level shall be subject to the provisions of Section 1.745.
 - f) Additional requirements may apply to holders of elementary education endorsements on professional educator licenses issued pursuant to 23 Ill. Adm. Code 26 (Standards for Endorsements in Early Childhood Education and in Elementary Education) who teach in grades 5 through 8; see Section 1.720.

(Source: Amended at 41 Ill. Reg. 14044, effective November 3, 2017)

Section 1.720 Requirements for Teachers of Middle Grades

The provisions of subsections (a), (b) and (d) shall be subject to the exception stated in subsection (e) with respect to any school in which the instructional format for any of grades 6 through 8 is being changed from a self-contained to a departmentalized configuration. Additional requirements shall apply to middle-grades assignments and endorsements beginning February 1, 2012 (see subsection (f)).

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 6 through 8 ("middle-grade teachers"). Teachers first employed in grades 6 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 6 through 8 and who hold a kindergarten-through-grade-9 elementary education endorsement issued by September 1, 2019, are subject to the requirements of Section 1.710.
- b) Until February 1, 2018, to qualify as a middle-grade teacher, the teacher must have completed either the coursework identified in subsection (b)(1) prior to July 1, 1997 or completed the coursework identified in subsection (b)(2). The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading and for library information specialists, specific coursework must be included among the 18 semester hours to be earned; see subsections (b)(3), (4) and (5).

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- 1) 18 semester hours in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure (23 Ill. Adm. Code 25) applies. When a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (b)(1) for the major teaching assignment and have no fewer than 5 semester hours in each other subject taught.
- 2) 18 semester hours in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure applies. When a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (b)(2) for the major teaching assignment and have no fewer than 6 semester hours in each other subject taught. In addition:
 - A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.
 - B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.
- 3) Mathematics

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For teachers of mathematics in grades 6 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include 3 semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:

- A) Math content courses for elementary teachers;
- B) Calculus;
- C) Modern algebra or number theory;
- D) Geometry;
- E) Computer science;
- F) Probability and statistics; and
- G) History of mathematics.

4) Reading

For major assignments in reading in any of departmentalized grades 6 through 8:

- A) persons first employed on or after September 1, 1978 but before July 1, 2004 are required to have completed the 18 semester hours described in Section 1.740;
- B) persons first employed on or after July 1, 2004 shall be required to have completed either the 18 semester hours described in Section 1.740 or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(g), provided that:
 - i) the individual completes all the required coursework on or before June 30, 2006; or
 - ii) the individual applies for the reading endorsement on or before June 30, 2006 and completes any coursework

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identified on a related deficiency statement no later than one year after the date of that statement; and

- C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (b)(4)(A) or (B); see also 23 Ill. Adm. Code 25.100(g) and Section 1.745 of this Part.
- 5) **Library Information Specialist**
Persons first employed on or after September 1, 1978 as media professionals or library information specialists serving any of grades 6 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755. The provisions of subsection (b)(2) notwithstanding, no individual who has completed only 9 semester hours in the field may serve in this capacity.
- c) On or after February 1, 2018, any individual first assigned to teach in grade 7 or 8, whether departmentalized or self-contained, or in departmentalized grade 6 shall meet the requirements of 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5 through 8)) for the major teaching assignment and have no fewer than 6 semester hours in each other subject taught, subject to the exception stated in subsection (a) for assignment in self-contained grades 6 through 8. The requirements of this subsection (c) do not apply to individuals who are first endorsed in agricultural education; business, marketing, and computer education; business, marketing, and computer education (computer programming); computer applications; computer science; family and consumer sciences; health science technology; and technology education on or after February 1, 2018.

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- d) No individual may be assigned to teach in departmentalized grades 6 through 8 unless he or she holds a professional educator license ~~that is endorsed and valid for the grade level or levels to be taught~~ and:
- 1) holds a middle-grades endorsement applicable to the content area; ~~or~~
 - 2) meets the relevant requirements of this Section; ~~or~~
 - 3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; ~~or~~
 - 4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c); ~~or~~
 - 5) has received an elementary endorsement issued pursuant to 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6)) and has met the relevant requirements of subsection (b) of this Section on or before January 31, 2018; ~~or~~
 - 6) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels).
- e) A school district may also assign certain other teachers to departmentalized positions in any of grades 6 through 8 for the 2009-10 school year and thereafter as described in this subsection (e). The provisions of this subsection (e) are no longer applicable starting February 1, 2018; however, any teachers assigned to departmentalized positions in grades 6 through 8 under the provisions of this subsection (e) before that date shall not be affected.
- 1) A teacher who was employed in the district during the school year immediately preceding the year when the instructional format in that teacher's school is changed to a departmentalized configuration and who was appropriately licensed for his or her position but does not meet the requirements of subsection (b) or (c) may be assigned to a departmentalized position in any of grades 6 through 8 for a period not to exceed three school years, provided that he or she has already completed at least 9 semester hours of coursework in the content area of the major teaching assignment. If specific coursework is required for the major teaching assignment under subsection (b), the teacher shall have

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completed 9 semester hours that will count toward an endorsement in that content area.

- 2) The school district shall notify the responsible regional superintendent of schools of all assignments made pursuant to this subsection (e) no more than 30 days after they occur. Further, the school district shall maintain on file for each teacher assigned in accordance with this subsection (e) a plan that:
 - A) includes a statement of intent signed by the individual, stipulating that he or she will complete all requirements for the middle-grades endorsement in the content area of his or her major teaching assignment;
 - B) provides a list of the coursework and experiences that the individual will complete in order to qualify; and
 - C) identifies the institution of higher education where the individual will complete the requirements.
 - 3) No individual may be assigned for more than three school years without attaining the relevant endorsement, and no individual may be assigned for a third school year unless he or she has completed the six semester hours required under subsection (b)(2).
 - 4) If an individual is assigned to deliver instruction in two or more content areas, he or she shall have completed no fewer than 9 semester hours in each content area. If subsection (b) requires specific coursework for any of the content areas taught, the teacher shall have completed 9 semester hours that will count toward an endorsement in that content area.
- f) **New Requirements Applicable in 2012**
All coursework that forms part of an application for a middle-grades endorsement received on or after February 1, 2012 or that is used in determining the eligibility of an individual to be first assigned to teach a particular subject in the middle grades on or after that date, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

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(Source: Amended at 41 Ill. Reg. 14044, effective November 3, 2017)

Section 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004

- a) Beginning July 1, 2004, no teacher may be assigned to teach a particular content area in any of grades 9 through 12 unless he or she holds a professional educator license in a teaching field ~~that is valid for the grade level or levels to be taught~~ and:
- 1) holds the applicable endorsement for the ~~assignment~~~~content area~~ (and, in the case of the educator license with stipulations endorsed for career and technical educator, has also completed the work experience required pursuant to subsection (c));
 - 2) met the requirements of Section 1.730, 1.735, or 1.736, or their predecessor requirements, at a time when they were applicable to that assignment, as confirmed by the employing district's verification of the individual's qualifications; ~~or~~
 - 3) meets the minimum requirements for that assignment identified in subsection (b) and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m); ~~or~~
 - 4) meets the requirements of Section 1.745, if applicable; ~~or-~~
 - 5) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels).
- b) Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736 as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific content areas. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements. ~~_, nor are they intended to match the requirements for identification as a "highly qualified" teacher in any particular content area.~~ Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code

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25.100(m). For purposes of the applicability of this requirement, an individual shall be considered "first assigned" to any field in which he or she has not taught in Illinois prior to July 1, 2004.

- 1) For agricultural education; visual or drama/theater arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; reading; biology; chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology; and for library information specialists: 924 semester hours in the field.
 - 2) For foreign language: 920 semester hours in the language.
 - 3) For safety and driver education: The 16 semester hours in the field that are specified in Section 1.730(q) of this Part shall continue to apply through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a professional educator license endorsed for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(k).
- c) Additional Requirements for Career and Technical Education
- 1) Assignments at the "skill-level" (grades 11 and 12) in reimbursable career and technical education generally require 2,000 hours of work experience in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught. A district may, however, employ an individual who holds a professional educator license endorsed for the secondary grades with the appropriate career and technical education endorsement but who has not completed 2,000 hours of work experience in the occupational area to be taught, provided that the individual acquires this experience in paid employment outside the teaching profession within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant's instructors describing the work experience.

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- 2) A teacher who is eligible under this Section to provide skill-level instruction in a particular area shall also be eligible to serve as a coordinator of either a specific cooperative education program or interrelated cooperative education, provided that he or she has also completed 6 semester hours of coursework in the organization and administration of cooperative education.
- 3) A teacher serving as a coordinator of cooperative education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education, except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (c)(1) and 6 semester hours of coursework in the organization and administration of cooperative education.

(Source: Amended at 41 Ill. Reg. 14044, effective November 3, 2017)

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- 1) Heading of the Part: Standards for School Support Personnel Endorsements
- 2) Code Citation: 23 Ill. Adm. Code 23
- 3) Section Number: 23.150 Adopted Action:
New Section
- 4) Statutory Authority: 105 ILCS 5/21B-25(2)(G)
- 5) Effective Date of Rule: November 3, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, see Section 25.150(g)(1)(C)
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 7467; June 30, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Numerous technical changes were made to align this rulemaking to the current Administrative Code style and consistency within the Part.

Additionally, the term "State's child welfare agency" was changed to the Department of Children and Family Services" for clarity.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: PA 98-413, effective August 8, 2013, amended Section 21B-25 (Endorsements on licenses) by adding marriage and family therapists to the list of individuals who can obtain a school support personnel endorsement.

The proposed rules create a new Section establishing the standards marriage and family therapists must meet in order obtain the endorsement. Specifically, all school marriage and family therapists must show competence in the listed knowledge and performance indicators for the following topics:

Child and adolescent development
Assessment and evaluation
School-based systems theory
Intervention in schools and crisis intervention
Consultation and collaborative relationships
Diversity
Professional conduct and ethics

The listed indicators are intended to illustrate that the school marriage and family therapist understands human growth and development, how to use assessment and evaluative instruments in an academic setting, diverse family settings, systematic intervention strategies, the importance of consultative and collaborative relationships, issues of diversity, and current legal and ethical guidelines.

- 16) Information and questions regarding this adopted rule shall be directed 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
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The full text of the Adopted Amendment begin on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNELPART 23
STANDARDS FOR SCHOOL SUPPORT
PERSONNEL ENDORSEMENTS

Section	
23.100	Purpose and Effective Dates
23.110	Standards for the School Counselor
23.120	Standards for the School Nurse
23.130	Standards for the School Psychologist
23.140	Standards for the School Social Worker
<u>23.150</u>	<u>Standards for School Marriage and Family Therapists</u>

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

SOURCE: Adopted at 26 Ill. Reg. 9743, effective June 19, 2002; amended at 38 Ill. Reg. 6230, effective February 27, 2014; amended at 41 Ill. Reg. 14061, effective November 3, 2017.

Section 23.150 Standards for School Marriage and Family Therapists

- a) Child and Adolescent Development
The competent school marriage and family therapist understands the individual diversity of human growth, development and learning and provides experiences that promote the physical, intellectual, social and emotional development of the student.
 - 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) theories of individual and family development and transitions across life;
 - B) that students' physical, social, emotional, cognitive, ethical and moral development influences learning;

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- C) theories of learning, personality development, attachment, child and adolescent development, and the range of individual variation;
 - D) how students construct knowledge, acquire skills and develop habits of mind;
 - E) that differences in approaches to learning and performance interact with development;
 - F) how systemic approaches and appropriate interventions apply to the developmental stages of children and adolescents;
 - G) human behaviors, including developmental crises, disability, addictive behavior and psychopathology, and situational and environmental factors as they affect children and adolescents in the peer, family and school settings;
 - H) the characteristics and effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect and substance abuse;
 - I) the role of medications as they affect students' behavior; and
 - J) the characteristics of normal, delayed, and disordered patterns of communication and interaction in peer, family and school settings and their impact on learning.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) uses theories of learning, personality and human development to plan activities and experiences that respond to students' individual, group, family and school needs at the appropriate level of development;
 - B) analyzes individual and group performance in order to design interventions that meet learners' current needs in the cognitive,

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social, emotional, ethical and moral, and physical domains at the appropriate grade level;

- C) plans interventions appropriate to students' developmental levels;
- D) utilizes strategies for facilitating optimum student development over the life-span;
- E) recognizes the characteristics of individuals with various disabilities and the effects these may have on individuals;
- F) implements interventions relevant to students' developmental levels;
- G) recognizes the effects of addictive behavior, psychopathology and situational and environmental factors as they affect children and adolescents in the peer, family and school settings;
- H) recognizes the effects of cultural and environmental factors on students' performance; and
- I) recognizes that medications can have effects on the educational, cognitive, physical, social and emotional behaviors of individuals.

b) Assessment and Evaluation

The competent school marriage and family therapist understands basic concepts of, technology for, and implications of various assessment and evaluative instruments used within academic settings.

- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the purposes and meaning of assessment from multiple perspectives (historical, sociological, educational and emotional) and utilizes both standardized tests and observational methods of assessment;

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- B) the basic concepts of standardized and non-standardized testing and other assessment techniques in the assessment of behavior in individuals, families and other dyadic interactions;
 - C) the use of technology in assessment;
 - D) the statistical concepts, including scales of measurement; measures of central tendency; indices of variability; shapes and types of distributions and correlation;
 - E) reliability (theory of measurement error, models of reliability, and the use of reliability information) and validity (evidence of validity, types of validity), and the relationship between reliability and validity; and
 - F) the implications of age, gender, sexual orientation, ethnicity, language, disability, culture, spirituality and other factors related to assessment and evaluation.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) analyzes testing information needed and selects appropriate tests, methods and/or materials to gather information and/or perform assessments;
 - B) uses various strategies for selecting, administering and interpreting assessment and evaluation instruments and techniques in therapy;
 - C) interprets and accurately uses the statistical concepts, including scales of measurement; measures of central tendency; indices of variability; shapes and types of distributions and correlation;
 - D) accurately selects and interprets assessment tools based on reliability and validity when appropriate;
 - E) interprets assessments accurately with understanding of diversity and its implications;

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- F) uses and applies appropriate technology in assessment; and
- G) interprets results accurately and at the level that clients and families can best understand the assessment outcomes.

c) School-based Systems Theory

The competent school marriage and family therapist has knowledge of diverse family systems (e.g., single parent, foster parents, bi-racial parents, sexual orientation of parents) and understands influences on students' development, learning and behavior. Further, the competent school marriage and family therapist has knowledge of systemic methods for involving families in education and service delivery. The competent school marriage and family therapist works effectively with families, educators and others in the community to promote and provide comprehensive services to children and families.

1) Knowledge Indicators – The competent school marriage and family therapist:

- A) understands:
 - i) how diverse family systems affect students;
 - ii) the importance of family involvement in education;
 - iii) the school-based systems theory and model;
 - iv) methods of promoting collaboration and partnerships between families/guardians and educators that improve outcomes for students; and
 - v) the implications of cultural diversity on family, home, school and community collaborations; and
- B) has knowledge of school and community resources and agencies available to students and families/guardians.

2) Performance Indicators – The competent school marriage and family therapist:

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- A) designs, implements, monitors and evaluates programs that promote school, family and/or community partnerships and enhance academic and behavioral outcomes for students;
 - B) facilitates collaboration between schools and parents/guardians by designing educational and therapeutic interventions; and
 - C) identifies resources and facilitates communication between schools, families/guardians and community agencies.
- d) Intervention in Schools and Crisis Intervention
The competent school marriage and family therapist utilizes a variety of systemic intervention strategies that support and enhance students' educational and emotional development. Furthermore, the competent school marriage and family therapist has training and experience in working with various crises and trauma that might occur in the school or family environments.
- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the theory, process, techniques and methods of individual, group and family crisis intervention and counseling;
 - B) and develops skills in advocacy, case management, community organization, consultation and in-service training;
 - C) the application of systemic concepts, theories and techniques to identify and develop broad-based prevention and interventions;
 - D) the interdisciplinary approach to collaborative service delivery within the educational environment;
 - E) how to integrate content and process knowledge for appropriate intervention; and
 - F) the role of mandated reporters of suspected child abuse and neglect and the function of the Department of Children and Family Services (DCFS).

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- 2) Performance Indicators – The competent school marriage and family therapist:
- A) develops and implements prevention and intervention plans that enable children to benefit from their educational, emotional and relational experiences;
 - B) provides individual, group and/or family counseling and other services to enhance relational functioning while increasing success in the educational process;
 - C) provides crisis intervention therapy and other services to the school community;
 - D) provides consultation to teachers, administrators, parents and community agencies;
 - E) develops and provides training and educational programs in the school and community;
 - F) conducts diagnostic assessments and participates in eligibility conferences for special education and other programmatic options, students' educational planning conferences, and conferences with parents;
 - G) initiates referrals and linkages to community agencies and maintains follow-up services on behalf of identified students;
 - H) mobilizes the resources of the school and community to meet the needs of children and their families; and
 - I) initiates the appropriate reporting of suspected child abuse and neglect to DCFS.
- e) Consultation and Collaborative Relationships
The competent school marriage and family therapist develops consultative and collaborative relationships with colleagues, parents, teachers and the community to support students' learning and well-being.

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- 1) Knowledge Indicators – The competent marriage and family therapist understands:
 - A) the principles, practices and processes of individual, family and organizational consultation;
 - B) the collaborative process with parents, school personnel, community-based organizations and agencies to enhance the student's educational functioning;
 - C) the school's role within the context of the larger community;
 - D) the variations in beliefs, traditions and values across cultures and their effect on interactions among group members;
 - E) the importance of audience and purpose when selecting ways to communicate ideas;
 - F) how formal and informal political implications affect communication;
 - G) language development, communication techniques, and the role of communication in the learning environment; and
 - H) the role of school personnel as mandated reporters of child abuse and neglect.

- 2) Performance Indicators – The competent school marriage and family therapist:
 - A) initiates, develops and implements consultative relationships;
 - B) models and promotes ethical practices for confidential communication;
 - C) collaborates with colleagues, parents/guardians and community personnel about students' needs;

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- D) encourages relationships among colleagues to promote a positive learning environment;
 - E) participates in collaborative decision-making and problem-solving to promote students' success;
 - F) facilitates a collaborative relationship between general and special education systems to promote a unified system of education;
 - G) models and promotes effective communication among group members or between groups;
 - H) uses a variety of effective communication modes with diverse target groups; and
 - I) assists mandated reporters of child abuse and neglect in relaying and documenting information to the State's child welfare agency.
- f) Diversity
The competent school marriage and family therapist possesses the knowledge and skills to appropriately address issues of diversity, cultural difference and change with different types of learners.
- 1) Knowledge Indicators – The competent school marriage and family therapist understands:
 - A) the implications of his or her own social and cultural background;
 - B) how his or her own cultural background and experiences influence his or her attitudes, values and biases about psychological processes;
 - C) the diverse groups with which she or he may work;
 - D) how race, culture, ethnicity, sexual orientation, physical and mental characteristics, and other areas of diversity affect personality formation, vocational choice and manifestation of difficulties and strengths in academic, career and personal/social development;

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- E) how gender affects personality formation, academic choice, vocational choice, and manifestations of difficulties and strengths in academic, career, and personal and social development;
 - F) the impact of sexual harassment on students' personal, social, emotional and academic development;
 - G) the impact of students' learning abilities, styles and capabilities on academic, career, and personal and social development; and
 - H) the specialized needs and resources available for students who are disabled, gifted or at risk, or who have dropped out.
- 2) Performance Indicators – The competent school marriage and family therapist:
- A) incorporates an approach to social and cultural diversity that is equitable for all students;
 - B) adopts intervention skills appropriate to the specific diverse needs of the student;
 - C) develops programs for students that acknowledge their diversity and meet special needs as appropriate;
 - D) incorporates a gender-equitable and culturally sensitive approach in dealing with students, families, staff and the community;
 - E) adopts appropriate methods to intervene when students use inappropriate language or behaviors relating to issues of social and cultural diversity; and
 - F) teaches how oppression, racism, discrimination, intolerance, homophobia, heterosexism and stereotyping may affect students personally and their work.
- g) Professional Conduct and Ethics

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The competent school marriage and family therapist is aware of current legal issues and ethical guidelines of the profession and acts accordingly.

- 1) Indicators – The competent school marriage and family therapist understands:
 - A) legal standards, including the Illinois School Code [105 ILCS 5] and the Mental Health and Developmental Disabilities Code [405 ILCS 5], that apply to the therapy and educational process;
 - B) the school marriage and family therapist's responsibility for knowing and complying with federal, State and local legislation, regulations and policies; and
 - C) that, in the event a conflict arises among competing expectations, the school marriage and family therapist shall be guided by the AAMFT Code of Ethics, published by the American Association for Marriage and Family Therapy, 112 South Alfred Street, Alexandria VA 22314-3061, <http://dx5br1z4f6n0k.cloudfront.net/imis15/Documents/Legal%20Ethics/AAMFT-code-of-ethics.pdf> (January 1, 2015). No later amendments to or editions of these standards are incorporated.
- 2) Performance Indicators – The competent school marriage and family therapist:
 - A) demonstrates commitment to the values and ethics of the marriage and family therapist profession;
 - B) adheres to the AAMFT professional standards and Code of Ethics as a guide to ethical decision-making;
 - C) maintains adequate safeguards for the privacy and confidentiality of information;
 - D) informs students of their ethical rights, the limitations of the counseling relationship, and the confidentiality of the counseling relationship; and

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- E) follows State and federal laws, including the School Code, the Mental Health and Developmental Disabilities Code, the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Added at 41 Ill. Reg. 14061, effective November 3, 2017)

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
25.337	Amendment
25.430	Amendment
- 4) Statutory Authority: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/ Art. 21B, and 2-3.6].
- 5) Effective Date of Rules: November 3, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 8310; July 14, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Numerous technical changes were made to align this rulemaking to the current Administrative Code style and consistency within the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemakings: Portions of rules in Parts 1, 25, and 30 are being modified to focus on assignment (what a district needs to do in order to legally assign a teacher) and receipt of the endorsement.

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In Part 25, ISBE is modifying the current rules on short term assignments. Section 25.430 states that a teacher with nine credit hours in a content area may teach in that content area and has three years to complete coursework and testing requirements for the endorsement. The proposed amendments for this Section include a test only option (and no coursework) for the purposes of assignability and state that an individual has three years to complete the coursework requirements for the endorsement. In order to ensure that districts have the greatest flexibility, districts can either use the nine hour requirement or successful completion of an appropriate content test.

Special Education and those areas which do not currently have an available content test are outside the scope of the emergency rulemaking. Special Education already has a process for short term approval and other areas such as Driver's Education, ESL and computer applications do not currently have a content exam.

Section 25.337 is being modified to clarify the requirements for receipt of the principal endorsement.

16) Information and questions regarding these adopted rules shall be directed 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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section

25.10 Accredited Institution

SUBPART B: LICENSES

Section

25.11 New Certificates (February 15, 2000) (Repealed)
25.15 Types of Licenses; Exchange
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for the Professional Educator License
25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)
25.32 Teacher Leader Endorsement (Beginning September 1, 2012)
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License
25.40 Grade-Level Endorsements
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Standards for Licensure of Special Education Teachers
25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired (Repealed)
25.46 Special Provisions for the Learning Behavior Specialist I Endorsement
25.47 Special Provisions for the Learning Behavior Specialist I Approval
25.48 Short-Term Emergency Approval in Special Education
25.50 General Certificate (Repealed)
25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)
25.65 Alternative Educator Licensure
25.67 Alternative Route to Teacher Licensure

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- 25.70 Endorsement for Career and Technical Educator
- 25.72 Endorsement for Provisional Career and Technical Educator
- 25.75 Part-time Provisional Certificates (Repealed)
- 25.80 Endorsement for Part-time Provisional Career and Technical Educator
- 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
- 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified (Repealed)
- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified (Repealed)
- 25.90 Endorsement for Transitional Bilingual Educator
- 25.92 Endorsement for Visiting International Educator
- 25.95 Language Endorsement for the Transitional Bilingual Educator
- 25.96 Endorsement for Early Childhood Education (Birth through Grade 2)
- 25.97 Endorsement for Elementary Education (Grades 1 through 6)
- 25.99 Endorsement for the Middle Grades (Grades 5 through 8)
- 25.100 Teaching Endorsements on the Professional Educator License
- 25.105 Temporary Substitute Teaching Permit (Repealed)

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

- Section
- 25.110 Definitions
- 25.115 Educator Preparation Providers
- 25.120 Initial Approval of Educator Preparation Programs by the State Board of Education
- 25.125 Accreditation of Educator Preparation Providers and Approval of Educator Preparation Programs through CAEP
- 25.127 Reporting; Review of State Reauthorized Educator Preparation Providers and Individual Programs; and Entitlement Audits
- 25.130 Interventions by the State Board of Education and State Educator Preparation and Licensure Board
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for the Institution's Educational Unit Assessment Systems

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- (Repealed)
- 25.142 Assessment Requirements for Individual Programs (Repealed)
- 25.145 Approval of New Programs Within Recognized Institutions (Repealed)
- 25.147 Approval of Programs for Foreign Language
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit (Repealed)
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SUPPORT PERSONNEL

- Section
- 25.200 Relationship Among Endorsements in Subpart D
- 25.210 Requirements for the Certification of School Social Workers (Repealed)
- 25.215 Endorsement for School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel (Repealed)
- 25.225 Endorsement for School Counselors
- 25.227 Interim Approval for School Counselor Interns
- 25.230 Nationally Certified School Psychologist
- 25.235 Endorsement for School Psychologists
- 25.240 Standard for School Nurse Endorsement (Repealed)
- 25.245 Endorsement for School Nurses
- 25.250 Standards for Non-Teaching Speech-Language Pathologists
- 25.252 Endorsement for Non-Teaching Speech-Language Pathologists
- 25.255 Interim Approval for Speech-Language Pathologist Interns
- 25.275 Renewal of the Professional Educator License Endorsed for School Support Personnel (Repealed)

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

- Section
- 25.300 Relationship Among Credentials in Subpart E
- 25.310 Definitions (Repealed)
- 25.311 Alternative Route to Superintendent Endorsement (Beginning January 1, 2013)
- 25.313 Alternative Route to Administrative Endorsement (Through August 31, 2013) (Repealed)
- 25.314 Alternative Route to Administrative Certification for Teacher Leaders (Repealed)

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- 25.315 Renewal of Administrative Endorsement (Repealed)
- 25.320 Application for Approval of Program (Repealed)
- 25.322 General Supervisory Endorsement (Repealed)
- 25.330 Standards and Guide for Approved Programs (Repealed)
- 25.333 General Administrative Endorsement (Repealed)
- 25.335 General Administrative Endorsement (Through June 30, 2016)
- 25.337 Principal Endorsement (2013)
- 25.338 Designation as Master Principal (Repealed)
- 25.344 Chief School Business Official Endorsement (Repealed)
- 25.345 Endorsement for Chief School Business Official
- 25.355 Endorsement for Superintendent (Beginning September 1, 2016)
- 25.360 Endorsement for Superintendent (Through August 31, 2019)
- 25.365 Endorsement for Director of Special Education

SUBPART F: GENERAL PROVISIONS

- Section
- 25.400 Registration of Licenses; Fees
- 25.405 Military Service; Licensure
- 25.410 Reporting Requirements for Revoked or Suspended Licenses; License Application Denials
- 25.411 Voluntary Removal of Endorsements
- 25.415 Credit in Junior College (Repealed)
- 25.420 Psychology Accepted as Professional Education (Repealed)
- 25.425 Individuals Prepared in Out-of-State Institutions
- 25.427 Limitation on Evaluation or Entitlement
- 25.430 Short-Term [Approval for Teachers at All Grade Levels](#)~~Authorization for Positions Otherwise Unfilled~~
- 25.435 School Service Personnel Certificate – Waiver of Evaluations (Repealed)
- 25.437 Equivalency of General Education Requirements (Repealed)
- 25.440 Master of Arts NCATE (Repealed)
- 25.442 Illinois Teacher Corps Programs (Through August 31, 2013) (Repealed)
- 25.444 Illinois Teaching Excellence Program
- 25.445 College Credit for High School Mathematics and Language Courses (Repealed)
- 25.450 Lapsed Licenses
- 25.455 Substitute Certificates (Repealed)
- 25.460 Provisional Special and Provisional High School Certificates (Repealed)
- 25.464 Short-Term Authorization for Positions Otherwise Unfilled (Repealed)
- 25.465 Credit (Repealed)

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- 25.470 Meaning of Experience on Administrative Certificates (Repealed)
25.475 Renewal Requirements for Holders of Multiple Types of Endorsements on a Professional Educator License (Repealed)
25.480 Supplemental Documentation and Review of Certain License Applications
25.485 Licensure of Persons with Prior Certificate or License Sanctions
25.486 Licensure of Persons Who Are Delinquent in the Payment of Child Support
25.487 Licensure of Persons with Illinois Tax Noncompliance
25.488 Licensure of Persons Named in Reports of Child Abuse or Neglect
25.489 Licensure of Persons Who Are in Default on Student Loans
25.490 Licensure of Persons Who Have Been Convicted of a Crime
25.491 Licensure of Persons with Unsatisfactory Performance Evaluation Ratings
25.493 Part-Time Teaching Interns (Repealed)
25.495 Approval of Out-of-State Institutions and Programs (Repealed)
25.497 Supervisory Endorsements

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

- Section
25.510 Endorsement for Paraprofessional Educators
25.520 Substitute Teaching License
25.530 Specialized Instruction by Noncertificated Personnel (Repealed)
25.540 Approved Teacher Aide Programs (Repealed)
25.550 Approval of Educational Interpreters
25.560 Approval of Interveners for Students Who Are Deaf-Blind

SUBPART H: CLINICAL EXPERIENCES

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

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

- Section
25.705 Purpose – Severability
25.710 Definitions
25.715 Test Validation
25.717 Test Equivalence

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25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration – Paper-and-Pencil Testing
25.731	Registration – Computer-Based Testing
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Tests
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Cancellation of Scores; Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section	
25.800	Professional Development Required (Beginning July 1, 2014)
25.805	Continuing Professional Development Options
25.807	Additional Specifications Related to Professional Development Activities of Special Education Teachers (Repealed)
25.810	State Priorities (Repealed)
25.815	Submission and Review of the Plan (Repealed)
25.820	Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
25.825	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
25.830	Verification of Completed Activities; Renewal Process
25.832	Validity and Renewal of NBPTS Master Teacher Designation
25.835	Request for Extension
25.840	Appeals to the State Educator Preparation and Licensure Board
25.845	Responsibilities of School Districts (Repealed)
25.848	General Responsibilities of LPDCs (Repealed)
25.850	General Responsibilities of Regional Superintendents (Repealed)
25.855	Approval of Professional Development Providers

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- 25.860 Reporting by and Audits of Providers
- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs) (Repealed)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development (Repealed)
- 25.875 Continuing Professional Development Units (CPDUs) (Through June 30, 2014)
- 25.880 "Valid and Exempt" Licenses; Proportionate Reduction; Part-Time Teaching Funding; Expenses (Repealed)
- 25.885

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section

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

- 25.APPENDIX A Statistical Test Equating – Licensure Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000 (Repealed)
- 25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)
- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2013

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

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SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462,

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effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. 13722, effective October 5, 2015; amended at 40 Ill. Reg. 4940, effective March 2, 2016; amended at 40 Ill. Reg. 12346, effective August 9, 2016; amended at 41 Ill. Reg. 8813, effective June 28, 2017; emergency amendment at 41 Ill. Reg. 8949, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14075, effective November 3, 2017.

SUBPART E: REQUIREMENTS FOR THE LICENSURE OF
ADMINISTRATIVE AND SUPERVISORY STAFF**Section 25.337 Principal Endorsement (2013)**

- a) This endorsement is required for principals and assistant principals.
- b) A principal endorsement shall be affixed to a professional educator license provided that the candidate holds a master's degree or equivalent (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)) and either successfully completes each of the requirements specified in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) or meets each of the requirements specified in Section 21B-35(b-5) of the School Code (also see Section 25.425 of this Part).
- c) Each candidate shall have:
4 total years of teaching or, until June 30, 2021, 4 total years of working in the capacity of school support personnel in an Illinois public school or nonpublic school recognized by the State Board of Education in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) or in an out-of-state public school or out-of-state nonpublic school meeting out-of-state recognition standards comparable to those approved by the State Superintendent of Education [105 ILCS 5/21B-25]. ~~1) four years of teaching~~

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~~experience or, until June 30, 2019, working in the capacity of school support personnel in a public school or nonpublic school recognized by the State Board of Education [105 ILCS 5/21B-25] in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), which must have been accrued while the individual held a valid professional educator license endorsed in a teaching field or, until June 30, 2019, a school support personnel area (i.e., school counselor, school psychologist, speech language pathologist (non-teaching), school nurse, school social worker, school marriage and family counselor); or~~

~~2) four years of experience, which must have been accrued while the individual held a valid teaching or, until June 30, 2019, school support personnel certificate or license issued by another state authorizing employment in an out-of-state public school or in an out-of-state nonpublic school meeting out-of-state recognition standards comparable to those set forth by the State Board of Education at 23 Ill. Adm. Code 425.~~

- d) For the purposes of Section 21B-25(2)(B) of the School Code [105 ILCS 5/21B-25(2)(B)], a candidate may qualify for the principal endorsement with *fewer than 4 years of experience* upon presentation of certain performance evaluation ratings that incorporate data and indicators of student growth (see Article 24A of the School Code [105 ILCS 5/~~Art. 24A~~] and 23 Ill. Adm. Code 50 (Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code)).
- 1) A candidate may qualify with three years of experience if he or she has received at least a "proficient" performance evaluation rating in his or her three annual performance evaluations conducted.
 - 2) A candidate may qualify with two years of experience if he or she has received an "excellent" performance evaluation rating in his or her two annual performance evaluations conducted.
- e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills, pursuant to Section 25.720, except that individuals who received their initial teaching or school support personnel certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.

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- f) An individual holding a general administrative endorsement issued pursuant to Section 25.335 of this Part may have that endorsement converted to a principal endorsement in accordance with the process set forth in Section 21B-25 of the School Code.

(Source: Amended at 41 Ill. Reg. 14075, effective November 3, 2017)

SUBPART F: GENERAL PROVISIONS

Section 25.430 Short-Term Approval for Teachers at All Grade Levels~~Authorization for Positions Otherwise Unfilled~~

Subject to the provisions of this Section, an individual ~~entity that is required to employ educator licensed teachers~~ may receive short-term approval for assignment in a position in which he or she does not hold necessary qualifications. Nothing in this Section is intended to modify existing endorsement requirements pursuant to Section 25.100~~authorization to employ an individual who does not hold the qualifications required for certain vacant teaching positions when the employing entity has been unable to recruit a fully qualified candidate for that position.~~

- a) Applicability
- 1) The short-term approvals ~~authorization~~ described in this Section shall be available until June 30, 2020~~;~~A) with respect to:
 - Ai) individuals who lack full qualifications in a content area; ~~or~~
 - Bi) individuals who lack the required grade level endorsements for an assignment; or until January 31, 2018, individuals who have not completed the six semester hours of coursework specified at 23 Ill. Adm. Code 1.720 for teachers of middle grades (see Section 1.720(a)(2)(A) and (B)); and
 - C) positions in which there is not a content area test for the endorsement.
 - 2B) The short-term approval shall be available in situations in which the employing entity's need for short-term authorization has arisen due to the unforeseen departure of a teacher who was fully qualified for the assignment in question.

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- 32) The short-term authorization described in this Section shall not be available with respect to:
- A) special education teaching positions;
 - B) driver's education positions; or
 - C) individuals who lack the required grade level endorsements for the assignment in question.

b) Application Procedures and Validity

- 1) A licensed teacher seeking short-term approval under this Section shall file an application in the Educator Licensure Information System.
- 2) The application for short-term approval shall be approved by the State Superintendent if the applicant provides proof of completion of nine semester hours of college coursework in the content area of assignment or provides proof of passing the content area test for the assignment.
- 3) Short-term approvals issued pursuant to this Section shall expire on June 30 immediately following the third full fiscal year after the approval was issued and shall not be renewed.
- 4) Prior to expiration of the approval, individuals must apply for and receive the applicable endorsement pursuant to Section 25.100 to continue teaching in the assigned area.

c) Filing of Information by School Districts

The employing entity hiring an individual under this Section shall file the following apply for short-term authorization by filing with the regional superintendent in a format designed by the State Superintendent:

- 1) a description of the vacant position, including the subject area and the grade level;
- 2) a description evidence of the entity's inability to fill the position with a fully qualified individual, ~~except as limited by subsection (a)(2)(C);~~

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- 3) a statement of assurance that the employing entity has not honorably discharged anyone in the past year who was fully qualified for the position;
- 4) ~~the name and Illinois Educator Identification Number (IEIN) of the individual the entity wishes to employ for the position, as well as a list of the license numbers and content area and grade level endorsements held by that individual;~~
- 45) a statement of assurance that the district will provide the teacher to be employed with mentoring and high-quality professional development each year in the subject area to be taught.~~a written assurance that the district will provide the teacher to be employed with mentoring and high-quality professional development each year in the subject area to be taught;~~
- 6) ~~one of the following:~~
 - A) ~~a written assurance from an institution of higher education that operates a program approved pursuant to Subpart C that leads to educator licensure in the content area to be taught that the individual who will be employed is enrolled in coursework that is designed to meet the standards applicable to that subject area;~~
 - B) ~~a written assurance from the licensure officer of another institution of higher education that offers one or more approved educator preparation programs that the individual is enrolled in courses that will enable him or her to qualify for the endorsement;~~
 - C) ~~other evidence of enrollment in relevant coursework supplied by the individual who will be employed; or~~
 - D) ~~a written assurance signed by the individual who will be employed, indicating his or her intention to enroll in one or more identified courses at a specified institution of higher education in the next semester; and~~
- 7) ~~a statement of intent, signed and dated by the individual who will be employed, stipulating that he or she will complete all requirements for an~~

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~~endorsement in the subject to be taught (see Section 25.100) within three school years after the issuance of authorization under this Section.~~

- d) Each regional superintendent overseeing the entity that employs an individual for a position under this Section shall upload the information specified in subsection (b)(1) through (4), on a form supplied by the State Superintendent, into the Educator Licensure Information System account of the employed individual within 10 business days after the individual is hired.
- e) ~~Short term authorization pursuant to this Section shall be issued only when the individual identified by the employing entity:~~
- ~~1) holds a professional educator license that is valid for the grade level of the proposed assignment;~~
 - ~~2) has successfully completed at least nine semester hours of college coursework in the subject area to be taught; and~~
 - ~~3) has filed the statement of intent required under subsection (b)(7).~~
- d) ~~When the requirements of this Section have been met, the State Superintendent of Education shall issue to the employing entity a letter granting short term authorization for the named individual to teach in the specific position for which the application was made.~~
- ~~1) The letter shall constitute an authorization to the employing entity and not a credential issued to the individual. As such, it shall not be transferable to any other individual, employing entity or teaching assignment.~~
 - ~~2) Each employing entity that receives an authorization pursuant to this Section shall maintain the State Superintendent's letter on file and make it available for inspection by representatives of the State Board of Education upon request.~~
- e) ~~Short term teaching authorization issued pursuant to this Section shall be issued with respect to a specific school year and shall expire on June 30 immediately following the third full year after the authorization was issued.~~

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- f) ~~After the end of the validity of authorization received under this Section, the individual shall not be eligible to teach in the content area for which approval was granted unless he or she has received an endorsement for that content area.~~

(Source: Amended at 41 Ill. Reg. 14075, effective November 3, 2017)

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- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3) Section Number: 30.70 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 21B-60 of the School Code [105 ILCS 5/21B-60].
- 5) Effective Date of Rule: November 3, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 8312; July 14, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Numerous technical changes were made to align this rulemaking to the current Administrative Code style and consistency within the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Portions of rules in Parts 1, 25, and 30 are being modified to focus on assignment (what a district needs to do in order to legally assign a teacher) and receipt of the endorsement.

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Part 30 has been modified to clarify the requirements for the receipt of the principal endorsement. Specifically, the rules removed the requirement that candidates must have a professional educator license endorsed in a teaching field or in school support personnel in order to be admitted into a principal preparation program.

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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 30

PROGRAMS FOR THE PREPARATION OF PRINCIPALS IN ILLINOIS

Section

30.10	Definitions
30.20	Purpose and Applicability
30.30	General Program Requirements
30.40	Internship Requirements
30.45	Assessment of the Internship
30.50	Coursework Requirements
30.60	Staffing Requirements
30.70	Candidate Selection
30.80	Program Approval and Review

30.APPENDIX A Internship Assessment Rubric

AUTHORITY: Implementing and authorized by Section 21B-60 of the School Code [105 ILCS 5/21B-60].

SOURCE: Old Part repealed at 29 Ill. Reg. 18439, effective October 31, 2005; new Part adopted at 35 Ill. Reg. 9060, effective June 1, 2011; amended at 36 Ill. Reg. 6819, effective April 23, 2012; amended at 37 Ill. Reg. 4258, effective March 25, 2013; amended at 38 Ill. Reg. 11360, effective May 6, 2014; amended at 39 Ill. Reg. 4009, effective February 24, 2015; amended at 40 Ill. Reg. 3055, effective January 27, 2016; amended at 40 Ill. Reg. 13658, effective September 15, 2016; emergency amendment at 41 Ill. Reg. 8967, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14092, effective November 3, 2017.

Section 30.70 Candidate Selection

Candidates admitted to a program for principal preparation shall be selected through an in-person interview process. Each candidate must meet the following minimum requirements.

- a) Have two years' experience as a teacher or school support personnel in an Illinois public school, nonpublic school recognized pursuant to 23 Ill. Adm. Code 425

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(Voluntary Registration and Recognition of Nonpublic Schools), out-of-state public school, or nonpublic school meeting out-of-state recognition standards comparable to those set forth in 23 Ill. Adm. Code 425. ~~Holds either:~~

- ~~1) a valid and current Illinois professional educator license endorsed in a teaching field (i.e., early childhood, elementary, secondary, special K-12 or special preschool age 21) or, until June 30, 2019, endorsed in a school support personnel area (i.e., school counselor, school psychologist, speech language pathologist (non-teaching), school nurse, school social worker, school marriage and family counselor); or~~
- ~~2) a valid and current teaching or, until June 30, 2019, school support personnel, certificate, license or endorsement issued by another state authorizing employment in an out-of-state public school or in an out-of-state nonpublic school meeting out-of-state recognition standards comparable to those set forth by the State Board of Education at 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools).~~
- b) Passage of the test of basic skills if the candidate had not been required to take the test for receipt of his or her Illinois professional educator license or previously issued teaching certificate or school support personnel endorsement (see 23 Ill. Adm. Code 25.720(b)).
- c) Submission of a portfolio that presents evidence of a teacher candidate's achievements.
 - 1) Evidence of teaching experience in each of the following categories:
 - A) Support of all students in the classroom to achieve high standards of learning;
 - B) Accomplished classroom instruction, which shall include data providing evidence of two years of student growth and learning within the last five years;
 - C) Significant leadership roles in the school (e.g., curriculum development, discipline, team teaching assignment, mentoring);

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- D) Strong oral and written communication skills;
 - E) Analytic abilities needed to collect and analyze data for student improvement;
 - F) Demonstrated respect for family and community;
 - G) Strong interpersonal skills; and
 - H) Knowledge of curriculum and instructional practices.
- 2) For purposes of this subsection (c), "evidence" includes, but is not limited to:
- A) Evaluations of the candidate's teaching abilities from supervisors that attest to students' academic growth;
 - B) Evidence of leadership roles held and descriptions of the impact the candidate has had on the classroom, school or district, or the constituents served;
 - C) An analysis of classroom data (student scores) that describes how the data were used to inform instructional planning and implementation, including an explanation of what standards were addressed, the instructional outcomes and steps taken when expected outcomes did not occur;
 - D) Information on the candidate's work with families and/or community groups and a description of how this work affected instruction or class activities;
 - E) Examples of the candidate's analytical abilities as evidenced by a description of how he or she used the results from student assessments to improve student learning; and
 - F) Evidence of curriculum development, student assessments, or other initiatives that resulted from the candidate's involvement on school committees.

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- d) Submission of a portfolio that presents evidence of a school support personnel candidate's achievements.
- 1) Evidence of experience in each of the following categories:
 - A) Support within the candidate's service area for all students that contributes to the students' personal growth and development, and high standards of learning;
 - B) Effective support of all students, which shall include data providing evidence of two years of success within their service area in the last five years;
 - C) Significant leadership roles in the school (e.g., curriculum development, discipline, collaboration or consultation with classroom teachers and administrators, mentoring);
 - D) Strong oral and written communication skills;
 - E) Analytic abilities needed to collect and analyze data for student improvement;
 - F) Demonstrated respect for family and community;
 - G) Strong interpersonal skills; and
 - H) Knowledge of academic, social, emotional and behavioral supports that meet the needs of all students.
 - 2) For purposes of this subsection (d), "evidence" includes, but is not limited to:
 - A) Evaluations of the candidate's abilities in his or her service area from supervisors that attest to students' academic growth, and social and emotional development;
 - B) Evidence of leadership roles held and descriptions of the impact the candidate has had on the classroom, school or district, or the constituents served;

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- C) An analysis of data (e.g., psychological testing, grades, attendance information, disciplinary referrals, course enrollment) that describes how the data were used to provide support, assistance, collaboration or intervention, including an explanation of the student priorities addressed; the academic, social, emotional and/or behavioral outcomes; and the steps taken when expected outcomes did not occur;
 - D) Information on the candidate's work with families and/or community groups and a description of how this work affected students' academic, social, emotional and/or behavioral outcomes;
 - E) Examples of the candidate's analytical abilities as evidenced by a description of how he or she used the results from student assessments to improve student learning; and
 - F) Evidence of curriculum development, student assessments or other initiatives that resulted from the candidate's involvement on school committees.
- e) Each applicant shall interview with no fewer than two of the program's full-time faculty members and shall, at a minimum, discuss the contents of his or her portfolio and complete on site a written response to a scenario presented by the interviewers.

(Source: Amended at 41 Ill. Reg. 14092, effective November 3, 2017)

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- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
75.500	New Section
75.510	New Section
75.520	New Section
75.530	New Section
75.540	New Section
75.550	New Section
75.560	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.80b
- 5) Effective Date of Rules: November 3, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 7481; June 30, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Numerous technical changes were made to align this rulemaking to the current Administrative Code style and consistency within the Part.

In addition, in Section 75.500 the definition of "full time" was changed to "full time teacher" and amended to clarify teachers are only eligible for this grant when they teach at least one approved agricultural education class.

In Section 75.530, the anticipated number of extra hours the teachers will work is being deleted.

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In Section 75.540, "a maximum of" is being deleted to clarify that teachers must work 400 hours in order for the school district to receive grant funds. Additionally, this Section is being amended to clarify the teacher's contract shall be based on 60 days spent on approved activities.

In Section 75.560, subsection (e) was amended to clarify the individual teacher is responsible for completing and documenting the 400 hours of approved activities. Also, grant term violations are more clearly spelled out to delineate that if the school district fails to meet the required documentation requirements or if all the teachers in that district fail to complete or document the 400 hours then the district is considered the offending party. However, if one teacher within the district (when more than one teacher within the district is participating in this program) fails to complete or document the 400 hours then that teacher is considered the offending party.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemakings: PA 99-826 created a new grant program for school districts to cover the personal services costs of agricultural education teachers beyond their regularly scheduled teaching duties (extended contract) for 400 hours or 60 days. Eligible entities are public school districts or area vocational education centers offering a State-approved agricultural education program. This new formula grant is designed to partner with districts to cover up to 50% of this personal services cost beyond the instructional time in the standard nine-month contract. Districts implementing a new agricultural education program may apply for up to 100% of this cost in the first two years of the program and 80% of the cost in years three and four. The paid time would be related to working with students and/or individually on improvement of instruction, work-based learning activities, and/or state-approved career and technical student organization activities where concepts are being applied in various means. The grant must also create a system for tracking the hours completed.

The proposed rules establish the following application procedures:

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Applications must include the names of teachers, current year base salaries, anticipated number of additional hours worked, how those hours are an extension of the teacher's regular duties, and the anticipated number of individuals impacted.

When the amount of funds exceeds the amount allocated, the school district's initial prorated funding level it would need to elect to opt out of the grant. Applicants will have a minimum of 30 days from the date of application is released to submit their intent to apply for grant funds.

Grant funds will be distributed as follows:

If the amounts requested by the school districts exceed the amount appropriated, then each school will receive the prorated amount listed on their application unless it chooses to opt out. If a school district elects to opt out of its prorated share, the remaining districts share will be recalculated to determine their final allocations.

If the amounts requested by the school districts are less than the amount appropriated, the preliminary allocations will become the final allocations.

Grantees must show satisfactory progress in the previous grant cycle to be eligible for future grants. Only hours the teacher is representing the agricultural education program/chapter are eligible to be paid out under this grant.

All grantees must report the hours the teachers spend on approved activities. School districts must provide ISBE with a report that must be submitted prior to the next grant cycle and shall include the following:

The school district's and teachers' names

Date and times of activities

A description of how the activity performed relates to the activities approved under the grant

The number of hours spent on the activity

The number of individuals impacted.

The terms of the grants are as follows:

The teacher must be a full-time agricultural education teacher

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School districts may apply for a grant for each full-time agricultural education teacher
Funded activities shall occur outside the teaching day

Grants are available to assist with personal service costs beyond the nine month
contract but not to exceed the total 12 months in any given year

Each teacher receiving funds under this grant must document the 400 hours of
activity

If the teacher is on leave or long-term illness, the school district may request that
a long-term substitute or equivalent fulfill the hours to receive funds.

16) Information and questions regarding these adopted rules shall be directed 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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION

Section

- 75.10 Purpose and Applicability
- 75.20 Eligible Applicants
- 75.30 Application Procedure
- 75.40 Program Specifications; Allowable Expenditures
- 75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section

- 75.200 Purpose and Applicability
- 75.210 Eligible Applicants
- 75.220 Program Goals and Minimum Standards
- 75.230 Quality Indicators
- 75.240 Determination of Individual Grant Allocations
- 75.250 Application Procedure
- 75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section

- 75.300 Purpose and Eligible Applicants
- 75.310 Program Goals and Minimum Standards
- 75.320 Quality Indicators
- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure

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75.350 Terms of the Grant

SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section

75.400 Purpose and Objectives
75.410 Eligible Applicants
75.420 Application Procedure for Initial Proposals
75.430 Criteria for the Review of Initial Proposals; Allocation of Funds
75.435 Application Content and Approval for Continuation Programs
75.440 Terms of the Grant

SUBPART E: AGRICULTURAL EDUCATION TEACHER
THREE CIRCLE GRANT PROGRAM (FFA and SAE)

Section

75.500 Definitions
75.510 Purpose and Objectives
75.520 Eligible Applicants
75.530 Application Procedure
75.540 Allocation of Funds
75.550 System for Reporting Hours
75.560 Terms of the Grant

AUTHORITY: Implementing Sections 2-3.80, 2-3.80a and 2-30b of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80, 2-3.80a, 2-30b and 2-3.6].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. 18903, effective December 17, 2012; amended at 37 Ill. Reg. 15932, effective September 27, 2013; amended at 41 Ill. Reg. 14099, effective November 3, 2017.

SUBPART E: AGRICULTURAL EDUCATION TEACHER
THREE CIRCLE GRANT PROGRAM (FFA and SAE)

Section 75.500 Definitions

STATE BOARD OF EDUCATION

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"Approvable Agricultural Education Program at the Middle School Level" means an agricultural education program that includes at least one State approved introductory agricultural education course with an appropriately licensed teacher in an agricultural education career pathway that connects to a secondary program. This introductory course shall include a career exploration component with SAE as a part of instruction. A middle school program shall also connect either to a stand-alone middle school or a secondary FFA chapter.

"Curricular/Intra-curricular Related Activities" means activities that are connected to the classroom instruction. Grant funds shall only be used to support activities related to the classroom outside of the regularly scheduled teaching duties for the benefit of agricultural education. Examples of these activities include, but are not limited to, professional development, professional organization conferences, curriculum development or improvement, and classroom and laboratory facilities maintenance. The recommended maximum level of activity for this component is 16 days or 128 hours.

"FFA" means a State and federally recognized career and technical student organization for students in State approved agricultural education programs. (Formerly known as Future Farmers of America, now the National FFA Organization.)

"FFA Activities" means those activities that demonstrably relate to the intra-curricular nature of the career and technical student organizations and focus on premiere leadership, personal growth and/or career success. Examples of these activities include leadership training or events, community service or education activities, career development event preparation or competitions, chapter program management, program/chapter recruitment and marketing activities, alumni meetings and professional events, program fundraising events, and public events related to agricultural education. The recommended minimum level of activity for this component is 17 days or 136 hours.

"Full Time Teacher" means an agricultural education teacher with at least a nine-month (180 day) contract based on an eight hour day when the teacher is teaching at least one approved agricultural education class.

"New Agricultural Education Program" means an agricultural education program approved by the State Board of Education in a school district that has

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not had an agricultural education program for a period of 10 years or more prior to the date of application for a grant.

"Personal Services Cost" means the cost (salary and benefits) of a teacher providing 60 additional days, which shall mean 400 additional hours, outside the teacher's regularly scheduled teaching duties for the benefit of agricultural education. The 400 additional hours shall be any activity that is to the benefit of agricultural education, as defined by the State Board in in this Subpart E, regardless of the time of year the activity occurs. [105 ILCS 5/2-3.80b(a)]

"School Code" means 105 ILCS 5.

"School District" means a public school district or area vocational center.

"Supervised Agricultural Experience" or "SAE" means activities that are work-based learning activities such as degree/award preparation, SAE visits, record book instruction, training or assistance. The recommended minimum level of activity for this component is 17 days or 136 hours.

"Three Circle Model" means a model used to identify the central components of an agricultural education program. The central components are:

Classroom/laboratory instruction: Including contextual, inquiry-based instruction and learning.

FFA: Fostering the development of premiere leadership, personal growth, and career success through engagement in its programs and activities.

SAE: Including experiential, service and work-based learning.

"Work-based Learning" means an activity or interaction among the teacher, student and/or employer or industry representative who provides experience related to an agricultural career interest. Work-based learning includes, but is not limited to, SAEs, job shadowing, internships, apprenticeships, school-based enterprises, industry-led projects and challenges or competitions.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

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Section 75.510 Purpose and Objectives

This Subpart E establishes the application procedure and criteria for the allocation of formula grant funds to eligible school districts and area vocational centers created pursuant to Section 10-22.31a of the School Code to support personal service costs of teachers' time spent outside the regularly scheduled teaching duties in order to expand and improve their ability to carry out activities based on the three circle model for agricultural education.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

Section 75.520 Eligible Applicants

Eligible applicants under this Subpart E shall be Illinois school districts and area vocational centers created pursuant to Section 10-22.31a of the School Code that employ full-time middle or secondary school teachers in a State approvable agricultural education program as defined by Section 75.210 or is an approvable middle school program.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

Section 75.530 Application Procedure

- a) School districts shall submit an intent to apply application to the State Board of Education. The application must include all information necessary in completing the formula calculations for this grant. This information shall include, at a minimum, the names of the teachers the school district used the grant to pay, current year base salaries, how the extra hours are an extension of the teachers' regular duties, and the anticipated number of individuals impacted. School districts shall also indicate the initial prorated funding level at which the district would elect to opt out of the grant. Applicants will have a minimum of 30 days from the date the applications are released to submit their intent to apply.
- b) Once the preliminary allocations have been determined and a total funding request has been identified, the State Board will distribute funds to school districts as follows:
 - 1) if the total appropriated funding allotment for the grant program is less than the total amount requested in the initial application, the allocation amounts to each school district will be prorated. Allocations will be based

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on the school district's identified opt-out funding level in place of the prorated preliminary allocation. School districts that choose to opt out forfeit their preliminary allocation. The remaining school districts will be recalculated to determine the final allocation to each school district.

- 2) if the total appropriated funding allotment for this grant program is equal to or exceeds the total amount requested in the initial applications, the school district's preliminary allocations will become the final allocation.
- c) Once the final allocations have been determined, the school district must complete and submit a budget application.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

Section 75.540 Allocation of Funds

- a) Funding in each year is subject to appropriation and satisfactory progress of the school district in the previous grant year.
- b) All eligible applicants shall receive funds in accordance with Section 75.530(b).
- c) Each teacher identified in the intent to apply application must complete 400 hours of approved activity. No more than 400 hours will be paid according to the parameters of the grant. Eight hours shall equal one day. Only hours when the teacher is representing the program/chapter or supervising students shall be counted and must relate to agricultural education. No hours related to activities of a personal nature are permitted. The hours of activity must be in approved activities based on the agricultural education three circle model and shall fall into one of the three following categories: work-based learning (SAE), career and technical student organization, and curricular/intra-curricular related activities.
- d) Determination of School District's Personal Service
 - 1) Existing agricultural education programs may apply for an amount not to exceed 50% of the days for personal services cost for each agricultural education teacher employed.

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- 2) New agricultural education programs may apply for an amount not to exceed:
- A) 100% of the days for personal services cost for each agricultural education teacher in the program's first and second year; and
- B) 80% of the days for personal services cost for each agricultural education teacher in the program's third and fourth year. [105 ILCS 5/2-3.80b(c)]
- e) Personal service costs and/or extended contracts shall be based upon the following:
- 1) the reasonably expected personal services cost for a teacher based on the cost of each teacher's regularly scheduled teaching duties, including all costs paid by the district at the daily rate of each teacher; and
- 2) the daily rate of each teacher (base salary of each teacher in the current year divided by 180 days). This rate will be multiplied by 60 days of approved activities for each teacher in the school district as indicated in subsection (d).
- f) Allocations may be prorated if the amount of funds allotted for this program is insufficient to cover the grant requests for funding. If funds are prorated, school districts will have an opportunity to opt out of the grant.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

Section 75.550 System for Reporting Hours

An electronic mechanism will be provided for school districts to report hours of approved activities fulfilling the reporting and documentation requirements of the State Board. This mechanism will collect a report for school districts to determine the activity, hours and impact of the teacher's activities. This report will include, at a minimum, the school district and teachers' names, date and time of activity, a description of how the activity performed relates to the activities approved under the grant, number of hours spent on each activity, and the number of individuals impacted. This report must be submitted prior to approval of the subsequent fiscal year's grant budget approval.

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(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

Section 75.560 Terms of the Grant

- a) The teacher shall be a full-time teacher (i.e., under at least a current nine month (180 days) contract based on an eight hour day).
 - b) A school district may apply for a grant for personal services of each full-time agricultural education teacher.
 - c) Activities funded under this grant as personal services shall occur outside of the regularly scheduled teaching duties for the benefit of agricultural education.
 - d) Grants are available to eligible school districts to assist with the personal services costs of agricultural education teachers beyond or outside of the nine month contract but not to exceed the total of 12 months in any given year.
 - e) Each teacher identified in the intent to apply application is responsible for completing and documenting the 400 hours of approved activities beyond the regularly scheduled teaching duties for the benefit of agricultural education. The school district shall submit that documentation to the State Board of Education, along with documentation substantiating the total payment (its share of the cost of payments to each teacher as well as the allocated funds).
- 1) Grant Term Violations
 - A) Failure to Submit Required Documentation
If a school district fails to submit the required documentation in order to meet the grant requirements, the district is considered the offending party.
 - B) Failure to Meet the 400 Hour Extra Work Commitment
If an individual teacher within the district (if there is more than one agricultural education teacher) fails to complete or document the 400 hours, that teacher is the offending party. If all teachers in a district fail to complete or document the 400 hours, the district is the offending party.

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- 2) Penalty for Failing to Meet the Documentation or Work Hour Requirement
Failure to meet a program requirement will result in the ineligibility of the offending party for a grant in the subsequent year.
- 3) The State Board of Education can waive this ineligibility in extenuating circumstances when completion of the requirements is not possible and/or is out of the district's control (e.g., severe illness, death, etc.). The district shall document the circumstance as applicable.
- f) In the case of a teacher on leave or long-term illness (e.g., sabbatical, sick leave, maternity leave), it is possible for a school district to request that a long-term substitute or equivalent representative fulfill the hours to receive the funds so long as the teacher or the substitute completing the hours receives those funds.
- g) The district will hold the teacher harmless in the event:
 - 1) the grant is prorated subject to Section 75.530(b). The teacher shall be entitled to the extended contract benefits or additional hours outside of the teacher's regularly scheduled teaching duties for the benefit of agricultural education, as agreed to by the school district and teacher prior to the grant application; or
 - 2) a district applies for the grant and then the grant becomes no longer available. The teacher shall be entitled to the extended contract benefits or additional hours outside of the teacher's regularly scheduled teaching duties for the benefit of agricultural education, as agreed to be the school district and teacher prior to acceptance of the grant.

(Source: Added at 41 Ill. Reg. 14099, effective November 3, 2017)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Expungement Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1205
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1205.20	Amendment
1205.30	Amendment
1205.40	Amendment
1205.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Criminal Identification Act [20 ILCS 2630/5] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605].
- 5) Effective Date of Rules: November 2, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 9916, July 21, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed amendments will make minor updates to the procedures for court ordered expungements/sealing of records received by the Illinois Department of State Police, Bureau of Identification.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

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

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1205
EXPUNGEMENT PROCEDURES

Section	
1205.10	Purpose
1205.20	Definitions
1205.30	Expungement Order Requirements
1205.40	Fees
1205.50	Processing of Expungement Orders

AUTHORITY: Implementing and authorized by Section 5 of the Criminal Identification Act [20 ILCS 2630/5] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605].

SOURCE: Adopted at 16 Ill. Reg. 18093, effective November 17, 1992; amended at 41 Ill. Reg. 14112, effective November 2, 2017.

Section 1205.20 Definitions

~~"Act" means the Criminal Identification Act (Ill. Rev. Stat. 1991, ch. 38, par. 206-1 et seq.).~~

"Department" means the Illinois Department of State Police.

"Expungement" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both, maintained by the Department~~a court order issued pursuant to the provisions of Section 5 of the Act.~~

(Source: Amended at 41 Ill. Reg. 14112, effective November 2, 2017))

Section 1205.30 Expungement Order Requirements

- a) All expungement court orders must contain either the original signature of the issuing judge or the seal and certification of the circuit court clerk.

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- b) The expungement court orders must contain sufficient information to identify the person whose record is to be expunged. Identification of the subject shall include at least one of the following:
- 1) Name, Sex, Race, and Date of Birth;
 - 2) State Identification Number (SID);
 - 3) Federal Bureau of Investigation (FBI) Number; or
 - 4) Chicago Identification Record (IR) Number;~~;~~
 - 5) ~~Document Control Number of the Arrest to be Expunged; or~~
 - 6) ~~Central Booking Number of the Arrest to be Expunged.~~
- c) The expungement court order must contain sufficient information to identify the specific arrest to be expunged. Identification of the specific arrest shall include at least one of the following:
- 1) Date of Arrest, Arrest ~~Charges~~Charge(s), and Arresting Agency;
 - 2) Dates of Arrest and Court Case Number;
 - 3~~2~~) Document Control Number of the Arrest to be Expunged; or
 - 4~~3~~) Central Booking Number of the Arrest to be Expunged.
- d) Each expungement court order must be accompanied by the correct fee.

(Source: Amended at 41 Ill. Reg. 14112, effective November 2, 2017)

Section 1205.40 Fees

The fee shall be set by the Director of the Department and shall be equivalent to the cost of processing the court order to expunge or seal the record. The fee shall not exceed the general costs for processing ~~thesesueh~~ requests. The general costs shall include, but are not limited to, personnel, supervision and training, telephone, electric, equipment, printing, postage, facilities, forms, and miscellaneous related costs. Fees must be in the form of a cashier's check or money

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

order payable to the [Illinois](#) State Police ~~Services Fund~~.

(Source: Amended at 41 Ill. Reg. 14112, effective November 2, 2017)

Section 1205.50 Processing of Expungement Orders

The Department shall identify the subject and the arrest to be expunged based upon the information provided pursuant to Section 1205.30. Records to be expunged pursuant to court order will be destroyed. In the event the Department is unable to identify the arrest to be expunged, the Department shall so notify the person seeking the expungement. ~~Court orders contrary to the provisions of Section 5 of the Act are void.~~ In the event the Department decides to file a motion to vacate, modify or reconsider the court order ~~receives a void order~~, the Department will so notify the person seeking the expungement.

(Source: Amended at 41 Ill. Reg. 14112, effective November 2, 2017)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Criminal History Background Investigations
- 2) Code Citation: 20 Ill. Adm. Code 1270
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1270.10	Repealed
1270.20	Repealed
1270.30	Repealed
1270.40	Repealed
1270.45	Repealed
1270.50	Repealed
1270.60	Repealed
1270.70	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 10-21.9 and 34-18.5 of the School Code [105 ILCS 5] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605].
- 5) Effective Date of Repealer: November 2, 2017
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 9921, July 21, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: These rules were promulgated in 1987 and focused on background checks for school districts. The information contained in this Part is obsolete, and the documents referenced no longer exist. The statutory sections provide the authorization needed to cover the Department's background check procedures. This Part is no longer needed and is being repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Low Income Home Energy Assistance Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
100.40	Amendment
100.50	Amendment
100.60	Amendment
- 4) Statutory Authority: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2009-2.
- 5) Effective Date of Rules: November 6, 2017
- 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: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: November 6, 2017
- 8) A statement that a copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection: The Department maintains a copy of the adopted rules including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: These rules need to have an immediate effect because a designated LAA has failed to timely submit an application for grant funding for the 2018 LIHEAP program year and has repeatedly failed to comply with program requirements in prior program years, requiring the Department to temporarily assign a qualified alternate provider to provide critical heating and weatherization services to low-income clients in that LAA's service area for the current program year as this situation is further investigated. Moreover, time is of the essence because the current 2018 LIHEAP program year commenced on October 1, 2017, and an alternate provider should be assigned as close as possible to the program year start date to avoid any disruption in services during the winter season.
- 10) A Complete Description of the Subjects and Issues Involved: Under the existing Low-Income Home Energy Assistance Program (LIHEAP) rules, certain eligible entities are

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

designated as Local Action Agencies (LAAs) for purposes of administering the State of Illinois' LIHEAP and Illinois Home Weatherization Assistance Program (IHWAP) by offering energy assistance and weatherization services to the State's most vulnerable populations, namely the low-income community, in a specific service area approved by the Department. The proposed rules provide modifications, including but not limited to, (i) adding the option of a suspension of an LAA's designation to address situations in which immediate action is necessary to protect the public interest, including during the pendency of a designation revocation proceeding and (ii) providing a more flexible and streamlined process for LAA designation revocation proceedings. The proposed amendments also implement the option of a temporary assignment of a qualified alternate provider to operate the LIHEAP and IHWAP programs in the designated LAA's service area for that program year during the pendency of a suspension or revocation proceeding in order to ensure continuity of LIHEAP and IHWAP services for those low-income households

- 11) Are there any other rulemakings to this Part pending? Yes, the proposed rule.
- 12) 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].
- 13) Information and questions regarding these rules shall be directed in writing to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
fax: 217/524-3701
jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 100
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

- 100.10 Legislative Base
- 100.20 Purpose and Scope
- 100.30 Definitions
- 100.40 Local Administering Agency Designation

EMERGENCY

- 100.50 Local Administering Agency Application for Funding

EMERGENCY

- 100.60 Local Administering Agency Designation Suspension, Termination and Revocation~~Grant Termination~~

EMERGENCY

- 100.70 Administrative Requirements
- 100.80 Nondiscrimination
- 100.90 Dispute Procedures
- 100.100 Complaint Process
- 100.110 Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section

- 100.200 Energy Assistance Program
- 100.210 Allocation of Block Grant Funds
- 100.220 Assistance Available
- 100.230 Applicant Assistance
- 100.240 Summer Energy Assistance
- 100.250 Determination of Household Eligibility

SUBPART C: WEATHERIZATION

Section

- 100.400 Allocation of Funds

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

100.410	Minimum Program Requirements
100.420	Allowable Costs
100.430	Cost Restrictions
100.440	Standards and Techniques for Weatherization
100.450	Eligible Dwelling Units

100.APPENDIX A	LIHEAP Payment Matrix
100.APPENDIX B	Medical Certification
100.APPENDIX C	Assistance Level Chart Map

AUTHORITY: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2009-2.

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940, effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 5, 1993; amended at 27 Ill. Reg. 2123, effective January 24, 2003; emergency amendment at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days; emergency expired January 29, 2004; recodified from the Department of Commerce and Economic Opportunity (47 Ill. Adm. Code 100) to the Department of Public Aid (89 Ill. Adm. Code 109) at 29 Ill. Reg. 2791; recodified from the Department of Healthcare and Family Services (89 Ill. Adm. Code 109) to the Department of Commerce and Economic Opportunity (47 Ill. Adm. Code 100) at 33 Ill. Reg. 9466; emergency amendment at 41 Ill. Reg. 14119, effective November 6, 2017, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

Section 100.40 Local Administering Agency Designation
EMERGENCY

- a) Certain~~The following local~~ entities are eligible to apply for LAA designation under this Part as follows~~as LAAs under the LIHEAP~~:
- 1) Any organization which was officially designated as a Community Action Agency under the applicable provisions of ~~section 210 of~~ the Economic Opportunity Act of 1964, as amended~~;~~;
 - 2) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering the LIHEAP and IHWAP programs~~an Energy Assistance or Weatherization Program~~ according to the guidelines established by the Department and in accordance with this Section~~; and~~;
 - 3) A ~~(Unit~~unit or combination of Units~~units~~ of General Purpose Local Governments~~general purpose local governments~~ of the State (as defined in Section 100.30).
- b) ~~In designating LAAs, the Department will designate LAAs in compliance with the federal standards set forth in Section 100.10, the HHS comply with those rules and regulations set forth in (45 CFR Part 96), (October 1, 1990 edition) and the DOE regulations (10 CFR Part 440.15 (January 1, 1991 edition) in addition to applicable Department policies and procedures, which provide the federal standards governing LAA selection for the LIHEAP and IHWAP programs under this Part~~Energy Assistance Program (the HHS and the U.S. Department of Energy (DOE) weatherization assistance program). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE funded component of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part.
- c) Only a designated LAA may apply for grant funding from the State, pursuant to Section 100.50, to operate the LIHEAP and IHWAP programs and only in the specific county or counties approved by the Department ("Service Area"). If, however, the designated LAA fails to timely submit an application for grant funding from the State for a certain Program Year, the Department has the right to

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assign an alternate LAA to operate the LIHEAP and IHWAP programs in that LAA's Service Area for that Program Year in order to ensure continuity of services and to protect the public interest.

- d) In the event that the Department commences a designation revocation proceeding against a designated LAA or the Department temporarily suspends a designated LAA, or an LAA provides written notice to the Department stating its desire to discontinue operation of its LIHEAP and IHWAP programs in its Service Area, as set forth in Section 100.60, the Department, in its sole discretion, may assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) during the pendency of the suspension or the designation revocation proceeding, or following the LAA's requested termination, as applicable, in order to ensure continuity of services in the Service Area. ~~When designating LAAs to carry out LIHEAP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of section 2605(a)(2)(b)(6) of Title VII of the Low Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.~~

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 14119, effective November 6, 2017, for a maximum of 150 days)

Section 100.50 Local Administering Agency Application for Funding
EMERGENCY

- a) ~~To be eligible for financial assistance, a local agency must be designated by the Department to operate the Energy Assistance or Weatherization Program contained in this Part.~~
- 1) ~~Where a local agency has been designated by the Department, in accordance with Section 100.40, to operate the Energy Assistance or Weatherization Program for a county or counties, only that designated local agency may apply for financial assistance.~~
 - 2) ~~Where no local agency has been designated by the Department to operate~~

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~~these programs, that agency which is successful in its request for proposal bid to operate the aforementioned programs shall be awarded financial assistance under this Part. The proposal will be evaluated in accordance with 10 CFR 440.15(a) (1989) and Subparts A, B, C, D, E, F and H of 45 CFR 96 (1988).~~

~~ab)~~ Designated LAAs Applicants will be required to meet program and fiscal requirements for operation of the LIHEAP and IHWAP programs under this Part prior to the submittal of an application for grant funding from the State. Applications will not be processed nor grants awarded prior to the Department's review of the LAA's applicant's performance in the following four areas:-

- 1) an effective outreach referral program (evidenced by services to clients in accordance with their incidence in the census-based client population of the service area);
- 2) a continuing planning process and capability (evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives);
- 3) an accounting system in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (1989), 1211 Avenue of the Americas, New York, NY 10036-8775; and
- 4) an effective citizen participation/community involvement program.

~~be)~~ In preparing the grant application, LAAs for funding assistance for programs contained in this Part, applicants will be required to submit the following items:

- 1) Application for Assistance: The Department will require the submittal of a form provided by the Department which requires the basic information needed for grant award documentation and for the Department's review purposes.
- 2) Annual Implementation Plan ~~Work Program~~: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The work program must include at a minimum

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such items as provisions for staff, coordination with other delivery agencies and a description of how the [LAAgency](#) intends to deliver its basic services.

- 3) Annual Budget: The [LAAapplicant](#) shall submit a grant budget by cost categories, on the budget summary form and detail sheets provided by the Department.
- 4) Statement of Coordination: The [LAAgrant applicant](#) will be required to outline its program of coordination with other agencies and programs. The statement shall include coordination mechanisms established by the [LAAapplicant](#) and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.
- 5) Assurances and Certifications: In a form and manner provided by the Department, the [LAAapplicant](#) will be required to certify its compliance with all applicable state and federal laws and regulations as detailed in this Part dealing with the receipt and expenditure of grant [fundsmonies](#), as provided on the grant application.
- 6) Additional Grant Application Submittals: These include:
 - A) Name, address, telephone number of the [LAAAgency](#) responsible for administering the projects as well as signatures designating responsibility for the grants;
 - B) The "Notice of Grant Award" and grantee acceptance;
 - C) The "Method of Compensation, Fiscal Recording/Reporting Requirements";
 - D) The "Terms and Conditions Governing the Grant";
 - E) The "Scope of Work" which insures programmatic controls, such as training, staffing, outreach, and reporting; and
 - F) Any information which the Department deems necessary to clarify or document information provided in the application.

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- cd) The Department will use the following standards to select certain LAAsgrantees for special demonstration projects. The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State.
- 1) The Department will consider the LAA'sapplicant's experience in the particular type of energy assistance or weatherization project to be implemented.
 - 2) The Department will consider the qualifications of the LAA'sapplicant's personnel as related to the particular type of energy assistance or weatherization project to be implemented.
 - 3) The Department will evaluate the methodology proposed by the LAAapplicant for completion of the project under consideration.
 - 4) The Department will evaluate the ability of the LAAapplicant to complete the project under consideration as evidenced by factors specified in subsections cd(1), (2), (3), (5) and (6).
 - 5) The Department will evaluate the LAA'sapplicant's timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals.
 - 6) The Department will evaluate the LAA'sapplicant's budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project.

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 14119, effective November 6, 2017, for a maximum of 150 days)

**Section 100.60 Local Administering Agency Designation Suspension, Termination and Revocation~~Grant Termination~~
EMERGENCY**

~~If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the~~

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~~"best interests" of the program will depend on the agency's success in complying with the grant agreement.~~

- a) ~~A designated LAA will be permitted to apply for and receive funding available from the State to operate its~~ Any LAA, either established (i.e., local designation and state recognition) under the LIHEAP and/or IHWAP programs in its Service Area ~~accordance with the Low Income Home Energy Assistance Act of 1981 will be awarded continuing program administering responsibilities in its established jurisdiction unless one or more of the following events shall occur:~~
- 1) ~~an LAA fails to comply with the applicable federal and State statutes, regulations and rules, grant agreement terms and conditions or Department policies and procedures governing the LIHEAP and IHWAP programs under this Part, as determined by the Department; written communication to the Department stating its desire to discontinue operation of the program;~~
 - 2) ~~an LAA or any of its principals have:~~
 - A) ~~made a false representation in connection with the LIHEAP and IHWAP programs under this Part, or any grant award issued by the State;~~
 - B) ~~been convicted of or entered a plea of guilty or plea of nolo contendere to a felony or to a misdemeanor, an essential element of which is dishonesty; or~~
 - C) ~~are convicted of fraud or other criminal behavior, either related or unrelated to the LIHEAP and IHWAP programs under this Part; material failure by the LAA to comply with the Low Income Home Energy Assistance Act of 1981, 10 CFR 440, 45 CFR 96, the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and this Part. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant related transactions.~~
 - 3) ~~insolvency or potential insolvency of an LAA, or, in the case of a non-governmental entity, loss of non-profit status;~~

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- 4) an LAA denies the Department access to the LAA's books and records, including but not limited to, financial documents;
 - 5) an LAA is suspended or debarred from receiving contracts or grants by any governmental entity; or
 - 6) any other event, as determined by the Department, to be in the best interest of the State.
- b) Upon discovery of one or more of the ~~event conditions noted~~ set forth in subsection (a), the Department ~~may~~ will take the following actions, as applicable:
- 1) conduct a detailed review and investigation of the LAA;
 - 2) temporarily suspend the LAA, withhold further grant payments, and prohibit the LAA from incurring additional obligations pending corrective action by the LAA or a decision by the Department to revoke the LAA's designation. The Department may allow necessary and proper costs that the LAA could not reasonably avoid during the period of suspension;
 - 3) commence a proceeding to revoke the LAA's designation; or
 - 4) assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) during the pendency of the suspension or the designation revocation proceeding. The alternate LAA will have the same rights and obligations as any other designated LAA during the temporary assignment.
- c) In the event that a designated LAA fails to timely submit an application for grant funding from the State for a certain Program Year, the Department reserves the right to assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) for that Program Year in order to ensure continuity of services and to protect the public interest. The alternate LAA will have the same rights and obligations as any other designated LAA during the temporary assignment.

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- d) The Department shall provide written notice to the LAA, sent via certified mail return receipt requested, of the initiation of a suspension or a designation revocation proceeding. The notice will include:
- 1) the grounds for the suspension or proposed designation revocation;
 - 2) a statement that all funding from the Department will be withheld during the pendency of the suspension and/or designation revocation proceeding;
 - 3) a statement that funding from other State agencies also may be withheld during this period;
 - 4) information regarding the alternate LAA during the pendency of the suspension or designation revocation proceeding, if applicable;
 - 5) a reference to the applicable State law and Department procedures and policies regarding LAA suspension and designation revocation proceedings; and
 - 6) an opportunity for the LAA to respond to the notice.
- e) Any LAA designation revocation proceeding or suspension will adhere to the applicable State law and Department procedures and policies regarding LAA suspension and designation revocation proceedings for the LIHEAP and IHWAP programs under this Part.
- f) If the Department determines that it is in the best interest of the State to revoke the designation of an LAA, the Department will designate a replacement LAA in accordance with applicable Department procedures and policies. The replacement LAA will have the same rights and obligations as any other designated LAA.
- g) When assigning an alternate or replacement LAA under this Section, the Department will give consideration to an entity that is currently designated as an LAA based on performance measures.
- h) A designated LAA that desires to discontinue operation of its LIHEAP and IHWAP programs in its Service Area shall send a written communication to the Department stating the reasons for the request. If the Department approves of the LAA's request, the Department shall terminate the LAA's designation and

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designate a replacement LAA pursuant to the procedures and policies set forth by the Department. Any LAA designation termination and replacement shall be conducted in a manner to ensure continuity of services in the applicable Service Area.

- 1) ~~The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:~~
 - A) ~~a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program related expenditures which are reimbursable under Sections 100.70 and 100.420 of this Part) and which comply with the objectives and program activities specified in accordance with Subparts A and B of this Part; or~~
 - B) ~~in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.~~
- 2) ~~The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules, will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 [215 ILCS 415]. Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.~~
- e) ~~The hearing shall be conducted in accordance with 56 Ill. Adm. Code 2605. The report of the hearing officer will be sent via registered mail to both parties within~~

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~~thirty (30) days of the hearing's completion.~~

- d) ~~The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this Section. The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.~~

(Source: Amended by emergency rulemaking at 41 Ill. Reg. 14119, effective November 6, 2017, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air is accepting public comments on the following for the purpose of submitting such matters to the United States Environmental Protection Agency (USEPA) as revisions to the Illinois State Implementation Plan (SIP) under the Clean Air Act (CAA), 42 USC § 7401 *et seq.*: 1) a variance granted by the Illinois Pollution Control Board (Board) to Calpine Corporation (Calpine), which will be submitted as a revision to Illinois' SIP addressing the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS); 2) a variance granted by the Board to Exelon Generation, LLC (Exelon), which will also be submitted as a revision to Illinois' SIP addressing the 2010 SO₂ NAAQS; and 3) a Board procedural rule adding 35 Ill. Adm. Code 101.112(d), addressing requirements set forth in Section 110(a)(2)(E)(ii) and Section 128 of the CAA regarding state boards, which will be submitted as a revision to Illinois' infrastructure SIPs for the 2008 lead NAAQS, the 2006 fine particulate matter (PM_{2.5}) NAAQS, the 2012 PM_{2.5} NAAQS, the 2010 SO₂ NAAQS, and the 2008 ozone NAAQS.

In order for a variance or an amendment to an Infrastructure SIP to be considered for approval as a revision to the SIP, the State must submit it in accordance with the requirements of 40 CFR § 51.104.

Variances

On June 16, 2016, Calpine filed a Petition for Variance with the Board regarding the Zion Energy Center. *Calpine Corporation (Zion Energy Center) v. Illinois Environmental Protection Agency*, PCB 16-112. On August 8, 2016, Calpine filed an Amended Petition for a Variance with the Board, requesting relief from 35 Ill. Adm. Code 214.161(b)(2), which requires that, on and after January 1, 2017, the sulfur content of all distillate fuel oil used by fuel combustion emission sources must not exceed 15 ppm. On November 17, 2016, the Board granted the variance from January 1, 2017, to December 31, 2021, subject to certain conditions.

On August 3, 2017, Calpine filed a Motion to Administratively Amend the Board's Order Granting a Variance to amend the Board's final order by replacing references to 35 Ill. Adm. Code 214.161(b)(2), which applies to fuel combustion emission units, with references to 35 Ill. Adm. Code 214.305(a)(2), which applies to process emission units, as the units subject to the variance are actually process emission units. The Board granted the motion on August 17, 2017, amending its order to correct the errors.

On May 18, 2016, Exelon filed a Petition for Variance with the Board regarding its Byron, Clinton, Dresden, and LaSalle nuclear generation stations. *Exelon Generation, LLC v. Illinois Environmental Protection Agency*, PCB 16-106. Exelon requested relief from the 15 ppm sulfur content limitation for distillate fuel oil set forth in 35 Ill. Adm. Code 214.161(b)(2). On

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September 8, 2016, the Board granted the variance from January 1, 2017, to December 31, 2019, for the Byron and Dresden stations, subject to certain conditions; from January 1, 2017, to

December 31, 2020, for the Clinton station, subject to certain conditions; and from January 1, 2017, to December 31, 2021, for the La Salle station, subject to certain conditions.

Sections 214.161(b)(2) and 214.305(a)(2) were submitted to USEPA as SIP revisions on March 2, 2016, and the USEPA issued a proposed approval in the Federal Register on October 5, 2017. 82 FR 46434. The Illinois EPA expects a final approval to be forthcoming. Accordingly, since the petitions for variance sought relief from these provisions and such relief was granted by the Board, the variances must be submitted to the USEPA for approval as SIP revisions.

Infrastructure SIPs

On August 26, 2015, USEPA issued a final rule, disapproving portions of Illinois' Infrastructure SIP submittals for the 2006 PM_{2.5} NAAQS and the 2008 ozone NAAQS, finding that Illinois' August 9, 2011, and December 31, 2012, infrastructure SIP submissions did not meet the requirements of Section 110(a)(2)(E)(ii) of the CAA. 80 FR 51730. Specifically, Section 110(a)(2)(E)(ii) requires that each SIP contain provisions that comply with the state board requirements of Section 128 of the CAA. 42 USC Section 7410(a)(2)(E)(ii). Section 128 provides that state SIPs must contain requirements that: (1) any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter; and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. 42 USC Section 7428(a). USEPA found that Illinois' SIPs failed to satisfy the above requirements.

In addition, on July 16, 2014, USEPA approved most elements of Illinois' infrastructure SIP for the 2008 lead NAAQS. 79 FR 41439, 41440. However, USEPA did not address the state boards issue of Section 128 of the CAA, stating that it would be handled in a separate rulemaking. 79 FR 41439, 41441. Illinois EPA also submitted to USEPA its *Infrastructure SIP for the 2010 SO₂ NAAQS*, on December 31, 2012. However, once again, USEPA did not address the state boards issue of Section 128 of the CAA, stating that it would be handled in a separate rulemaking. 79 FR 62042, 62045. Finally, Illinois EPA submitted to USEPA its *Infrastructure SIP for the 2012 PM_{2.5} NAAQS* on October 3, 2017. All of these infrastructure SIPs are required to address Section 128 requirements.

ENVIRONMENTAL PROTECTION AGENCY

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On June 22, 2017, the Board adopted amendments to 35 Ill. Adm. Code Section 101.112(d) that fully address the requirements set forth in Section 128 of the CAA. *In The Matter Of: Procedural Rule Amendments: Proposed Amendments To 35 Ill. Adm. Code 101 Through 130, R17-18, June 22, 2017.* The Illinois EPA intends to submit these amendments to USEPA as a revision to the infrastructure SIPs for the 2008 lead NAAQS, the 2006 PM_{2.5} NAAQS, the 2012 PM_{2.5} NAAQS, the 2010 SO₂ NAAQS, and the 2008 ozone NAAQS.

Public Comment/Hearing

The Illinois EPA will accept written comments and requests for hearing from the public. Written comments and requests for hearing must be received by Illinois EPA by December 18, 2017. Comments and requests for hearing should be mailed to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280

If a timely request for a public hearing is physically received by the Illinois EPA by December 18, 2017, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed SIP revisions. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by December 18, 2017, no hearing will be scheduled. Verification as to whether a public hearing will or will not be held will be posted by December 27, 2017, on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/>. Interested persons may also contact Dean Studer, the Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed SIP revisions may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m., except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison Street, Des Plaines, Illinois; and 412 SW Washington Street, Suite D, **Peoria**, IL 61602. No walk-in requests for copies of this material will be accommodated unless advance notice is

ENVIRONMENTAL PROTECTION AGENCY

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provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

If a hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. This notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 USC § 7410(l) (public notice for SIP revisions)).

PROCLAMATION

**2017-246
Emergency Harvest Declaration**

WHEREAS, Illinois agriculture produces foodstuffs that feed the world, creates prosperity in Illinois' rural economy, and provides jobs and income to hard-working Illinoisans on more than 72,000 farms stretching over 26.7 million acres; and,

WHEREAS, spring rains delayed planting in areas of the State and recent fall rains have further delayed harvest; and,

WHEREAS, a crop with higher moisture content requires more trips to transport the crop, which reduces efficiency and causes more traffic on Illinois roads; and,

WHEREAS, Illinois' corn crop harvest is 11 percentage points behind its 5-year average as of October 29, 2017, according to the most recent USDA-NASS Illinois Crop Progress and Condition Report; and,

WHEREAS, Illinois' lagging corn harvest and delayed harvests of other crops are concentrated in multiple reporting districts throughout the State, including the Northwest, Northeast, and East regions, which are significantly behind both the state-wide average for the current year and the same-region average for previous years; and,

WHEREAS, the State's vehicle weight restrictions necessitate frequent trips for commodity transportation purposes, which could further delay the transportation of corn from the field to the market or storage in already lagging regions; and,

WHEREAS, Illinois' surrounding states provide either by law or by proclamation for increased weight limits for vehicles carrying agricultural commodities, which increases efficiency in the crop transportation process; and,

WHEREAS, Section 15-301(e-1) of the Illinois Vehicle Code (625 ILCS 5/15-301(e-1)) allows the Governor to declare that an emergency harvest situation exists, which allows vehicles, with a permit from the Department of Transportation, to exceed the maximum axle weight and gross weight limits by 10 percent on federal and State highways under the jurisdiction of the Department of Transportation, excluding interstate highways;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim that, for forty-five (45) days after the date of this Proclamation, an emergency harvest situation exists for the transportation of all agricultural commodities from the field to market or to storage on federal and State highways under the jurisdiction of the Department of Transportation, excluding interstate highways.

PROCLAMATION

Issued by the Governor November 4, 2017

Filed by the Secretary of State November 6, 2017

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 41, Issue 46 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover <small>(There is a \$2.00 processing fee for credit card purchases.)</small>
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Name:	Attention:	ID #:
Address:		
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