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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

Issue#	Rules Due Date	Date of Issue
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Dead Animal Disposal Act

2) Code Citation: 8 Ill. Adm. Code 90

3)

Section Numbers:	Proposed Actions:
90.5	Amendment
90.105	Amendment
90.110	Amendment

4) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments allow for the disposal of an overabundance of swine and cattle carcasses to be managed in a safe, environmental, and efficient fashion.

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? Yes, 44 Ill. Reg. 8483; May 22, 2020. Section 1 of this emergency rulemaking is not included in the proposed rulemaking because Section 1 of the emergency rulemaking discussed COVID-19 as the justification for the rulemaking, while the proposed rulemaking is not based on the COVID-19 justification.

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Pamela Harmon

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

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) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 90
ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section
90.5 Definitions
90.10 Plant Facilities
90.20 Plant Premises
90.30 Annual Truck Permits (Repealed)
90.40 Truck Operator's Records (Repealed)
90.50 Odors and Insects Shall Be Controlled
90.60 Salmonella Control For Renderers and Blenders
90.70 Inspection of Premise (Repealed)
90.80 Identification of Receptacles
90.90 Records (Repealed)
90.100 Transportation and Transactions (Repealed)
90.105 ~~Owner~~ Transportation ~~to Landfill~~
90.110 On-Site~~The Farm~~ Disposal
90.120 Collection Center
90.130 Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective September 26, 1994; amended at 20 Ill. Reg. 294, effective January 1, 1996; amended at 28 Ill. Reg. 13415, effective October 1, 2004; amended at 40 Ill. Reg. 2699, effective January 22, 2016; emergency amendment at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

Section 90.5 Definitions

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

For the purposes of this Part, the following definitions shall apply:

"Compost" means the humus-like product of the process of composting waste, which may be used as a soil conditioner.

"Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

"Dead animal" means the carcass or tissue from a deceased domesticated animal, poultry, fish, captive wild animal or captive wildlife.

"Disposed of" means the initiation of the process of proper carcass disposal as set forth in the Illinois Dead Animal Disposal Act [225 ILCS 610] and this Part.

"Fish" means the bodies and parts of bodies of all animal aquatic life and the parts or waste thereof.

"Poultry" means chickens, turkeys, domestic game birds, and domestic water fowl.

"Poultry litter" means a nitrogen source such as manure or cake (i.e., the wet, compact crust that forms around feeders and waterers or litter such as found in layer operations and slatted-floor breeders).

"Straw" or "bulking agent" means straw or any alternative carbon source including, but not limited to, corn stover, soybean pods and trash, hay, sawdust, grass clippings, rice and peanut hulls, tomatoes, peat moss, pomace of grapes, wood chips, bark, shredded brush, and leaves.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 90.105 ~~Owner~~ Transportation ~~to Landfill~~

When ~~an owner or person employed by the owner is~~ transporting a dead animal ~~to a landfill that is open and willing to accept animals~~, the following guidelines shall be followed:

a) The most direct route shall be utilized.

b) The bed of the vehicle transporting the animal shall have covering to prevent leakage to the road surface (e.g., plastic covering or barrels).

c) The animal shall be covered during transport.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 90.110 On-Site~~The Farm~~ Disposal

Persons disposing of animals (including fish or poultry) or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

a) Disposal by Burning

1) No open burning will be permitted.

2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].

b) Disposal by Burying

1) Burial shall be on the premises owned or operated by the owner of the dead animal.

A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.

i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.

ii) Dead animals~~Animals~~ shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.

C) No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every 2 years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.

2) Burial depth shall be sufficient to provide at least a 6" compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.

3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.

4) Lime or other chemical agent shall not be used to prevent decomposition.

5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.

6) Disease and nuisance vectors are to be minimized and controlled.

~~7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general surroundings.~~

7~~8~~) Burial site locations shall be available for inspection by Department personnel during normal working hours.

c) Disposal of Poultry~~poultry~~ by Composting~~composting~~. Persons disposing of poultry by means of composting shall comply with the following requirements:

1) The composter shall meet the following criteria:

A) Control disease vectors, dust and litter~~A roof shall cover the entire composting area~~.

B) Ensure that carcasses are not visible from public roads or habitable structures~~An impervious, weight-bearing foundation such as concrete shall be used~~.

C) Rot-resistant building materials such as preservative-treated lumber shall be used.

D) Keep carcasses in the composting facility until completely composted before spreading compost on the land~~The composter shall consist of primary and secondary bins~~.

E) The size of the composter shall be based on the facility's~~farm's~~ projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.

2) Composting shall comply with the following guidelines:

A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.

B) Layering shall be done in the following order, starting from the floor:

i) First Layer: straw, poultry litter, straw, birds, and poultry litter.

ii) Second and Subsequent Layers: straw, birds, and poultry litter.

C) A 36" probe-type thermometer shall be inserted daily into the pile to check the temperature. Within 2 to 4 days, the temperature should peak between 135º F. and 150º F.

D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment

bin.

E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection (c)(2)(E), the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.

d) Disposal of Fish~~fish~~ by Composting~~composting~~. Persons disposing of fish by means of composting shall comply with the following requirements:

1) The composter shall meet the following criteria:

A) A roof shall cover the entire composting area.

B) An impervious, weight-bearing foundation such as concrete shall be used.

C) Rot-resistant building materials such as preservative-treated lumber shall be used.

2) The base layer shall meet the following criteria:

A) Use 6 to 12" thick of a bulking agent.

B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.

3) Composting shall meet the following guidelines:

A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall

be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).

B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12".

C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.

D) Additions to the compost pile are done by adding new material to the end of the pile.

E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140º F. and 165º F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.

F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection (d)(3)(F), the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

e) Disposal of Swine~~swine~~ by Composting~~composting~~. Persons disposing of swine by means of composting shall comply with the following requirements:

~~1) The composter shall be located entirely over impervious foundation materials.~~

~~A) One of two foundations shall be used:~~

~~i) impervious soil (permeability equal to or less than 1 x 10^{-7} cm/sec. as defined in Section 651.0703 "Geotechnical considerations in waste facility siting", Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.~~

~~ii) an impervious, weight-bearing foundation such as concrete or asphalt.~~

1~~2~~) Surface water shall be diverted away from the composter.

2~~3~~) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.

A) Composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.

B) Composter shall not be constructed within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

3~~4~~) Persons disposing of swine by means of composting shall, at minimum, perform the following:

A) Control disease vectors, dust, and litter;

B) Ensure that livestock carcasses are not visible from public roads or habitable structures:

C) Begin processing livestock carcasses within 24 hours after the animals' deaths;

D) Keep livestock carcasses in the composting facility until

completely composted before spreading on land; and

E) Remove all finished compost within 12 months after completion of the compost process.

4) For bin composting, the~~The~~ composter shall consist of primary and secondary bins. The size of the composter shall be based on the facility's~~farm's~~ projected mortality rate of swine during any 3-month period. The primary and secondary bins shall each contain a minimum of 10 square feet of composting area for each 1000 pounds of carcass to be composted.

5) For bin composting, the~~The~~ composter shall be constructed of permanent rot-resistant wall materials, such as preservative-treated wood, concrete, or precast concrete such as highway lane dividers. Each composter bin shall be three sides of a rectangle or square. One side of the bin shall be left open for loading, unloading and mixing the compost. In emergency situations, hay bales of 48" or greater in diameter may be used on a temporary basis in the above configuration of side walls.

6) Composting shall comply with the following guidelines:

A) Coarse sawmill sawdust, shredded cornstalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended for the carbon source.

B) It is expected that the carbon source will be required in the ratio of approximately one cubic foot of the carbon source per 10 pounds of carcass (3.7 cubic yards of the carbon source per 1000 pounds of carcass). A supply of the carbon source shall be stockpiled and maintained on the premises at all times when the composter is in operation.

C) For static pile composting, the~~Each~~ compost bin, windrow, or other formed structure shall have a layer of carbon source a minimum of 10" deep placed on the base~~floor~~ before the first carcass is placed in the bin. There shall be a minimum of 10" of carbon source between the carcass and ~~each of~~ the wall or the exposed

surface~~vertical walls of the bin~~. The carcass shall be covered with a minimum of 10" of carbon source. The carbon source shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10" cover of carbon source over all carcasses in the structure's~~bin's~~ uppermost layer.

D) A compost thermometer with a probe at least 36" long shall be obtained and used daily to measure the temperature of the compost ~~in the middle of each bin~~. The compost temperature should reach 135 to 160° degrees F. (57° to 71° C.) and be recorded daily. Compost temperature indicates microbial activity and stage of composting process. The composting process shall be managed in such a way that the heating and decomposition can proceed to completion. If aerobic composting does not begin with 7 days, i.e., if temperatures do not rise above 135° F., the compost pile or windrow shall be turned and/or moisture content of the carbon source adjusted to allow the process to proceed. Temperature records shall be available for examination until the compost is disposed of as in subsection (e)(6)(G).

~~E)~~ ~~The carbon source and carcasses may be placed in the bin until the bin is full.~~

E~~F~~) For bin composting, all~~All~~ compost from the primary bin shall be allowed to undergo a second composting phase as follows:

i) When the temperature surrounding the last carcass placed in the composter drops below 130° F. (typically up to 3 months after the last carcass addition), the compost in that bin shall be transferred to a second bin and allowed to reheat, through a second composting cycle. Moisture shall be added to the compost as needed to promote further composting activity.

ii) Compost shall remain in the second bin for the duration of the secondary composting cycle (typically 3 months). Temperature of the compost shall be measured using the compost thermometer to monitor the composting process.

G) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in the ratio of up to 50% finished compost to fresh carbon source. For the purpose of this subsection (e)(6)(G), the agronomic rate is the annual application rate of swine compost, either alone or in combination with other nutrient supplying materials that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

f) Disposal of Cattle~~cattle~~, Equine~~equine~~, Cervidae~~cervidae~~, Sheep~~sheep~~, Goats~~goats~~, or Other Small Animals~~other small animals~~ by Composting~~composting~~. Persons disposing of cattle, equine, cervidae, sheep, goats, or other small animals by means of composting shall comply with the following requirements:

1) Carcasses of those animals dying of suspect neurological causes shall not be composted.

~~2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:~~

~~A) Impervious soil (permeability equal to less than 1 x 10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.~~

~~B) An impervious, weight-bearing foundation such as concrete or asphalt.~~

2~~3~~) Surface water shall be diverted away from the composter.

3~~4~~) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.

A) The composter shall not be constructed less than 200 feet from a

stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.

B) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

C) A composting site shall be located at least ¼ mile from the nearest occupied residence (other than a residence located on the same property as the facility).

~~5) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.~~

4~~6~~) For bin composting, the~~The~~ composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.

5~~7~~) The size of the composter shall be based on the facility's greatest projected mortality rate of animals during any 3-month period of the year.

6~~8~~) For bin composting, the~~The~~ composter bin minimum width dimension shall be large enough to allow placement of the largest carcass with at least one foot of space all around the carcass for carbon source material, or at least one foot greater than the width of the loader bucket used for turning the compost, whichever is larger.

7~~9~~) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.

8~~10~~) Records of carcass additions, composter operation and land application of finished compost shall be maintained on the premises.

9~~11~~) Composting shall comply with the following guidelines:

A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like

properties and having similar particle size are recommended as the carbon source.

B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.

C) Finished compost from the carcass composting process (secondary bins or windrows) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).

D) For static pile composting, the compost bin, windrow, or other formed structure shall have a layer of carbon source a minimum of 10" deep placed on the base before the first carcass is placed in the bin. There shall be a minimum of 10" of carbon source between the carcass and the wall or the exposed surface. The carcass shall be covered with a minimum of 10" of carbon source. The carbon source shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10" cover of carbon source over all carcasses in the structure's uppermost layer.~~Each carcass placed on the floor of a primary bin shall be underlain with at least 12" of absorbent carbon source material.~~

E) Carcasses weighing more than 300 lb. shall be processed prior to covering with carbon source material. Processing may consist of, but is not limited to:

i) opening the abdominal cavity to facilitate contact of carbon source material and reduce distention of carcass with gases; and

ii) incising the large limb muscles to facilitate contact of carbon source material and thereby hasten composting.

~~F) Each carcass placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to~~

~~sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.~~

~~G)~~ ~~Carcasses and carbon source material may be added to the primary bin until the bin is full.~~

F~~H~~) For bin composting, the~~The~~ composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically 3 months in the primary bin from the time the last carcass is placed in the bin and another 3 months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.

G~~I~~) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (f)(9~~11~~)(G~~I~~), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

g) Disposal of swine, cattle, cervidae, sheep and goat offal by composting. Persons disposing of swine, cattle, cervidae, sheep or goat offal by means of composting shall comply with the following requirements:

1) Offal of those animals dying of suspect neurological causes shall not be composted.

2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:

A) Impervious soil (permeability equal to less than 1 x 10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of

Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.

B) An impervious, weight-bearing foundation such as concrete or asphalt.

3) Surface water shall be diverted away from the composter.

4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.

5) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.

6) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

7) A composting site shall be located at least ¼ mile from the nearest occupied residence (other than a residence located on the same property as the facility).

8) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.

9) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.

10) The size of the composter shall be based on the greatest projected offal rate from animals during any 3-month period of the year.

11) The composter bin minimum width dimension shall be at least one foot greater than the width of the loader bucket used for turning the compost.

12) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.

13) Records of offal additions, composter operation and land application of finished compost shall be maintained on the premises.

14) Composting shall comply with the following guidelines:

A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.

B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.

C) Finished compost from the offal composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).

D) Offal placed on the floor of a primary bin shall be mixed in a 50/50 ratio to carbon source material and underlain with at least 12" of absorbent carbon source material.

E) Any offal placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.

F) Offal and carbon source material may be added to the primary bin until the bin is full.

G) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion

(typically 3 months in the primary bin from the time the last carcass is placed in the bin and another 3 months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.

H) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (g)(14)(H), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Local Tourism and Convention Bureau Program

2) Code Citation: 14 Ill. Adm. Code 550

3)

Section Numbers:	Proposed Actions:
550.30	Amendment
550.40	Amendment
550.50	Amendment
550.60	Amendment
550.70	Amendment
550.80	Amendment

4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

5) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking provides for changes in the cash match requirements for grants to Convention and Tourism Bureaus for operating expenses. In addition, these proposed changes include updates related to current grant provisions.

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? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* 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@illinos.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: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) 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.

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 13435.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3)

Section Numbers:	Proposed Actions:
1501.201	Amendment
1501.501	Amendment
1501.510	Amendment
1501.516	Amendment
1501.601	Amendment
1501.603	Amendment
1501.607	Amendment

4) Statutory Authority: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

5) A Complete Description of the Subjects and Issues Involved: The ICCB has recently completed a thorough review of its capital project submission and prioritization processes and facilities data collection. Based on this review, the ICCB is proposing changes to its administrative rules for state funded capital projects and reporting requirements.

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? Yes

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1501.801	Amendment	44 Ill. Reg. 10855; June 26, 2020
1501.803	New Section	44 Ill. Reg. 10855; June 26, 2020
1501.804	New Section	44 Ill. Reg. 10855; June 26, 2020
1501.101	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.102	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.301	Amendment	44 Ill. Reg. 11303, July 10. 2020

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1501.302	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.305	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.307	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.309	Amendment	44 Ill. Reg. 11303, July 10. 2020
1501.312	New Section	44 Ill. Reg. 11303, July 10. 2020
1501.313	New Section	44 Ill. Reg. 11303, July 10. 2020
1501.507	Amendment	44 Ill. Reg. 11303, July 10. 2020

11) Statement of Statewide Policy Objective: The proposed rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Illinois Community College Board
Attn: Matt Berry
401 East Capitol Avenue
Springfield IL 62701-1711

217/785-7411
fax: 217/524-4981
Matt.berry@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: None

C) Types of Professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501
ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section
1501.101 Definition of Terms and Incorporations by Reference
1501.102 Advisory Groups
1501.103 Rule Adoption (Recodified)
1501.104 Manuals
1501.105 Advisory Opinions
1501.106 Executive Director
1501.107 Information Request (Recodified)
1501.108 Organization of ICCB (Repealed)
1501.109 Appearance at ICCB Meetings (Repealed)
1501.110 Appeal Procedure
1501.111 Reporting Requirements (Repealed)
1501.112 Certification of Organization (Repealed)
1501.113 Administration of Detachments and Subsequent Annexations
1501.114 Recognition
1501.115 Data Repository
1501.116 Use, Security and Confidentiality of Data
1501.117 Shared Data Agreements
1501.118 Processing Fees

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section
1501.201 Reporting Requirements
1501.202 Certification of Organization
1501.203 Delineation of Responsibilities
1501.204 Maintenance of Documents or Information
1501.205 Recognition Standards (Repealed)
1501.206 Approval of Providers of Training for Trustee Leadership Training

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: PROGRAMS

Section
1501.301 Definition of Terms
1501.302 Units of Instruction, Research, and Public Service
1501.303 Program Requirements
1501.304 Statewide and Regional Planning
1501.305 College, Branch, Campus, and Extension Centers
1501.306 State or Federal Institutions (Repealed)
1501.307 Cooperative Agreements and Contracts
1501.308 Reporting Requirements
1501.309 Course Classification and Applicability
1501.310 Acceptance of Private Business Vocational School Credits by Community Colleges in Select Disciplines
1501.311 Credit for Prior Learning

SUBPART D: STUDENTS

Section
1501.401 Definition of Terms (Repealed)
1501.402 Admission of Students
1501.403 Student Services
1501.404 Academic Records
1501.405 Student Evaluation
1501.406 Reporting Requirements

SUBPART E: FINANCE

Section
1501.501 Definition of Terms
1501.502 Financial Planning
1501.503 Audits
1501.504 Budgets
1501.505 Student Tuition
1501.506 Published Financial Statements
1501.507 Credit Hour Claims
1501.508 Special Populations Grants (Repealed)
1501.509 Workforce Preparation Grants (Repealed)
1501.510 Reporting Requirements

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1501.511 Chart of Accounts
1501.514 Business Assistance Grants (Repealed)
1501.515 Advanced Technology Equipment Grant (Repealed)
1501.516 Deferred Maintenance~~Capital Renewal~~ Grants
1501.517 Retirees Health Insurance Grants (Repealed)
1501.518 Uncollectible Debts (Repealed)
1501.519 Special Initiatives Grants
1501.520 Lincoln's Challenge Scholarship Grants
1501.521 Technology Enhancement Grants (Repealed)
1501.522 Deferred Maintenance Grants (Repealed)
1501.523 Foundation Matching Grants (Repealed)

SUBPART F: CAPITAL PROJECTS

Section
1501.601 Definition of Terms
1501.602 Approval of Capital Projects
1501.603 State Funded Capital Projects
1501.604 Locally Funded Capital Projects
1501.605 Project Changes (Repealed)
1501.606 Progress Reports (Repealed)
1501.607 Reporting Requirements
1501.608 Approval of Projects from 110 ILCS 805/3-20.3.01
1501.609 Completion of Projects from 110 ILCS 805/3-20.3.01
1501.610 Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

Section
1501.701 Definition of Terms (Repealed)
1501.702 Applicability (Repealed)
1501.703 Recognition (Repealed)
1501.704 Programs (Repealed)
1501.705 Finance (Repealed)
1501.706 Personnel (Repealed)
1501.707 Facilities (Repealed)

SUBPART H: PERSONNEL

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
1501.801 Definition of Terms
1501.802 Sabbatical Leave

1501.APPENDIX A Fee Schedule for Data Matching

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. 7161, effective May 18, 2001; emergency amendment at 25 Ill. Reg. 12863, effective September 28, 2001, for a maximum of 150 days; emergency expired February 24, 2002; amended at 26 Ill. Reg. 646, effective January 7, 2002;

amended at 27 Ill. Reg. 17204, effective October 31, 2003; amended at 28 Ill. Reg. 14092, effective October 18, 2004; amended at 29 Ill. Reg. 6239, effective April 25, 2005; amended at 30 Ill. Reg. 2755, effective February 21, 2006; amended at 32 Ill. Reg. 16396, effective September 23, 2008; amended at 40 Ill. Reg. 14054, effective September 29, 2016; amended at 41 Ill. Reg. 11274, effective August 28, 2017; amended at 41 Ill. Reg. 15723, effective December 18, 2017; amended at 42 Ill. Reg. 2819, effective January 24, 2018; amended at 42 Ill. Reg. 18869, effective October 3, 2018; amended at 42 Ill. Reg. 24855, effective December 17, 2018; amended at 43 Ill. Reg. 7454, effective June 20, 2019; amended at 44 Ill. Reg. _____, effective _____.

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section 1501.201 Reporting Requirements

Complete and accurate reports shall be submitted by the district/college to ICCB in accordance with ICCB requirements and on forms provided by ICCB, where applicable. Listed in this Section is the schedule of due dates indicating when items from the community colleges are due at the Illinois Community College Board Office:

January 15	• annual financial statements and notice of publication (see Section 1501.506)
January 31	• certificate of tax levy (see Section 1501.510(f)) • ~~construction project status reports (see Section 1501.607(a))~~
February 1	• annual African American Employment Plan Survey (see Section 1501.308(b)) • annual Hispanic/Latino Employment Plan Survey (see Section 1501.308(b)) • annual Asian Employment Plan Survey (see Section 1501.308(b)) • annual Bilingual Needs and Bilingual Pay Survey (see Section 1501.308(b))
February 15	• spring semester (2nd term) enrollment survey (see Section 1501.406(b))
March 1	• annual Underrepresented Groups Report (see Section 1501.406(c))
March 31	• policies for the award of academic credit for prior learning (see Section 1501.311(a))
June 15	• annual faculty, staff salary and benefits data (see Section 1501.308(a))
July 1	• Resource Allocation and Management Plan (RAMP/CC) (see Section

	1501.510(a))
	• construction in progress and acreage (facility information) (see Section 1501.510(b))
July 15	• report of out-of-state extensions (see Section 1501.307(h)(4)
	• annual noncredit course enrollment (see Section 1501.406(d))
August 1	• annual student enrollment and completion data (see Section 1501.406(a))
	• ~~square footage and acreage (facility information) (see Section 1501.510(b))~~
September 1	• budget and tax survey (see Section 1501.510(d))
	• program review report (see Section 1501.303(d)(6))
	• program review listing (see Section 1501.303(d)(6))
	• facilities data (see Sections~~Section~~ 1501.510(e) and 1501.607(a~~c~~))
	• annual Student Identification data submission (see Section 1501.406(f))
	• annual report of student course information submission (see Section 1501.406(g))
October 1	• fall semester enrollment data (see Section 1501.406(a))
	• fall semester enrollment survey (see Section 1501.406(b))
October 15	• faculty, staff and salary data (see Section 1501.308(a))
	• fiscal year budget (see Section 1501.504)
November 1	• summer graduate reporting (for the Integrated Postsecondary Education Data System Graduation Rate Survey) (see Section 1501.406(e))
December 30	• external audit (see Section 1501.503(a))
	• annual instructional cost report (see Section 1501.510(c))
	• unexpended special initiative grant funds (see Section 1501.519(d))
30 days after the end of each term	• credit hour claims (see Section 1501.406(b) and Section 1501.507(a))

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

"Annual Financial Statement" means an annual financial report and an annual program report that are required to be published by a district. An annual financial report includes a statement of revenues and expenditures, along with other basic financial data. An annual program report includes a narrative description of programs offered, goals of the district, and student and staff data.

"Attendance at Midterm" means a student is "in attendance at midterm" in a course if the student is currently enrolled in and actively pursuing completion of the course.

"Auditor" means a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records before the end-of-registration date of the college for that particular term.

"Deferred Maintenance~~Capital Renewal~~ Grants" means State grants allocated proportionally to a community college district based on the latest ~~fall~~ on-campus nonresidential gross square feet of facilities as reported to ICCB. These grants are to be used for ~~miscellaneous~~ capital improvements such as rehabilitation~~, remodeling, improvement~~ and repair; architect/engineer services; supplies, fixed equipment and materials; and all other expenses required to complete the work.

"Lincoln's Challenge Scholarship Grants" means scholarships provided to a community college for graduates of the Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs.

"Midterm Class List Certification" means the college's process for certifying to ICCB students in attendance at the midterm as part of the proof that a student's credit hours are eligible for State funding. The district shall file with ICCB a document outlining the process (including but not limited to specific steps and/or procedures, steps for obtaining an electronic midterm certification signature, etc.) it follows as part of that certification and the district shall file an amended process any time changes are made, but not less than once every five years.

"Midterm Certification Signature" means midterm class lists obtained and maintained by the college that are manually signed and dated by faculty or electronic signature of the faculty.

If the college chooses to accept an electronic signature of faculty, then the college must include in the midterm class list certification process a written summary explaining what steps are in place that ensure:

Appropriate administrative and operational controls are in place to ensure faculty only have access to midterm class lists they teach;

Appropriate controls are in place to only allow an electronic signature at the midpoint of the class during a specified period (that is, one or two weeks before and one or two weeks after the midpoint of the class);

A faculty member's identity is authenticated and attributed to the midterm certification signature;

The integrity of the electronically signed midterm class list of a course section has been secured and verified; and

The college has the capability of generating signed printed midterm class lists that support the ICCB credit hour claim submission.

A final grade sheet electronic signatures process, if adopted, should be implemented in the same manner as the electronic midterm certification signature.

"Residency − Applicability Proof" means the college's processes, in accordance with Section 2-16.02 of the Act, for verifying to ICCB the residency status of its students as part of the proof that its credit hours are eligible to receive ICCB grants. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. A district shall file descriptions of any revisions to its process with ICCB before their implementation.

"Residency − General Provisions". The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, a student shall have occupied a dwelling within the State or district for at least 30 days immediately before the date established by

the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Students who are currently under the legal guardianship of the Illinois Department of Children and Family Services or have been recently emancipated from the Department and had a placement change into a new community college district shall be exempt from the 30-day requirement if they demonstrate proof of current in-district residency. Documentation of current residency may be submitted to the district from the student, a caseworker or other personnel of the Department, or the student's attorney or guardian ad litem.

"District Provisions". Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; or

students attending under a chargeback or contractual agreement with another community college.

"Special State Provisions". Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of State correctional/rehabilitation institutions located in Illinois; or

employed full time in Illinois.

"Senior Citizen" means a person 65 years or older whose annual household income is less than the threshold amount provided in Section 4 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act [320 ILCS 25].

"Special Initiatives Grants" means funds for conducting special initiatives activities. Special initiatives activities are based upon criteria specified in a Grant Agreement~~grant agreement~~ between the college or vendor and ICCB.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1501.510 Reporting Requirements

A college shall submit the items listed in this Section in a format prescribed by ICCB and according to the schedules indicated.

a) Resource Allocation and Management Plan (RAMP) data by July 1 of each year.

b) Construction in progress and acreage by July~~August~~ 1 of each fiscal year.

c) Annual Instruction Cost Report in a format prescribed by ICCB for the previous fiscal year by December 31 following the end of that fiscal year.

d) A survey of local budget and tax extensions and collections by September 1 of each year.

e) Facilities~~F3, F6, B3, and R3 facilities~~ data submission to report existing space in

use for educational purposes at the end of the fiscal year (June 30) by September 1 following the end of the fiscal year.

f) Certificate of Tax Levy by January 31 of each year.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1501.516 Deferred Maintenance~~Capital Renewal~~ Grants

a) Districts may apply annually to ICCB for approval of deferred maintenance~~capital renewal~~ grant projects. Requests for ICCB approval of deferred maintenance~~capital renewal~~ grant projects shall be submitted using forms prescribed by ICCB.

b) Expenditures of funds from this grant are limited to deferred maintenance~~capital renewal~~ projects that are within the scope of the definition of deferred maintenance~~capital renewal~~ grants contained in Section 1501.501.

c) Funds received from this grant shall be accounted for in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).

d) Other sources of funding may be added to deferred maintenance~~capital renewal~~ grant funds to finance larger projects.

e) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.603(g).

f) Authority to approve deferred maintenance~~capital renewal~~ grant projects is delegated to the ICCB ~~or its~~ Executive Director.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART F: CAPITAL PROJECTS

Section 1501.601 Definition of Terms

"Alter" means to remodel or modify a facility, without changing its original purpose or adding to its total dimensions, that would have been constructed differently had existing accessibility, energy conservation, or environmental

protection laws, codes or standards (as specified in Section 1501.603(g)(2)) been in effect at the time of construction.

"Building efficiency" means the ratio of the total net assignable square feet (NASF) of a building, which includes the interior of classrooms, class laboratories, offices, study areas, libraries, special or general use areas, and supporting areas for each of these space types, to the total gross square feet (GSF) of a building, which includes circulation areas, custodial areas, mechanical areas and structural areas plus the NASF.

"Capital Project Design Phase" of a capital project means development of detailed architectural plans, specifications and cost estimates.

"Capital Project Needs Assessment" means the initial conceptualization and justification of the scope of the project.

"Credits" means capital project local contribution allowances certified by ICCB at its Board meeting on September 18, 1987.

"Deferred Maintenance Project" means a project that keeps a facility or asset in efficient operating condition, preserves the condition of the property, or restores property to a sound state after prolonged use.

"Facility" means any physical structure or entity that is necessary for the delivery of the district's programs and related services.

"Hazard" means a risk or peril resulting from unsanitary conditions, deficiencies in codes specified in Section 1501.603(g)(2), conditions increasing the risk of fire, or conditions otherwise endangering human life to a degree greater than normal.

"Licensed Architect or Engineer" means an architect or engineer licensed by or registered with the Illinois Department of Financial and Professional Regulation.

"Locally Funded" means a capital project funded totally from local district bond issues, local district operating funds, federal grants, foundation or other grants, gifts, student fees, or any non-state appropriated source.

~~"Maintenance Project" means a project that keeps a facility or asset in efficient operating condition, preserves the condition of the property, or restores property~~

~~to a sound state after prolonged use.~~

"Primary Site" means any site constituting a campus as defined in Section 1501.301.

"Repair" means rehabilitate or return a facility to its original condition after damage or deterioration, without changing its original purpose or adding to its total dimensions, when the condition of the facility poses a hazard to individuals or threatens the structural integrity of the facility.

"Scope" means the parameters of the project, primarily the physical dimensions of the project and the function of space included within the project.

"Secondary Site" means any location where the district maintains a permanent presence, but does not meet the criteria of a primary site.

"State-Funded" means a capital project partially or fully funded with a State appropriation.

"Structural Defect/Deficiency Project" means a capital project that has a defect or deficiency directly attributable to inadequate design or construction, or defective construction materials.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1501.603 State-Funded Capital Projects

a) Projects Eligible to Receive State Funds. State funds may be requested for capital projects, both those to be purchased and those to be constructed, as defined in this subsection (a). The funds shall be requested before construction and may include or consist of architectural and engineering fees associated with the project. These projects shall consist of:

1) Buildings, Additions, and/or Structures (including fixed equipment). Types of buildings that may be included are:

A) Administration and student personnel services facilities;

B) Central utility facilities;

C) Classrooms;

D) Fine and applied arts classrooms and laboratories;

E) Libraries;

F) Occupational technical, and semi-technical laboratories, shops and classrooms;

G) Other structures used for the operation and maintenance of the campus;

H) Physical education instructional facilities;

I) Science laboratories and related science facilities; and

J) Student areas appropriate to the needs of a commuter institution, including food services, lounge areas, study areas, storage lockers, child care facilities, and facilities for student activities such as newspaper editing and student government.

2) Land.

3) Movable Equipment.

4) Utilities (those beyond a five-foot perimeter of buildings).

5) Remodeling or Rehabilitation of Existing Facilities. These projects include provision for:

A) Access for students with disabilities;

B) Emergency repairs (including construction defects/deficiencies);

C) Energy conservation; and

D) Programmatic changes.

6) Site Improvements.

A) Clearance;

B) Drainage;

C) Earth movement;

D) Finish grading, seeding, landscaping;

E) Other work required to make land usable as a building site;

F) Parking; and

G) Streets and walkways.

7) Planning. A building project may be divided into sub-projects with planning funds (architect or engineering fees) requested for one fiscal year and construction funds requested in a subsequent year.

b) Application Criteria for New Construction Projects at the Primary Site. The acquisition of buildings/additions/structures through construction of new facilities or purchase of existing facilities includes planning, qualifying fixed and moveable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. In order for capital projects for new construction to be considered for State funding, the following requirements shall be met:

1) Certification of local board approval of the projects requested shall be provided.

2) Certification shall be provided that funds or credits are available to provide the local share of the cost of the projects in accordance with Articles IIIA and V of the Act.

3) Certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study and a Capital Development Board technical evaluation. The feasibility study shall address, at a minimum, the following:

A) The location of the site in relation to geography and population of the entire district and in relation to sites of the district's other colleges;

B) The impact on the surrounding environment, including the effect of increased traffic flow;

C) Accessibility to the site by existing and planned highways and/or streets;

D) Cost of development of the site in relation to topography, soil condition and utilities;

E) Size of the proposed site in relation to projected student population (as determined by census data) and land cost;

F) The number, location and characteristics (type of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered; and

G) The location of the site in relation to existing institutions of higher education.

4) Requests for site acquisition shall include a local board of trustees authorization to purchase the site, a copy of the feasibility study, a local board of trustees resolution that local funds are available, a copy of the Capital Development Board evaluation, three appraisals of the property, and a written request for ICCB approval in addition to the information requested in the Resource Allocation and Management Plan/Community Colleges (RAMP/CC).

5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in subsection (e)(1)(C) or a specific program need basis as specified in subsection (e)(1)(D).

6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.

c) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:

1) An application on forms prescribed by ICCB;

2) Certification of local board approval of the projects requested;

3) Certification that funds or credits are available to provide the local share of the projects in accordance with Articles IIIA and V of the Act;

4) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices, etc.); and

5) A justification statement regarding the need to remodel.

d) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:

1) A resolution by the local board of trustees stating that:

A) Local funds or credits are available to provide the local share of the projects in accordance with Articles IIIA and V of the Act; and

B) The programs offered have been approved by ICCB and Illinois Board of Higher Education (IBHE) or approval of these stated programs by those boards is pending.

2) Copies of at least two appraisals of the property.

3) Proof that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks, and other hazardous conditions. (Findings regarding the existence of these hazards shall not prevent the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)

4) Identification of the location of the site and its relationship to the main campus, community college facilities in contiguous districts, and other higher education facilities in contiguous districts.

5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

e) Site Purchase. Requests for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b) for land purchases at the primary site or subsection (d) for secondary site projects.

f) Utilities. Utilities projects (beyond a five-foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.

g) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which they relate and other demonstrated need.

h~~e~~) Project Priority Criteria. All projects must meet requirements as stated in Sections 5-3 and 5-4 of the Act. A maximum of 100 points will be awarded for each submitted capital project. Capital project priorities will be established ~~within the categories named in subsection (a) of this Section~~ according to the following criteria:

~~1) New Facilities: The acquisition of buildings/ additions/structures through construction of new facilities or purchase of existing facilities includes planning, qualifying fixed and moveable equipment as necessary to support the new facility, land acquisition required for the facility, and any site improvements or utility work necessary to support the facility. All requests for new facilities must meet the criteria specified in either subsection (b) for new construction at a primary site or subsection (d) for secondary site projects. The following criteria will be considered in establishing priorities for new facilities:~~

1~~A~~) Type of Space (10%). Priorities will be assigned to colleges based on the type~~Type~~ of space to be constructed, purchased, improved, or remodeled

(in priority order). In the case of site purchases, utilities, and site improvements not related to new facilities acquisition, priorities will be assigned based upon the type of space associated with the project.:

A) Instructional, study, office and student areas (all weighted equally):

i) Instructional space, including basic classrooms, lecture halls, seminar rooms and other rooms used primarily for scheduled instruction, both credit and noncredit. These rooms may contain multimedia or telecommunications equipment. Space used as classroom service, that is, projection rooms, telecommunication control booths, closets, etc., are included (FICM Codes 110-115). Instructional space also includes laboratory facilities, both class and open, used for instructional purposes and service areas that serve as an extension of the activities of the laboratory (FICM Codes 210-255).

ii) Study areas, including all library facilities, any rooms or areas used by individuals at their convenience, general learning labs, and any service areas necessary to support the activities of these rooms (FICM Codes 410-455).

iii) Office facilities that provide work areas to support the academic, administrative, and service functions of the colleges. Also includes rooms such as student counseling rooms and testing areas, staff conference rooms, file rooms, and break rooms (FICM Codes 310-355).

iv) Student service areas include general use facilities such as child care facilities (FICM Codes 640 and 645), food service facilities (FICM Codes 630 and 635), lounge facilities (FICM Codes 650 and 655), merchandise areas such as bookstores, student supply stores, or ticket outlet services (FICM Codes 660 and 665), and rooms used for recreation and amusement (FICM Codes 670 and 675). Meeting rooms used by the institution or the general public for a variety of nonclass meetings also are included (FICM Codes 680 and 685).

B~~ii~~) Support areas, including central administrative computer and telecommunications rooms, maintenance shops, garages, warehouses, and storage facilities (FICM Codes 710-765).

C~~iii~~) Assembly areas, including theaters, auditoriums, arenas, exhibition rooms, and concert halls, used primarily for general presentations or performances (FICM Codes 610-625). Includes areas that serve as an extension of the activities in that facility.

D~~iv~~) Physical education areas used for physical education instructional programs and intercollegiate and recreational activities. Includes areas such as gymnasiums, athletic courts, swimming pools, and other special use athletic facilities (FICM Codes 520, 523, and 525). (Does not include specific classrooms more appropriately classified under FICM Code series 100.)

E~~v~~) Special use facilities not included elsewhere, such as armory, armory services, media production services, clinics, etc. (FICM Codes 510, 515 and 530-590).

2~~B~~) Core Campus Considerations (20%). Priorities will be assigned to colleges that do not have adequate core campus components in place. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services, and facilities to support high enrollment programmatic areas.

3~~C~~) Space Criteria/Considerations (20%). Utilization of existing space will be calculated by annual full-time equivalent enrollment per net assignable square feet (NASF) of the most recently completed fiscal year. Priority will be assigned to those districts that have the highest utilization of owned space.

~~i) Utilization of Existing Space. Priorities will be assigned so that the higher utilization rate generated by weekly instructional hours for credit and noncredit courses offered at permanent locations owned by the college (college holds title, lease purchase, or purchasing contract for deed), the~~

~~higher the priority that will be assigned. Instructional hours are defined as those enrollments generated by students taking credit and noncredit courses.~~

~~ii) Space per Student. Requests for space will be assigned priorities so that the less existing permanent space per student available at facilities owned by the college (college holds title, lease purchase, or contract for deed), the higher the priority assigned to the project.~~

4~~D~~) Program Considerations (20%). Consideration will be given to the need for special facilities based on the programs to be housed in the requested facilities. Priorities will be assigned so that the greater the need for special facilities, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:

A~~i~~) Documented need as evidenced by the college's accountability and productivity reviews;

B~~ii~~) Labor market demand for completers of the program (as indicated by current manpower data);

C~~iii~~) Unavailability of special facilities needed for the program; and

D~~iv~~) Other special needs or measures as described in the program justification statement submitted by the college with the project request.

5) College Ranking (10%). Priorities will be assigned to projects that are ranked as a high priority by the college.

6) Prior Commitment (10%). Additional consideration will be given to the project if it had previous ICCB approval for planning or construction or a commitment made through prior appropriations by the State.

7) Structural Considerations (5%). Additional consideration will be given for structural considerations (in priority order).

A) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, accessibility modifications);

B) Overall condition of space and/or other structural integrity considerations;

C) Those projects that will result in financial and/or natural resource savings (energy conservation).

8) Local Resources (5%). Consideration will be given to districts that qualify for Equalization Grants (see Section 2-16.02 of the Act), have a high poverty level within the district, and have an economically disadvantaged student body.

~~2) Remodeling or Rehabilitation of Existing Facilities. Remodeling or rehabilitation projects will be evaluated on structural considerations and/or programmatic considerations and core campus considerations, if applicable to project. Requests for remodeling or rehabilitation projects must meet the criteria specified in subsection (c). The following criteria will establish the order of remodeling/rehabilitation projects:~~

~~A) Structural Considerations (in priority order).~~

~~i) Those projects that will reduce physical health and safety hazards to the student body and staff (e.g., structural defects/deficiencies, accessibility modifications);~~

~~ii) Overall condition of space and/or other structural integrity considerations;~~

~~iii) Those projects that will result in financial and/or natural resource savings (e.g., energy conservation); and~~

~~iv) Those projects that will result in the development of more efficient utilization of existing space.~~

~~B) Program Considerations. Consideration will be given to the need for remodeling or rehabilitation of facilities based on the programs~~

~~to be housed in the facilities. Priorities will be assigned so that the greater the need for remodeling or rehabilitation, the higher the priority. Criteria evaluated for need will include (not in priority order), but not be limited to:~~

~~i) Documented need as evidenced by the college's accountability and productivity reviews;~~

~~ii) Labor market demand for completers of the program (as indicated by current manpower data);~~

~~iii) Unavailability of special facilities needed for the program; and~~

~~iv) Other special needs or measures as described in the program justification statement submitted by the college with the project request.~~

~~C) Core Campus Considerations. Priorities will be assigned to colleges that demonstrate the need for remodeling or rehabilitation of existing core campus components due to either structural integrity issues or increased demand for services. A core campus generally consists of classrooms, laboratories, student services, day care, learning resources/library, business and industry training services and facilities to support high enrollment programmatic areas.~~

~~3) Land. Requests for State funds for land purchases not related to new facilities acquisition will be evaluated based on the need to support existing campus facilities and services. Requests must meet applicable criteria specified in subsection (b) for land purchases at the primary site or subsection (d) for secondary site projects.~~

~~4) Utilities. Utilities projects (beyond a five foot perimeter of buildings) not related to new facility acquisition will be evaluated based on the need to support existing campus facilities and services.~~

~~5) Site Improvements. Site improvements not related to new facilities acquisition will be evaluated in conjunction with the facilities to which~~

~~they relate and other demonstrated need.~~

~~6)~~ ~~Additional consideration may be given to the priority ranking of a project if it had previous ICCB approval for planning or construction.~~

i~~f~~) Changes in budget and/or scope to approved construction projects shall be submitted for approval according to the following criteria:

1) Changes in budget/scope totaling five percent or less of the approved project budget/scope shall be reconciled at the completion of the project and submitted to ICCB for information purposes.

2) When changes in the project budget/scope have reached five percent, any subsequent change modifying the budget/scope of the project shall require approval by the ICCB Executive Director, prior to expenditure of funds on the additional work. The criteria the ICCB Executive Director will use for approving changes in the project budget/scope will be the same as are listed in this Section.

j~~g~~) Construction Standards. The standards listed in this subsection (j) shall be applied in the design and construction of facilities.

1) Building Efficiency. Campuswide building efficiency should be at least 70 percent. However, individual buildings may be below this level if they are high-rise (four or more floors), include a large number of small classrooms and/or labs, or if a large portion of the building is designed for custodial or mechanical purposes to serve the entire campus.

2) Facilities Codes. All construction, remodeling and rehabilitation of facilities shall be in compliance with the following standards:

A) All incorporations by reference refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified:

i) International Building Code, 2018~~2015~~ Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).

ii) International Mechanical Code, 2018~~2015~~ Edition (International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, Illinois 60478-5795).

iii) National Electrical Code, NFPA 70, 2020~~2014~~ Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).

iv) National Fire Protection Association 101, Life Safety Code, 2018~~2003~~ Edition (National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471).

B) Illinois administrative rules that are referenced in this Part are:

i) Illinois Plumbing Code (77 Ill. Adm. Code 890).

ii) Illinois Accessibility Code (71 Ill. Adm. Code 400) or the 2010 Americans with Disabilities Standards for Accessible Design (28 CFR 35 and 36), whichever is more stringent.

iii) Fire Prevention and Safety (41 Ill. Adm. Code 100).

iv) Illinois Energy Conservation Code (71~~74~~ Ill. Adm. Code 600).

C) Any local building codes that may be more restrictive than the codes listed in this subsection (g)(2).

3) State of Illinois Building Related Requirements. To assist the architect in determining which statutes and rules might be applicable to a project, the Capital Development Board (CDB) has assembled a Directory of Illinois Construction-Related Statutes and Rules that lists statutory requirements relative to State construction. CDB also maintains a List of Codes Used Throughout the State of Illinois by City or County. Both resources are available on CDB's website (http://www.illinois.gov/cdb/business/codes/Pages/BuildingCodesRegulations.aspx).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1501.607 Reporting Requirements

A college shall submit the items listed in this Section in a format prescribed by ICCB by July 1 of each year~~and according to the schedules indicated~~:

a) Annual facility data and project updates that shall include NASF of owned space by classroom, lab, office, study, support and special use categories.~~Progress reports (as of December 31) of all construction projects by January 31 of each year.~~

b) Estimated deferred maintenance annual cost and current backlog.~~Course resource data (S6 and S7) showing the facilities used by a course offered for credit during the fall term within 30 days after the end of the term. Facility identifiers, building identifiers, and room identifiers reported in the course resource data should match identifiers that will be reported in the F3, F6, B3, and R3 records at the end of the current fiscal year.~~

c) All completed and in-progress projects using State funds.~~An inventory of its facilities and an update of this inventory annually by September 1 immediately following the end of the fiscal year. This facilities data (F3, F6, B3, and R3 records) shall be submitted in the format designated by ICCB and shall represent existing facilities in service at June 30 of the fiscal year just ended.~~

d) All completed and in-progress local projects with a cost of $250,000 or more.~~Course resource data (N6) for a non-credit offering (N1) showing the facilities used for each non-credit course offered during the fall term by August 15 following the end of the current fiscal year. Facility identifiers, building identifiers, and room identifiers reported in the N6 records should match identifiers that will be reported in the F3, F6, B3 and R3 records at the end of the current fiscal year.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Records of Offenders

2) Code Citation: 20 Ill. Adm. Code 107

3)

Section Numbers:	Proposed Actions:
107.210	Amendment
107.510	Amendment
107.520	Amendment
107.526	New Section

4) Statutory Authority: Implementing 730 ILCS 5/3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 and 705 ILCS 405/1-7 and authorized by 730 ILCS 5/3-7-1. Subparts B and F also implement Supreme Court rulings Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment provides regular rulemaking to adopt the emergency amendment at 44 Ill. Reg. 6091, that provides the Director of the Agency with the discretion to award earned discretionary sentence credit to offender to reduce the population of IDOC facilities and, in accordance with PA 101-440 provides for awards of program sentence credit for completion of programming prior to January 1, 2020 and awards of sentence credit for completion of higher education.

6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No

7) Will this rulemaking replace any emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not impact, create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Echo Beekman, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield IL 62794-9277

217/558-2200, extension 6507
echo.beekman@doc.illinois.gov

All written comments received after 45 days from the date of this publication will be considered, time permitting.

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) Small Business Impact Analysis: This rulemaking does not present an adverse impact on small business.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 107
RECORDS OF OFFENDERS

SUBPART A: ADMISSION DOCUMENTS

Section
107.10 Applicability
107.15 Responsibilities
107.17 Definitions
107.20 Required Admission Documents

SUBPART B: DIMINUTION OF SENTENCE

Section
107.100 Applicability
107.105 Responsibilities
107.107 Definitions
107.110 Diminution of Felony Sentences
107.120 Good Time Schedules and Sentence Credit Applicable to Felony Sentences
107.130 Consecutive Sentences
107.140 Concurrent Sentences
107.142 Earned Discretionary Sentence Credit
107.145 Earned Program Sentence Credit
107.150 Revocation of Time and Credit
107.160 Restoration of Time and Credit
107.170 Institution Credits (Repealed)
107.180 Misdemeanant Good Time Allowance (Repealed)
107.190 Reporting of Earned Sentence Credit

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT, AND EARNED DISCRETIONARY SENTENCE CREDIT

Section
107.200 Applicability
107.205 Responsibilities

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

107.207 Definitions
107.210 Awarding of Earned Discretionary Sentence Credit
107.220 Reporting of Supplemental Sentence Credit (Repealed)
107.230 Revocation and Restoration of Earned Discretionary Sentence Credit

SUBPART D: MAINTENANCE OF RECORDS

Section
107.300 Applicability
107.305 Responsibilities
107.307 Definitions
107.310 Access to Records
107.320 Disclosure of Master Record File Material for Youth Committed to the Juvenile Division – Court Agreement
107.330 Release of Clinical Records to Offenders and Authorized Attorneys (Adult Facilities Excluding Transition Centers) – Court Agreement
107.340 Release of Clinical Records to Offenders and Authorized Attorneys (Transition Centers)

SUBPART E: ACCESS AND REVIEW OF
CRIMINAL HISTORY RECORD INFORMATION

Section
107.400 Applicability
107.405 Responsibilities
107.410 Definitions
107.420 Right to Access and Review
107.430 Requests for Access and Review
107.440 Challenge of Record

SUBPART F: HIGH SCHOOL EQUIVALENCY
AND PROGRAM SENTENCE CREDIT

Section
107.500 Applicability
107.505 Responsibilities
107.510 Definitions
107.520 Eligibility for Earned Program Sentence Credit
107.525 High School Equivalency (HSE) Earned Program Sentence Credit

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

107.526 Higher Education Earned Program Sentence Credit
107.530 Goal Statements
107.540 Program Goals
107.550 Goal Periods
107.560 Award of High School Equivalency Earned Program Sentence Credit and Program Sentence Credit
107.570 Revocation and Restoration of Earned Program Sentence Credit

AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5] and Section 1-7 of the Juvenile Court Act of 1987 [705 ILCS 405] and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and Section 8-802 of the Code of Civil Procedure [735 ILCS 5].

SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective April 15, 1991; emergency amendment at 17 Ill. Reg. 16215, effective September 17, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. 1598, effective February 1, 2013; recodified at 42 Ill. Reg. 16362; amended at 43 Ill. Reg. 3217, effective March 1, 2019; emergency amendment at 44 Ill. Reg. 6091, effective April 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT, AND EARNED DISCRETIONARY SENTENCE CREDIT

Section 107.210 Awarding of Earned Discretionary Sentence Credit

a) The Director, or his or her designee, may award eligible offenders additional credit up to a maximum of 180 days, in accordance with Section 3-6-3(a)(3) of the UCOC, for good conduct. However, offenders shall not be eligible to receive

earned discretionary sentence credit, supplemental sentence credit, meritorious good time, or an aggregation of these credits:

1) Greater than the statutory maximum during one term of incarceration.

2) If the sentence credit reduces the sentence to less than:

A) 85% for offenders required to serve 85% of their sentence; or

B) 60% for offenders required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.

b) In determining whether or not to award earned discretionary sentence credit, the Director, or his or her designee:

1) Shall make a determination, either in written or electronic form, that the offender:

A) Is eligible, based on his or her holding offenses, to receive earned discretionary sentence credit;

B) Has served a minimum of 60 days of his or her sentence in the custody of the Department;

C) Has received a risk and needs assessment administered with a validated instrument; and

D) Has met the eligibility criteria established in this Section.

2) May examine or consider, among other matters:

A) The complete master record file of the offender, including, but not limited to, sentencing material including the facts and circumstances of the holding offense, disciplinary records, and reports or recommendations made concerning the offender.

B) Results of an available risk and needs assessment analysis or an evaluation from a validated instrument.

C) History of conviction for forcible felony as provided in Section 2-8 of the Criminal Code of 2012.

D) The assignment performance of the offender while in the custody of the Department.

E) Educational or program performance and achievements of the offender while in the custody of the Department.

F) Service to the Department, community or State.

G) Heroic action of the offender such as saving the life of an employee or other offender.

H) The offender's commitment to rehabilitation.

c) The decision to award earned discretionary sentence credit shall be at the sole discretion of the Director or his or her designee.

d) No offender shall be eligible to receive earned discretionary sentence credit if he or she:

1) Is serving a term of natural life or has been sentenced to death;

2) Is serving a sentence for first degree murder or for the offense of terrorism;

3) Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504 during the 12 months preceding the review; or

4) Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration.

e) No offender whose court sentencing order recommends substance abuse treatment for offenses committed on or after September 1, 2003 shall be awarded earned discretionary sentence credit unless:

1) He or she participates in and completes a substance abuse treatment program; or

2) The Director waives the requirement to participate in or complete the treatment program in specific instances in which the offender is not a good candidate for the program due to medical, programming or operations reasons. When substance abuse treatment is not available, offenders shall be placed on a waiting list for treatment. Offenders on a waiting list who are not placed in a substance abuse treatment program prior to release may be eligible for a waiver and receive earned discretionary sentence credit as determined by the Director or his or her designee.

f) No offender who has been convicted of a sex offense, as defined in the Sex Offender Registration Act, committed on or after June 1, 2008 shall be awarded earned discretionary sentence credit unless he or she:

1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board (see 20 Ill. Adm. Code 1905); or

2) Receives a waiver due solely to lack of Department resources.

g) Habitual juvenile offenders or violent juvenile offenders shall not be eligible for earned discretionary sentence credit.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART F: HIGH SCHOOL EQUIVALENCY
AND PROGRAM SENTENCE CREDIT

Section 107.510 Definitions

"Behavior Modification Program" means a program, approved by the Department, designed to provide offenders with the means to identify and alter undesired behavioral patterns.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Correctional Industry Assignments" means work assignments in or job training conducted by Correctional Industries.

"Department" means the Department of Corrections.

"Director" means the Director of the Department.

"Earned Good Conduct Credit" means the award of time to offset the length of sentence for an offender who successfully completed an assigned substance abuse program, Correctional Industries assignment, or educational program prior to June 22, 2012.

"Earned Program Sentence Credit" means the award of time to offset the length of sentence for an eligible offender who successfully completes a substance abuse program, Correctional Industries assignment, educational program, behavior modification program, life skills course, or re-entry planning on or after January 1, 2018.

"Educational Programs" means courses of academic and vocational instruction offered to persons committed to the Department or courses of academic and vocational instruction approved by the Department.

"Higher Education Degree" means a bachelor's degree, master's degree, or professional degree.

"HSE Program Sentence Credit" means the award of 90 days credit to offset the length of sentence for an offender who passes the high school level test of High School Equivalency (HSE) while committed to the Department or while held in pretrial detention prior to the offender's current commitment to the Department.

"Instructional Day" means a day in which instruction is provided.

"Life Skills Course" means a program approved by the Department to promote personal skills to better prepare the offender for a productive return to society.

"Program Administrator" means the Education Facility Administrator or other persons designated by the Chief Administrative Officer to be responsible for determining satisfactory participation in programs subject to program sentence credit.

"Program Sentence Credit" means the award of time to offset the length of sentence for offenders who successfully complete a substance abuse program, Correctional Industries assignment, educational program, behavior modification program, life skills course, or re-entry planning program on or after June 22, 2012 but prior to January 1, 2018.

"Re-entry Planning Program" means a program approved by the Department that provides offenders with information on release procedures and the tools to assist them in a positive re-entry into society.

"Substance Abuse Program" means a program, approved by the Department, consisting of counseling, education or treatment for drug or alcohol abuse.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 107.520 Eligibility for Earned Program Sentence Credit

a) Offenders who, on or after January 1, 2018, are engaged full-time in substance abuse programs, Correctional Industries assignments, academic or vocational education programs, behavior modification programs, life skills courses, or re-entry planning provided or approved by the Department shall be eligible to receive earned program sentence credit at the rate of 0.5 per program day provided:

1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B; and

2) They achieve the goals established by the Department within a specified time period.

b) Offenders shall not be eligible to receive earned program sentence credit at the rate of 0.5 per day if:

1) They are assigned to a boot camp or electronic detention program.

2) They are serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the UCOC.

3) They are removed from the program for failure to comply with program requirements or for disciplinary reasons.

c) Offenders who are not eligible under subsection (a) and who enroll full-time in an educational program approved by the Department shall be eligible to receive program sentence credit at the rate of 0.25 per day provided:

1) They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B;

2) The offense for which they were convicted was committed on or after September 10, 1990 through August 10, 1993;

3) They have not been convicted of first degree murder, second degree murder, or a Class X felony;

4) They have not been convicted of a felony that was committed after a previous award of earned good conduct credit or program sentence credit;

5) They achieve the educational goals established by the Department within a specified time period; and

6) They are not removed from the program for failure to comply with program requirements or for disciplinary reasons.

d) Offenders serving a sentence for an offense committed prior to June 19, 1998, excluding offenders serving a term of natural life imprisonment, may be eligible to receive earned 45 or 90 days of earned program sentence credit for programming completed prior to January 1, 2020 if:

1) the Department provides documentation of successful completion of programming;

2) the offender provides testimony in the form of an affidavit or documentation that he or she likely engaged in and successfully completed full-time programming; or

3) a third party provides documentation or testimony that the offender likely engaged in, and successfully completed, full-time programming.

e) Offenders who are eligible for earned program sentence credit under subsection (d) that provide documentation of program participation in excess of 45 days shall receive 90 days of sentence credit.

f) Offenders who are eligible for earned program sentence credit under subsection (d) that cannot provide documentation of program participation of more than 45 days shall receive 45 days of program participation

g) Offenders eligible for sentence credit under subsection (d) who have been convicted of a sex offense, as defined in the Sex Offender Registration Act [730 ILCS 150], shall not receive the earned program sentence credit under subsection (d) unless he or she successfully completes, or is participating in, sex offender treatment. However, if the offender is on a waiting list for treatment but is unable to participate due solely to lack of Department resources, he or she may be awarded 45 or 90 days earned program credit at the discretion of the Director.

h~~d~~) No offender shall be eligible to receive earned program sentence credit if the award reduces his or her sentence to less than:

1) 85% for offenders required to serve 85% of their sentence; or

2) 60% for offenders required to serve 75% of their sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.

i~~e~~) Full-time assignment to a program for which an offender may be eligible to receive earned program sentence credit shall mean:

1) The offender is housed at a residential substance abuse program facility or unit or is normally scheduled to participate in substance abuse programming at least 15 hours per week;

2) The offender is normally scheduled to work with or receive job training

from Correctional Industries at least 20 hours per week;

3) The offender is a student enrolled in an educational program that has classes that are normally scheduled to meet a minimum of 10 hours per week, or the offender is enrolled in college academics for a minimum of six credit hours per module or 12 credit hours per semester;

4) The offender is enrolled in a behavior modification, life skills course, or re-entry planning program for the number of hours identified in his or her program contract and as determined by the risk and needs assessment.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 107.526 Higher Education Earned Program Sentence Credit

Offenders who are eligible for earned program sentence credit in accordance with Section 107.520 and who have not previously obtained a higher education degree shall be awarded 180 days higher education earned program sentence credit if he or she earns a higher education degree while committed to the Department or while held in pre-trial detention prior to his or her current incarceration in the Department. The award of higher education earned program sentence credit shall be in addition to other awards of earned sentence credit.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3) Section Number: 2765.337 — Proposed Action: New Section

4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600].

5) A Complete Description of the Subjects and Issues Involved: As of July 2020, the number of Illinois unemployment insurance claims filed in 2020 approaches 2 million, compared with approximately 170,000 as of the same time period in 2019. Given the great increase in volume of claims that have been filed due to the COVID-19 pandemic, the quarterly Statements of Benefit Charges and Statements of Amount Due for Benefits Paid which will soon be provided to Illinois employers have increased significantly in both quantity and size. These Statements contain information as to an unprecedented number of weeks of benefit claims. This rule establishes the presumption that for benefits paid for the weeks of March 15, 2020 through January 2, 2021, the unemployment giving rise to the payment of benefits is attributable to COVID-19. With this rule in place, both Illinois employers and the Department will have an efficient and expeditious way to fulfill the provisions of Section 1502.4 of the Act that waive benefit charging for benefits paid for the weeks of unemployment from March 15, 2020 through January 2, 2021 where the unemployment is directly or indirectly attributable to COVID-19.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No

7) Will this rulemaking replace an emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

11) Statement of Statewide Policy Objective: This proposed rulemaking neither creates nor expands a State mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking has no direct negative impact on small businesses, small municipalities and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has positive direct effect on small businesses, small municipalities and not-for-profit corporations, as well as on all other Illinois employers.

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting or bookkeeping is required for compliance.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because this rulemaking is intended to address an immediate emergency situation pertaining to the COVID-19 pandemic.

The full text of the Proposed Rulemaking is identical to the text of the Emergency Rulemaking for this Part and begins in this issue of the *Illinois Register* on page 13457.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

1) Heading of the Part: Child Bereavement Leave

2) Code Citation: 56 Ill. Adm. Code 252

3)

Section Numbers:	Proposed Actions:
252.5	New Section
252.10	New Section
252.15	New Section
252.20	New Section
252.25	New Section
252.30	New Section

4) Statutory Authority: 820 ILCS 154

5) Complete Description of the Subjects and Issues Involved: These proposed rules are to fulfill the statutory requirement. The statute requires the department to promulgate rules. Currently, there are no rules regarding this statute.

6) Published studies and 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 does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.

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

Jason Keller
Illinois Department of Labor

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

900 South Spring St.
Springfield IL 62704

217/782-1706
Jason.keller@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: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: No adverse impact.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the last Regulatory Agenda was published.

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 252
CHILD BEREAVEMENT LEAVE

Section
252.5 Definitions
252.10 Bereavement Leave
252.15 Existing Leave
252.20 Unlawful Employer Practices
252.25 Department Responsibilities
252.30 Enforcement

AUTHORITY: Implementing, and authorized by Section 25 of, the Child Bereavement Leave Act [820 ILCS 154].

SOURCE: Adopted at 44 Ill. Reg. _____, effective _____.

Section 252.5 Definitions

"Act" means the Child Bereavement Leave Act [820 ILCS 154].

"Child" means an employee's son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

"Department" means the Illinois Department of Labor.

"Employee" means eligible employee, as defined by FMLA section 101(2).

"Employer" means employer, as defined by FMLA section 101(4) (Section 5 of the Act).

"FMLA" means the federal Family and Medical Leave Act of 1993 (29 USC 2601 et seq.).

Section 252.10 Bereavement Leave

a) *All employees shall be entitled to use a maximum of 2 weeks (10 work days) of unpaid bereavement leave to:*

1) *attend the funeral, or alternative to a funeral, of a child;*

2) *make arrangements necessitated by the death of the child; or*

3) *grieve the death of the child.*

b) *Bereavement leave under subsection (a) must be completed within 60 days after the date on which the employee receives notice of the death of the child.*

c) *An employee shall provide the employer with at least 48 hours' advance notice of the employee's intention to take bereavement leave, unless providing that notice is not reasonable and practicable.*

d) *An employer may require reasonable documentation. Documentation may include a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.*

e) *In the event of the death of more than one child in a 12-month period, an employee is entitled to up to a total of 6 weeks of bereavement leave during the 12-month period. The Act does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, FMLA.* (Section 10 of the Act)

Section 252.15 Existing Leave

An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan may elect to substitute any period of that leave for an equivalent period of leave provided under Section 10. (Section 15 of the Act)

Section 252.20 Unlawful Employer Practices

a) *It is unlawful for any employer to take any adverse action against an employee because the employee:*

1) *exercises rights or attempts to exercise rights under the Act;*

2) *opposes practices that the employee believes to be in violation of the Act; or*

3) *supports the exercise of rights of another under the Act.*

b) *Exercising rights under the Act includes:*

1) *filing an action or instituting or causing to be instituted any proceeding under, or related to, the Act;*

2) *providing or agreeing to provide any information in connection with any inquiry or proceeding relating to any right provided under the Act; or*

3) *testifying, or agreeing to testify, in any inquiry or proceeding relating to any right provided under the Act.* (Section 20 of the Act)

Section 252.25 Department Responsibilities

a) *The Department will administer and enforce the Act. The Department shall have the powers and the parties shall have the rights, provided in* Article 10 of *the Illinois Administrative Procedure Act* [5 ILCS 100] *for contested cases. The Department has the power to conduct investigations in connection with the administration and enforcement of the Act, including the power to conduct depositions and discovery and to issue subpoenas. If the Department finds cause to believe that the Act has been violated, the Department shall notify the parties in writing and the matter shall be referred to an Administrative Law Judge to schedule a formal hearing in accordance with* 56 Ill. Adm. Code 120 (Rules of Procedure in Administrative Hearings).

b) *The Department is authorized to impose civil penalties prescribed in Section 30 of the Act in administrative proceedings that comply with the Illinois Administrative Procedure Act and to supervise the payment of the unpaid wages and damages owing to the employee or employees under the Act.*

c) An employer that violates any provision of the Act or this Part is subject to a civil penalty by the Department for each employee affected, as follows:

1) First offense, a civil penalty not to exceed $500;

2) Second or subsequent offense, a civil penalty not to exceed $1,000.

d) *The Department may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties, and the employer shall be required to pay the costs. Any sums recovered by the Department on behalf of an employee under the Act shall be paid to the employee or employees affected. However,* no more than *20% of any penalty collected from the employer for a violation of the Act shall be deposited into the Child Bereavement Fund, a special fund created in the State treasury, and used for the enforcement of the Act.*

e) *The Attorney General may bring an action to enforce the collection of any civil penalty imposed under the Act.* (Section 25 of the Act)

Section 252.30 Enforcement

a) *An employee who believes his or her rights under the Act or this Part have been violated may, within 60 days after the date of the last event constituting the alleged violation of which the action is brought, file a complaint with the Department or file a civil action.*

b) *An employer that violates any provision of the Act or this Part is subject to a civil penalty for each employee affected, as follows:*

1) *First offense, a civil penalty not to exceed $500;*

2) *Second or subsequent offense, a civil penalty no to exceed $1,000.*

c) *A civil action may be brought in the circuit court by an employee to enforce the Act. The circuit court may enjoin any act or practice that violates or may violate the Act and may order any other equitable relief that is necessary and appropriate to redress the violation or to enforce the Act.* (Section 30 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Family Practice Residency Code

2) Code Citation: 77 Ill. Adm. Code 590

3)

Section Numbers:	Proposed Actions:
590.20	Amendment
590.30	Amendment
590.50	Repealed
590.60	Amendment
590.100	Amendment
590.110	Amendment
590.120	Amendment
590.130	Amendment
590.135	New Section
590.140	Amendment
590.160	Amendment
590.170	Amendment
590.200	Amendment
590.205	New Section
590.210	Amendment
590.215	New Section
590.220	Amendment
590.230	Amendment
590.231	New Section
590.232	New Section
590.233	New Section
590.234	New Section
590.235	New Section
590.240	Amendment
590.300	Amendment
590.310	Amendment
590.315	New Section
590.320	Amendment
590.325	New Section
590.326	New Section
590.327	New Section
590.328	New Section
590.330	Amendment
590.335	New Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

590.340	New Section
590.345	New Section
590.350	New Section
590.355	New Section
590.360	New Section
590.400	Repealed
590.410	Repealed
590.420	Repealed

4) Statutory Authority: Underserved Physician Workforce Act [110 ILCS 935]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 101-118, which amended the Underserved Physician Workforce Act to allow eligible health care providers to receive educational loan repayment assistance. In exchange for this assistance, eligible health care providers would be required to work at a medical facility that is located in a Health Professional Shortage Area (HPSA) in Illinois.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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 does not create a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medical facilities that are located in HPSAs in Illinois

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: No impact is anticipated.

15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 590
UNDERSERVED PHYSICIAN WORKFORCE~~FAMILY PRACTICE RESIDENCY~~ CODE

SUBPART A: GENERAL PROVISIONS

Section
590.10 Applicability (Repealed)
590.20 Definitions
590.30 ~~Incorporated and~~ Referenced Materials
590.40 Administrative Hearings
590.50 Award of Grants (Repealed)
590.60 Advisory Committee for ~~Family Practice~~ Residency Programs

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section
590.100 Eligibility for Grants
590.110 Limitations on Use of Grant Funds
590.120 Project Requirements
590.130 Application for Grants
590.135 Application Processing
590.140 Selection Criteria
590.150 Grant Awards, Terms and Conditions
590.160 Grant Funds Recovery
590.170 Reporting Requirements

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section
590.200 Limitations on Use of Scholarship Funds
590.205 Notice
590.210 Eligibility for Application
590.215 Application Processing
590.220 Criteria for Selecting Scholarship Recipients
590.230 Terms of Performance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

590.231 Deferment of Continuous Attendance Requirement
590.232 Waiver of Continuous Attendance Requirement
590.233 Fulfillment of Service Obligation
590.234 Deferment of Service Obligation
590.235 Waiver of Service Obligation
590.240 Scholarship Repayment

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section
590.300 Limitations on Use of Loan Repayment Funds
590.310 Eligibility for Application
590.315 Application Processing
590.320 Selection Criteria for Distribution of Loan Repayment Funds
590.325 Educational Loan Repayment Agreement
590.326 Fulfillment of Service Obligation
590.327 Deferment of Service Obligation
590.328 Waiver of Service Obligation
590.330 Terms of Performance
590.335 Medical Facility Transfer
590.340 Reporting Requirements
590.345 Educational Loan Repayment Award Monitoring
590.350 Cooperation with Investigations and Audits
590.355 Penalty for Failure to Fulfill Service Obligation
590.360 Suspension or Termination of Educational Loan Repayment Funding

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section
590.400 Data Elements Used in Designation Process (Repealed)
590.410 Criteria for Designating Shortage Areas (Repealed)
590.420 Distribution of Lists of Designated Shortage Areas (Repealed)

590.APPENDIX A Sample Contract for Medical Student Scholarship (Student Contract) (Repealed)
590.APPENDIX B Sample Contract for Scholarship Service Obligation (Repealed)
590.APPENDIX C Sample Contract for Monetary Repayment of Scholarship Obligation (Repealed)
590.APPENDIX D Sample Contract for Educational Loan Repayment (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Underserved Physician Workforce Act [110 ILCS 935].

SOURCE: Filed June 8, 1978; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509; Part repealed, new Part adopted at 15 Ill. Reg. 1833, effective January 25, 1991; amended at 35 Ill. Reg. 14089, effective August 4, 2011; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 590.20 Definitions

When used in this Part, the following terms have the meanings ascribed in this Section:

"Academic year" means September 1 in one year through August 31 of the next year, or as otherwise defined by the accredited school.

"Accredited family practice residency" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association, or the Committee on Postdoctoral Training of the American Osteopathic Association.

"Accredited medical school" means a college or university at which a Doctor of Medicine (M.D.) degree or a Doctor of Osteopathic Medicine (D.O.) degree is earned. For an M.D., the college or university is accredited by the Liaison Committee on Medical Education (http://lcme.org/). For a D.O., the college or university is accredited by the Commission on Osteopathic College Accreditation (https://www.osteopathic.org/inside-aoa/accreditation/COM-accreditation/Pages/default.aspx).

"Act" means the Underserved Physician Workforce~~Family Practice Residency~~ Act [110 ILCS 935].

"Administrative law judge" shall have the meaning ascribed in 77 Ill. Adm. Code 100 (Practice and Procedure in Administrative Hearings).

"Authorized representative" means a person who has authority to act on behalf of the legal entity or person that is an applicant or grantee. Authorized

representatives are: for a corporation, any of its officers or members of its board of directors; for a limited liability company, any of its managers or members; for a partnership, any of its general partners; and for a sole proprietor, the individual who is the sole proprietor.

"Board certified physician" means a physician who has ~~taken and~~ passed a medical specialty examination and who has maintained certification of that specialty from a nationally recognized medical specialty board certification body.

"Board eligible physician" means a physician who has completed the requirements for admission to a medical specialty board examination but has not yet taken and passed the examination.

"Breach of service obligation" means failure for any reason to begin or complete all of a contractual service commitment.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Certified Mail~~mail~~" means U.S. Mail~~mail~~ for which proof of delivery is obtained.

"Commercial loans" means loans made by banks, credit unions, savings and loan associations, insurance companies, and other licensed financial institutions.

"Committee" means the Advisory Committee for ~~Family Practice~~ Residency Programs. (Section 3.03 of the Act)~~.~~

"Community-based organization ~~Based Organization~~" means a locally organized and locally recognized group of individuals whose goals include efforts to lawfully maintain or increase the availability of ~~primary~~ health care in their community.

"Construction" means the establishment of a new building (including the installation of fixed equipment), or completion of shell space in an existing building.

"Construction costs" or "Modernization costs" means expenses from a construction contract.

"Continuous attendance" means enrollment in an accredited medical school for an entire academic year and for the total duration of time it takes the student to complete medical education, up to the maximum number of years the recipient is eligible to receive the scholarship. Continuous attendance shall be deemed to have been broken if the student goes more than 12 months without successfully completing a medical-related course from an accredited medical school.

"Default" means failure to meet all legal obligations or conditions of a loan.

"Deferment" means the temporary delay or postponement of a scholarship recipient's continuous attendance or service obligation or an educational loan repayment recipient's service obligation.

"Department" means the Illinois Department of Public Health. (Section 3.01 of the Act)

~~*"Designated Shortage Area" means an area designated by the Director as a physician shortage area, a medically underserved area, or a critical health manpower shortage area as defined by the United States Department of Health and Human Services, or as further defined by the Department to enable it to effectively fulfill the purpose stated in Section 2 of the Act. Such areas may include the following:*~~

~~*An urban or rural area which is a rational area for the delivery of health services;*~~

~~*A population group; or*~~

~~*A public or nonprofit private medical facility* (Section 3.04 of the Act)~~

"Direct patient care" means care of a patient provided by a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987. It

may involve any aspect of the health care of a patient, including diagnostic and treatment services; support services such as laboratory, radiologic, and pharmacy; counseling; in-service for self-care; patient education; and administration of medication.

"Director" means the Director of the Illinois Department of Public Health. (Section 3.02 of the Act)

"Disabled" shall have the meaning ascribed in Section (2)(A)(2.1) of the Business Enterprise for Minorities, Females and Persons with Disabilities Act.

"Disability" shall have the meaning ascribed in Section 1-103(I) of the Illinois Human Rights Act.

"Due diligence" means action taken toward the completion of a project with the diligence and foresight that persons of ordinary prudence and care would exercise under similar circumstances.

"Data Universal Numbering System" or "DUNS" is a system that assigns a unique numeric identifier, referred to as a DUNS number, to a single business entity.

"Educational loan repayment award" or "award" means the amount of funding awarded to a recipient based upon reasonable educational expenses, up to a maximum established by the program.

"Eligible health care provider" means a primary care physician, general surgeon, emergency medicine physician, or obstetrician. (Section 3.09 of the Act)

"Eligible medical student" means a person who meets all of the following qualifications:

> *He~~he~~ or she is an Illinois resident at the time of application for a scholarship;*
>
> *He~~he~~ or she is studying medicine in* an accredited~~a~~ *medical school located in Illinois;*
>
> *He~~he~~ or she exhibits financial need as determined by the Department; and*

He~~he~~ or she agrees to practice full-time, at a Department approved site located in a health professional shortage area (HPSA) in Illinois*~~in a Designated Shortage Area~~ as a primary care physician, general surgeon, emergency medicine physician, or obstetrician, one year for each year he or she is a scholarship recipient.* (Section 3.07 of the Act)

"Emergency medicine physician" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 with a specialty dedicated to the care and treatment of acutely ill or injured patients who need immediate medical attention.

"Equipment" means tangible personal property of a nonconsumable nature that may be acquired by a purchase, lease purchase, or installment contract that has a value exceeding $100.

"Equipment costs" means the cost of movable capital equipment that is not in a construction or renovation contract.

~~"Family practice residency program" *means a program accredited by the Accreditation Council for Graduate Medical Education, or the Committee on Postdoctoral Training of the American Osteopathic Association*. (Section 3.06 of the Act)~~

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the Public Health Service Act (42 USC 254b).

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the Public Health Service Act but does not receive federal grants under that authority.

"Federal poverty level as published in the Federal Register" means the poverty level population figures published annually in the Federal Register. The Federal Register may be found at the website: https://www.federalregister.gov/ ~~www.gpoaccess.gov/fr/Index.html~~.

"Fellowship" means optional medical training, usually one year, completed after ~~the~~ residency training ~~required for each of the primary care specialties~~.

"Fiscal year" means the financial operating year of Illinois State government. It begins on July 1 and ends on June 30 of the next calendar year.

"Fixed equipment" means assets that are usually attached and integral to the building's function.

"Forbearance" means the postponement of loan payments by a lender for a temporary period to give the borrower time to make up overdue payments.

"Full-time practice for physicians" means working a minimum of 40 hours per week, for a minimum of 45 weeks per year, at a medical facility located in an HPSA in Illinois. For general surgeons and emergency medicine physicians, full-time practice means working a minimum of 32 hours per week, for a minimum of 45 weeks per year, at a medical facility located in an HPSA in Illinois.

~~"Full-time practice for physicians with active staff privileges" means maintaining office hours for patient care that equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice".~~

~~"Full-time practice for primary care physicians without active staff privileges" at a hospital means maintaining office hours or being employed for patient care for an amount of time at least equal to the mean number of office hours per week reported by family practice physicians in the American Medical Association's "Socioeconomic Characteristics of Medical Practice".~~

"Funding period" means the time frame during which grant funds are to be expended by the grantee (usually corresponding with the Department's fiscal year).

"General surgeon" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 after successful completion of an accredited surgical residency program, with a specialty in the diagnosis, preoperative, operative, and postoperative surgical management of a patient.

"Good academic standing" means a student is matriculating with the rest of his or her class, as determined by the student's medical school.

"Government loans" means loans made by federal, State, county or city agencies authorized to make those loans.

"Grant" means funds awarded under the Act.

"Grantor agency" means *any agency of State government which dispenses grant funds.* (Section 2(a) of the Illinois Grant Funds Recovery Act)

"Grant Agreement~~agreement~~" means the agreement entered into between the Department and the grantee setting forth the terms and conditions of a scholarship or educational loan repayment award~~any person or entity for obligation, capital expenditure or use for a specific purpose~~.

"Grant funds" means *public funds dispensed* by the Department *to any person or entity for obligation, expenditure or use for a specific purpose.* (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Grantee" means a *person or entity which may use grant funds.* (Section 2(c) of the Illinois Grant Funds Recovery Act)

~~"Good academic standing" means a student is matriculating with the rest of his or her class as determined by the student's medical school.~~

"Half-time practice for physicians" means working a minimum of 20 hours per week, but no more than 39 hours per week, for a minimum of 45 weeks per year, at a medical facility located in an HPSA in Illinois. For general surgeons and emergency medicine physicians, half-time practice means working a minimum of 16 hours per week but no more than 24 hours per week, for a minimum of 45 weeks per year, at a medical facility located in an HPSA in Illinois.

"Health Professional Shortage Area" or "HPSA" means a designation assigned~~provided~~ by the U.S. Department of Health and Human Services, Health Resources and Services Administration. The HPSA designation indicates the shortage of primary medical care, dental or mental health providers. The HPSA designation may be geographic (a county or service area), population group~~demographic~~ (e.g., low income, Medicaid eligible~~ population~~) or facility~~institutional~~ (comprehensive health center, FQHC or other public facility). HPSA designations can be found at http://hpsafind.hrsa.gov/.~~All FQHCs and Rural Health Clinics that provide access to care regardless of an individual's~~

~~ability to pay receive HPSA designations. (For a map of HPSAs, see http://bhpr.hrsa.gov/shortage/hpsacrit.htm.)~~

"Health Professional Shortage Area Score" or "HPSA score" means the HPSA shortage severity score calculated by the U.S. Department of Health and Human Services (HHS).

"Illinois resident" means a person who is~~has been~~ a resident of Illinois at the time of~~for at least one year prior to~~ application for a Medical Student Scholarship or educational loan repayment award and who is a citizen or lawful permanent resident of the United States.

~~"Lawful permanent resident" means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and lawfully recorded permanent residence as an immigrant.~~

"Legal holiday" means a holiday set by statute, during which government ~~and business~~ working hours are suspended.

~~"Local health department" means a county, multi-county, municipal or district public health agency certified by the Department.~~

"Lender" means the commercial or government entity that made the qualifying loan.

"Matriculation fees" means the actual educational expenses charged to all students by the various medical schools. These fees are charged to offset the expenses incurred by the school in areas such as the application and enrollment processing, library use, mandatory health insurance, and student activities.

"Medical school" means any private or public nonprofit school in Illinois that provides education leading to a doctor of medicine or doctor of osteopathy degree, ~~and~~ that is approved by the Illinois Department of Financial and Professional Regulation, pursuant to the Medical Practice Act of 1987, and that is accredited by the Liaison Committee on Medical Education (http://lcme.org/) or the Commission on Osteopathic College Accreditation (https://www.osteopathic.org/inside-aoa/accreditation/COM-accreditation/Pages/default.aspx).

"Medical facility" means a facility for the delivery of health services and includes a hospital, State mental health institution, public health center, outpatient medical facility, rehabilitation facility, long term care facility, community mental health center, migrant health center, community health center, or State correctional institution. (Section 3.08 of the Act)

"Medical student" means an individual~~a resident of Illinois~~ studying medicine in an accredited~~a~~ medical school located in Illinois. ~~(Section 3.07 of the Act)~~

"Medically underserved area" or "MUA" means an urban or rural area designated by the HHS Secretary as an area with a shortage of personal health services.

"Medically underserved population" or "MUP" means individuals who:

reside~~live~~ in an HHS~~a~~ designated Health Professional Shortage Area~~shortage area~~ or a medically underserved area;

who are designated a medically underserved population by HHS; or

who reside in an area designated by the Department as underserved~~, because of special health needs or low income, experience difficulty receiving health care~~.

"Metropolitan Statistical Area" or "MSA" means one or more adjacent counties that have at least one urban core area of at least 50,000 population, plus adjacent territory that has a high degree of social and economic integration with the core, as measured by commuting ties.

"Modernization" means alteration, renovation, upgrading, or improvement of an existing building.

~~"Number of live births in Illinois" means the number of live births in Illinois as provided by the Department's Center for Health Statistics.~~

~~"Number of obstetricians providing care in Illinois" means the number of obstetricians providing care in Illinois as found in the American Medical Association's Survey Data as provided to the Department as a Primary Care Organization Grantee by the U.S. Department of Health and Human Services,~~

~~Bureau of Health Professions. These data are provided for the designation of HPSAs in Illinois.~~

"Null and void" means an application submitted to the Department has no legal force and is invalid.

"Obligation" or "Obligated" means a requirement for a grantee to make future payments from grant funds that result from financial transactions that have occurred with vendors or other entities in relation to the grantee's activities.

"Obstetrician" means a physician licensed to practice medicine in Illinois under the Medical Practice Act of 1987 with a specialty dedicated to pregnancy, childbirth and the postpartum period.

"Official transcript" means transcripts that have been received directly from the institution or have been issued to the applicant or recipient in a sealed envelope, which shall remain sealed until its arrival at the Department. The transcript shall include the institution's official seal, the date the transcript was issued, and the registrar's signature. The transcript will be verifiable by the Department.

~~"Obstetrical service area" means the geographic area surrounding a hospital with an obstetrical unit and that is defined by an imaginary boundary determined by the shortest distance, either in time or miles, for a citizen or equivalent to travel to one hospital rather than another.~~

~~"Obstetrical unit" means an entire facility or a distinct part of a facility that provides both maternity and obstetric care and that is designed, equipped, organized and operated in accordance with the requirements of the Hospital Licensing Act.~~

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services, including laboratory, radiologic, and pharmacy.

"Primary care physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 with a specialty in Family Practice, Internal Medicine, Obstetrics and Gynecology, or Pediatrics as defined by recognized standards of professional medical practice. (Section 3.05 of the Act)

"Primary care physician" means a general internist, family physician, or general pediatrician. (Section 3.10 of the Act)

"Project completion" means that the project has concluded based on the project objectives and within the time frame requirements in the Grant Agreement.

"Qualifying loan" means government or commercial loans used for tuition and reasonable educational and living expenses related to the medical degree that was obtained by the recipient prior to the recipient's application for loan repayment. These loans shall be contemporaneous with the education received.

"Rational area" means the geographic area surrounding a physician's office, a hospital or a clinic, from which the residents of the geographic area may be reasonably expected to seek health care from the physician, hospital or clinic located within that geographic area.

"Real property" means lands, structures, buildings, and anything that is affixed to them. Real property does not include items that can be moved, including equipment and furniture.

"Reasonable educational expenses" means the actual costs for education, exclusive of tuition. These costs include, but are not limited to, matriculation fees, books, supplies, clinical travel, educational equipment, materials, board certification, or licensing examinations. These costs shall not exceed the estimated standard budget for expenses for the degree program and for the years of enrollment.

"Reasonable living expenses" means room and board, transportation and commuting costs. These expenses shall not exceed the estimated standard budget for the recipient's degree program and for the years of enrollment.

"Recipient" means a medical student receiving funds from the Illinois Medical Student Scholarship Program or a health care professional receiving loan repayment funds.

"Residency matching process" means the U.S. National Resident Matching Program that coordinates the matching of medical students with the hospitals and residency training programs in the medical students' selected specialty. The

matching application process usually lasts from June through September of one year, with match announcements made in March of the following year.

"Residency program" means a program accredited by the Accreditation Council for Graduate Medical Education (http://www.acgme.org/) *or the Committee on Postdoctoral training of the American Osteopathic Association* (http://www.osteopathic.org/inside-aoa/accreditation/postdoctor-training-approval/Pages/default.aspx). (Section 3.06 of the Act)

"Residency training" means the years of graduate medical education that follow medical school and that train the new physician in his or her chosen specialty (e.g., family practice, pediatrics).

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service obligation" means a physician who practices full-time or half-time at a medical facility in an HPSA in Illinois. For scholarship recipients, the physician must work *one year for each year he or she is a scholarship recipient.* (Section 3.07(d) of the Act) For educational loan repayment recipients, the physician must work full-time for two years or half-time for four years at a medical facility in an HPSA in Illinois for the initial grant term.

"Shell space" means space constructed to meet future needs. It is space enclosed by an exterior building shell, but otherwise unfinished inside.

"Submission of application" means that a complete grant, scholarship or educational loan repayment application has been received by the Department by the established deadline. Submission does not mean that the application is postmarked by the established submission deadline but arrives at the Department on a later date.

"Supplant" means to replace, to take the place of, or to supersede. As used in this Part, grant funds cannot be used to replace or supersede other sources of funding.

"Supplies" means a general purpose consumable item that commonly has a shorter life span than equipment, and that is stocked for recurring use.

"Supplies expense" means the actual costs incurred for general purpose consumable items that have a shorter life span than equipment and that are stocked for recurring use.

"Suspension" means an action by the Department to suspend a recipient's participation in Department grant and loan repayment programs for a specified period of time.

"Toll" or "Tolling" means to pause, postpone or suspend the running of a defined time period.

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents employment with or without reasonable accommodation.

"Travel" means the actual cost incurred by a grantee's employees to travel to fulfill specific job requirements. These costs could include air travel, local transportation, per diem, mileage allowance and lodging.

"Tuition" means the established charges of a medical school for instruction at that institution.

"United States citizen" means an individual born in the United States, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, American Samoa or Swain's Island; foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status by the U.S. Department of Homeland Security, Customs and Immigration Service.

"Urban" means any geographic area that does not meet the definition of "rural" in this Section.

"Waiver" means to permanently relieve a scholarship or educational loan repayment recipient's continuous attendance or service obligation, expressly put forth in writing.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 590.30 ~~Incorporated and~~ Referenced Materials

The following materials are ~~incorporated or~~ referenced in this Part:

a) Illinois Statutes

1) Underserved Physician Workforce~~Family Practice Residency~~ Act [110 ILCS 935]

2) Medical Practice Act of 1987 [225 ILCS 60]

3) Hospital Licensing Act [210 ILCS 85]

4) Illinois Administrative Procedure Act [5 ILCS 100]

5) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-200]

6) Illinois Grant Funds Recovery Act [30 ILCS 705]

7) Illinois Human Rights Act [775 ILCS 5]

8) Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575]

9) State Finance Act [30 ILCS 105]

10) State Comptroller Act [15 ILCS 405]

11) General Not For Profit Corporation Act of 1986 [805 ILCS 105]

12) Administrative Review Law [735 ILCS 5/Art. III]

b) Illinois Administrative Rules

1) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

2) Government Contracts, Procurement and Property Management (44 Ill.

Adm. Code 750)

c) Federal Statutes~~Regulations~~

1) Federally Qualified Health Center, section 330 of the Public Health Service Act (42 USC 254b)

2) Designation of Health Professional Shortage Areas, section 332 of the Public Health Service Act (42 USC 254e)

3) Designation of Medically Underserved Areas/populations, section 330 of the Public Health Service Act (42 USC 254e)

~~U.S. Department of Health and Human Services, designation of Health Professional Shortage Areas (HPSAs) pursuant to section 332 of the Public Health Service Act (42 USC 254e) (as amended by the Health Care Safety Net Amendments of 2002, P.L. 107-251); 42 CFR 5 (Designation of health professional shortage areas), October 1, 2005 and 51c (Grants for community health services), October 1, 2005. Source: 45 FR 76000, November 17, 1980. Nomenclature changes to Part 5 appear at 57 FR 2480, January 22, 1992, Procedures and Criteria for Designation of HPSAs (see Section 590.410(b)).~~

~~d) Other Guidelines~~

~~"Socioeconomic Characteristics of Medical Practice, 1989", prepared by the American Medical Association's Center for Economic and Health Policy Research, 515 North State Street, Chicago, Illinois 60654.~~

~~e) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations or standards on the date specified and do not include any amendments or editions subsequent to the date specified.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.50 Award of Grants (Repealed)

~~a) The Director shall determine the ratio of state to local support for each approved and funded project based upon the recommendation of the Advisory Committee,~~

~~the program needs, and the resources received from other funding sources.~~

~~b)~~ ~~Each applicant shall be accountable to expend the funds solely for carrying out the approved project pursuant to any letter of agreement by the Department and the applicant.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

Section 590.60 Advisory Committee for ~~Family Practice~~ Residency Programs

The Advisory Committee for ~~Family Practice~~ Residency Programs shall consult~~consults~~ with the Director or his or her designee *in the administration of the Act*. (Section 5 of the Act) The Department shall~~is required to~~ *consult with the Advisory Committee in the determination of* HPSAs,~~*Designated Shortage Areas,*~~ *eligibility criteria for the allocation of funds under Section 4.01 of the Act*~~grants~~ *and the awarding of scholarships under Sections 4.03 and 4.04 of the Act*. (Section 4.09 of the Act)

a) The Committee shall consist of nine members with the following composition:

1) Four members shall be *eligible health care providers*~~*family practice physicians*~~ licensed in Illinois;

2) One member *shall be a dean or associate dean or deputy dean of* an accredited~~*a*~~ *medical school in* Illinois; and

3) Four members shall represent *the general public*. (Section 5 of the Act)

b) Committee Appointment~~appointment:~~

1) The Director shall appoint individuals to the committee.

2) Membership on the committee shall be for a term of *four years*.

3) *No person shall serve more than two terms.*

4) *Committee members*~~*A committee member*~~ *shall continue to serve after the expiration of their terms*~~*his or her term*~~ *until their successors have*~~*his or her successor has*~~ *been appointed*. (Section 5 of the Act)

c) Committee Structure~~structure:~~

1) The Committee shall elect a chairperson *from among the eligible health care provider~~family practice physician~~ members.*

2) The Committee shall elect *such other* officers as *may be required*. (Section 5 of the Act)

d) *The Committee shall meet as frequently as the Director deems necessary, but not less than once each year*. (Section 5 of the Act)~~ However, the committee shall meet at least annually.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section 590.100 Eligibility for Grants

The following~~ educational entities~~ are eligible to apply for grants through this Part:

a) Any accredited~~ family practice~~ residency program located in Illinois; or

b) Any accredited school of medicine or accredited school of osteopathy located in Illinois.~~ with a department of family medicine or family practice; or~~

~~c) Any accredited preventive medicine residency program located in Illinois.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.110 Limitations on Use of Grant Funds

Grant funds awarded by the Department may only be used to support project expenses and operations.

a) Grant funds may be used by the applicant to support project expenses, whether incurred at the residency's or school's central site or at an affiliated satellite.

b) Grant funds may be used to support project operations, including those in the following budget categories:

1) Personal services expenses of staff directly involved in the project;

2) Equipment~~Medical equipment~~ and supplies necessary for the operation of the project;

3) Staff, ~~and~~ resident, and student travel directly related to the project;

~~4) Nonmedical equipment and supplies necessary for the operation of the project;~~

4~~5~~) Contractual services and rent necessary for the operation of the project; and

5~~6~~) Other expenses critical to the operation of the project, as pre-approved by the Department in writing.

c) Grant funds shall not to be used to supplement or supplant any other State~~state~~ or federal grants.

d) Grant funds shall not to be used to purchase real property, ~~or~~ for new construction, modernization, or the creation of shell space.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.120 Project Requirements

a) The Department will post a notice of grant opportunity on its web site. This notice shall consist of at least the following elements and will be made available at http://dph.illinois.gov/topics-services/life-stages-populations/rural-underserved-populations/medical-student-scholarship-program:~~Applicants for projects to be funded through this Part shall respond to requests for proposals distributed by the Department and delineating project requirements.~~

1) Identification of the grant opportunity, including a brief description of the program and the date that grant applications can be submitted to the Department;

2) Identification, including mailing address and telephone number, of the Department's unit or section that is responsible for the grant program; and

3) Information regarding where a copy of the application may be viewed by the public and how copies of the application may be obtained.

b) Notification to all persons shall be deemed to have been provided by publication of the notice.

c~~b~~) Grant opportunities~~Requests for proposals prepared by the Department~~ shall address one or more of the following goals:

1) *To~~to~~ increase the number of eligible health care providers~~family practice physicians~~ in* HPSAs~~*Designated Shortage Areas*~~*;*

~~2) *to increase the percentage of obstetricians establishing practice within the State upon completion of residency;*~~

2~~3~~) *To~~to~~ increase the number of accredited, eligible health care provider~~family practice~~ residencies within the State;*

3~~4~~) *To~~to~~ increase the percentage of eligible health care providers~~family practice physicians~~ establishing practice within the State upon completion of residency; and*

4~~5~~) *To~~to~~ provide funds for rental of office space, purchase of equipment and other uses necessary to enable eligible health care providers~~family practitioners~~ to locate their practices in communities located in* HPSAs~~*designated shortage areas*~~*.*
(Section 4.01 of the Act)

d~~c~~) Projects shall have a director who is an Illinois licensed and~~a~~ board certified ~~family practice~~ physician who oversees the educational and professional components of the program and who is eligible to be a faculty member of an

accredited~~a~~ school of medicine or an accredited~~a~~ school of osteopathy.

e~~d~~) Project directors shall ~~annually~~ submit detailed and comprehensive fiscal and program objective progress reports as required by the Department's Grant Agreement~~to the Department~~.

f~~e~~) The applicant shall also demonstrate *local support for the program*. Local support can be demonstrated through *funds, services or other resources. The ratio of State support to local support shall be determined by the Department in a manner that is consistent with the purpose of* the *Act*. (Section 6 of the Act)

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.130 Application for Grants

~~a)~~ ~~The Department shall prepare and distribute applications to eligible applicants (see Section 590.100).~~

a~~b~~) Applications shall be in writing and describe the applicant's proposed methods to achieve the goals specified in the Department's request for proposals (see Section 590.120).

b) Applicants will have 60 calendar days to submit applications for grant funding. The 60-calendar-day timeframe begins on the publication date of the notice. Applications received after the 60-calendar-day timeframe will not be processed and reviewed.

c) Applications shall be in two formats – one for new projects and one for the subsequent years of a continuing project.

1) New project applications shall include:

A) The legal name of the applicant;

B) The name and title of all of the applicant's officers and managers;

C) The applicant's legal address and telephone number;

D) A general description of the applicant, including its business and business experience;

~~E) The applicant's telephone number, fax number, federal employer identification number (FEIN), DUNS number, and Illinois Department of Human Rights number;~~

E~~F~~) The project director's name, phone number and e-mail address;

F~~G~~) A detailed description of the project for which grant funds are requested, including a summary statement of the applicant's plan of action to address the goals described in the Department's request for proposals;

G~~H~~) A description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or group (e.g., lack of health care providers, high incidence of disease, economic barriers to care) and an explanation of the manner in which the proposed project would meet those needs;

H~~I~~) A statement of objective, measurable and relevant objectives the applicant proposes to achieve in the first year of the project as well as its longer term goals, including appropriate measuring metrics together with proposed objective measurement criteria;

I~~J~~) A detailed work plan and time table for achievement of the objectives;

J~~K~~) An evaluation plan that will document the project's progress in meeting the particular needs of the geographic area or special population group described in subsection (c)(1)(G~~H~~);

K~~L~~) A description of the medical student or ~~family practice~~ resident involvement in the project, including numbers participating, level of training, amount of academic time involved, medical supervision, and whether involvement will be a required or an optional experience for the student or resident;

L~~M~~) A description of the educational benefits the project would offer students or residents, which would not be available to them without the project;

M~~N~~) A detailed description of the project's relationship to other activities and goals of the school or the residency program;

N~~O~~) A detailed budget with narrative explanation of the request, including cost estimates of developing, constructing, operating or completing the project; and

O~~P~~) For residency program applicants, a summary report, for the most recent five-year period, of the percentage of its graduates who have established practices in HPSAs~~designated shortage areas~~ in Illinois and, if available, a count of those who have established practices in underserved areas of Illinois.

2) Continuing project applications shall include:

A) The legal name of the applicant;

B) The name and title of the applicant's chief officers and key employees;

C) The applicant's legal address and telephone number;

D) A general description of the applicant, including its business and business experience;

~~E) The applicant's telephone number, fax number, FEIN and DUNS number;~~

~~F) The project director's name and e-mail address;~~

E~~G~~) A detailed, comprehensive, and objective progress report on the prior project year's activities, including accomplishments in meeting all stated objectives, impact on the needs of the area or population group served, amount of student and/or resident involvement, and educational benefits achieved;

F~~H~~) A summary statement of all changes in the plan of action;

G~~I~~) A description of all changes in the geographic area ~~or special population group~~ being served;

H~~J~~) A detailed statement of objective measurable deliverables~~objectives~~ for the new project year, measured with previously identified metrics;

I~~K~~) A detailed and comprehensive work plan and timetable to meet each of the objectives;

J~~L~~) An evaluation plan for the new objectives, including appropriate ~~measuring~~ metrics;

K~~M~~) A detailed and comprehensive budget with a narrative description, including cost estimates of developing, constructing, operating or completing the project; and

L~~N~~) For residency program applicants, a report on the practice locations of the most recent graduates.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.135 Application Processing

a) Upon receipt of a grant application, the Department will determine whether the applicant is eligible to apply under the requirements of the Act. If the applicant is ineligible to apply, the Department will contact the applicant in writing with the determination.

b) If the applicant is eligible to apply, the Department will determine whether the application is complete. A review will determine if all applicable criteria have been addressed and if all required materials and documentation have been submitted. An incomplete application will be rejected.

c) If the application is complete, the Department will proceed with the evaluation of the selection criteria referenced in Section 590.140.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.140 Selection Criteria

a) Priority in the selection of projects~~applicants~~ for funding shall be given to those projects that demonstrate the greatest impact on availability of health care in HPSAs for the amount awarded~~for designated shortage areas or for population groups with special needs~~. The impact shall be demonstrated in the following order~~manner~~:

1) Applicants that are located in HPSAs~~a designated shortage area~~ or that can objectively demonstrate that a significant percentage of patients served at their existing medical facilities~~clinic sites~~ reside in HPSAs~~designated shortage areas~~;

2) Applicants that have presented a plan to significantly increase the number of individuals residing in HPSAs~~designated shortage areas~~ who will become actual patients at the proposed project;

3) The business experience and track record of the applicant and its executives and managers.~~Applicants that can demonstrate that a significant number of patients to be seen at the proposed project will be members of a population group with special needs (see Section 590.130(c)(1)(H).~~

b) Applicants that demonstrate the greatest level of resident~~residents'~~ involvement in the proposed project shall receive priority consideration.

c) Applicants that demonstrate that the proposed project meets an educational need not available or insufficient in scope at the main residency location will receive priority consideration.

~~d) Applicants that demonstrate the lowest ratio of Family Practice Residency Act grant funds to total proposed project costs will receive priority consideration.~~

d~~e~~) Applicants that demonstrate a commitment to training eligible health care providers~~family physicians~~ to meet the health care needs in HPSAs~~of designated shortage areas or population groups with special needs~~ will receive priority

consideration. A commitment can be demonstrated by the following:

1) Specific projects or activities targeted at populations~~population groups with special needs and/or populations~~ residing in HPSAs that~~designated shortage areas, which~~ were supported by sources other than Underserved Physician Workforce~~Family Practice Residency~~ Act grant funds;

2) Evidence of residency support, either financial or peer, for its graduates who have established practices in HPSAs~~designated shortage areas~~; and

3) A higher percentage of residency graduates who have established practices in HPSAs in Illinois~~ within designated shortage areas~~.

e~~f~~) Additional consideration shall be given for those projects meeting any of the following guidelines:

1) *preference for programs that*~~Those which~~ *are to be established at locations that*~~which~~ *exhibit potential for extending eligible health care provider*~~family practice physician~~ *availability to* HPSAs (Section 4.02(a) of the Act);

2) *preference for programs that*~~Those which~~ *are located away from communities in which medical schools* and satellite facilities *are located* (Section 4.02(b) of the Act); *and*

3) *preference for programs*~~Those which are~~ *located in hospitals having affiliation agreements with medical schools located within the State*~~.~~ (Section 4.02(c) of the Act).

f) *In distributing the funds, the Department may also consider as secondary criteria whether a residency program has:*

1) *Adequate courses of instruction in the behavioral sciences* (Section 4.02(c)(1) of the Act);

2) *Availability and systematic utilization of opportunities for residents to gain experience through local health departments or other preventive or occupational medical facilities* (Section 4.02(c)(2) of the Act);

3) *A continuing program of community-oriented research in such areas as risk factors in community populations, immunization levels, environmental hazards, or occupational hazards* (Section 4.02(c)(3) of the Act);

4) *Sufficient mechanisms for maintenance of quality training, such as peer review, systematic progress reviews, referral system, and maintenance of adequate records* (Section 4.02(c)(4) of the Act)*; and*

5) *An appropriate course of instruction in societal, institutional, and economic conditions affecting a rural health care practice* (Section 4.02(c)(5) of the Act).

g) Selection criteria may~~shall~~ be applied with advice of, and in consultation with,~~review of~~ the Advisory Committee.

h) Once the Department determines that applications are complete, grant proposals will be forwarded to the Department's grant review committee for consideration.

~~i) Applicants shall be allowed to amend the application or provide additional supporting documentation during the evaluation process if requested by the Department's grant review committee.~~

~~j) Upon completion of the grant review committee's evaluation, the Department will award grants to the applicants that meet all of the applicable requirements of the Act and this Part.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.160 Grant Funds Recovery

a) If a grantee fails to comply with this Subpart or any terms~~of the terms~~ of the Grant Agreement~~grant agreement~~, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant and/or recover any grant funds previously disbursed to the grantee.

b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Subpart or the terms of the Grant Agreement~~grant agreement~~, the grantee shall have the *opportunity for at least one informal hearing* before the Department or the Department's designee *to*

determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken. (Section 7 of the Illinois Grant Funds Recovery Act)

c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Subpart or the terms of the Grant Agreement~~grant agreement~~, then written notice of the proposed action shall be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why recovery is not justified or proper.

d) If a grantee requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the grantee (if an individual or the grantee's attorney if the grantee is a recognized entity) is permitted to present evidence and witnesses to show why the action should not be taken.

e) After the conclusion of the hearing, the Department shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the grantee.

f) In addition to the terms of the Grant Agreement regarding suspension or termination, the~~The~~ Department may suspend or terminate the Grant Agreement if the grantee breaches the Grant Agreement, fails to comply with the Act or this Part, makes any material misrepresentation to the Department, or creates any situation that constitutes a threat to the public's health, safety or welfare.~~payment of grant funds at any time for failure to comply with Section 590.170 or in any situation that constitutes a threat to the public interest, safety or welfare.~~ Notice of opportunity for hearing will be provided with the Notice~~notice~~ of Suspension~~suspension~~. If a grantee requests a hearing under~~pursuant to~~ subsection (c), the Department will~~may~~ not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department will~~may~~ proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).

g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the U.S. mail,

properly addressed with the grantee's current or last known business address and with sufficient U.S. postage affixed.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.170 Reporting Requirements

The reporting requirements of this Section apply to a grantee that has received a grant from the Department under the Act and this Subpart. Failure of a grantee to fully comply with the requirements of this Section shall result in the Department's withholding or suspension of grant funds and the recovery of previously disbursed grant funds by the Department (see Section 4.1 of the Illinois Grant Funds Recovery Act).

a) Annual Reports. For grants that are $25,000 or less, each grantee shall submit a detailed and comprehensive annual written report to the Department. The report is due within 10 calendar days after the reporting period, as specified in the Grant Agreement, has expired. The report shall include the current status of the project, including the percentage of the project finished and any uncompleted and partially completed grant deliverables.

b~~a~~) Quarterly Progress Reports. For grants that exceed $25,000, each grantee shall~~, at a minimum,~~ submit detailed and comprehensive progress reports to the Department every three months. The reports are due within 10 calendar days after the quarterly reporting period has expired (see Section 4(b)(2) of the Illinois Grant Funds Recovery Act). The report shall include the following:

1) Current status of the project, including the percentage of the project finished, for each grant deliverable;

2) Project components finished and project components yet to be finished;

3) Costs and expenditures incurred to date, an itemized listing of the total current project costs and a comparison of those costs to the budget approved in the Grant Agreement~~grant agreement~~; and

4) Signature of an authorized official of the grantee, stating that this is a true and complete report of the project's status.

c~~b~~) Final Report. Grantees shall submit a detailed and comprehensive final report within 60 calendar days after the Grant Agreement expires~~conclusion of the grant~~. The degree to which each and every objective in the proposal has been met shall be fully addressed in this report. The final report shall contain the following:

1) A brief narrative summarizing project accomplishments;

2) A description of any new activities or modifications made to the project as presented in the original grant application, including the causes for change. The description shall include a narrative on the implementation timetable and expected outcomes;

3) A description of problems that developed and how they were addressed; and

4) A list of all project costs and sources of funds for the grant.~~; and~~

~~5) A certification in the form of a notarized statement, signed by an authorized representative of the grantee, attesting that:~~

~~A) All funds attributed to the grant have been expended;~~

~~B) The costs reported are the final costs required to complete the project and there are no additional or associated costs; and~~

~~C) Funds used for the project were approved by the Department.~~

d) The final report shall include a certification in the form of a notarized statement, signed by an authorized representative of the grantee, attesting that:

1) All funds attributed to the grant have been expended or remitted to the Department as unused grant funds;

2) The costs reported are the final costs required to complete the project and there are no additional or associated costs; and

3) Funds used for the project were approved by the Department.

e~~c~~) Failure to provide all of the required reports and information in a timely fashion shall result in the withholding or suspension of grant funds and the recovery of previously disbursed grant funds (see Section 590.160 and Section 4.1 of the Illinois Grant Funds Recovery Act).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section 590.200 Limitations on Use of Scholarship Funds

a) Scholarships shall cover the cost of tuition and matriculation fees, and shall provide a monthly living stipend for selected medical students.

b) Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at an accredited~~a medical~~ school of medicine or accredited school of osteopathy in Illinois.

c) Scholarship funds shall not be awarded for expenses incurred when the student must repeat more than once an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's medical school.

d) Scholarship funds shall be provided to the recipient's medical school. All funds for tuition and fees are to be expended only on the medical student's behalf, and all stipend monies are to be provided directly to the medical student.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.205 Notice

a) Notice of the opportunity to apply for the scholarship is available at the Department's website: http://dph.illinois.gov/topics-services/life-stages-populations/rural-underserved-populations/medical-student-scholarship-program.

b) Full and proper notice to prospective students and the public shall be considered to have been provided by publication of this notice.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 590.210 Eligibility for Application

a) A student is eligible to apply for a Medical Student Scholarship if all of the following requirements are met:

1) *He or she is an Illinois resident at the time of application*;

2) *He or she is studying medicine*, or accepted for enrollment, *in* an accredited~~a~~ *medical school* or accredited school of osteopathy *located in Illinois;*

3) *He or she exhibits financial need as determined by the Department*, using financial ~~analysis~~ information provided by the applicant and accepted by his or her medical school. The Department shall find a financial need when the information provided reveals a deficit in available funds for tuition and fees; and

4) He or she agrees to maintain continuous attendance in medical school.

5) *He or she agrees to practice full-time* at a Department approved medical facility in an HPSA~~*in a Designated Shortage Area*~~ *as a primary care physician*, *general surgeon, emergency medicine physician, or obstetrician* *one year for each year he or she is a scholarship recipient.* (Section 3.07(d) of the Act)

b) Students receiving funds from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the requirements of the Medical Student Scholarship shall be ineligible for scholarships described in this Subpart.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.215 Application Processing

a) Upon receipt of a scholarship application, the Department will determine whether the applicant is eligible to apply under the Act. If the applicant is ineligible to apply, the Department will send the applicant a written notice of its determination via U.S. Mail to the address reflected by the application.

b) If the applicant is eligible to apply, the Department will determine whether the application is complete. A review will determine if all criteria have been addressed and if all required materials and documentation have been submitted. An incomplete application will be rejected.

c) If the application is complete, the Department will proceed with the application evaluation process (see Section 590.220).

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.220 Criteria for Selecting Scholarship Recipients

a) Current recipients will receive preference over new applicants, providing that the current recipient is not repeating an academic term or terms in medical school because of poor academic performance (see Section 590.200(c)) and has not voluntarily withdrawn from medical school.~~Preference shall be given to those scholarship applicants who, in written narratives and personal interviews, demonstrate:~~

~~1) An interest in pursuing one, or a combination of, the medical specialties of family practice, internal medicine, pediatrics, or obstetrics/gynecology;~~

~~2) Previous experience with medically underserved populations;~~

~~3) Previous experience in the health care delivery system, with preference given to those whose experience has involved one of the primary care specialty areas;~~

~~4) Academic capabilities reported by the applicant's medical school;~~

~~5) Financial need as reported by standard financial analysis documentation supplied by the applicant's medical school on the student's behalf;~~

~~6) A greater number of years of medical school remaining;~~

~~7) A stated interest in providing primary health care to Illinois citizens residing in designated shortage areas of Illinois;~~

~~8) The greatest number of years of residence in Illinois; and~~

~~9) United States citizenship, or being granted permanent residency in the United States by the United States Department of Homeland Security, Citizenship and Immigration Service.~~

b) Applicants will be selected based on the following criteria:~~If applicants qualify equally in all of the criteria referenced in subsection (a), preference will be given to those interested in pursuing the specialty of family practice.~~

1) An interest in pursuing one, or a combination of, the medical specialties of primary care, general surgery, emergency medicine or obstetrics;

2) Level of previous experience with medically underserved populations;

3) Level of previous experience in the health care delivery system, with preference given to those whose experience has involved primary care, general surgery, emergency medicine or obstetrics;

~~4~~) Academic capabilities reported by the applicant's medical school;

5) Financial need as reported by standard financial analysis documentation supplied by the applicant's medical school on the student's behalf; and

6) A stated interest in providing health care to Illinois residents residing in HPSAs in Illinois.

~~c) Of all applicants, priority is given to those individuals who have previously received a Medical Student Scholarship, providing that the:~~

~~1) Recipient requests a continuation of scholarship funds;~~

~~2) Recipient would not be repeating the same year of school because of poor academic performance (see Section 590.200); and~~

~~3) Recipient has not voluntarily withdrawn from medical school.~~

c~~d~~) Selection criteria will be applied with advice of, and in consultation with,~~review of~~ the Advisory Committee.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.230 Terms of Performance

a) Prior to receiving scholarship funding for any academic year, the recipient shall enter into a written Grant Agreement with the State of Illinois.~~Each scholarship recipient shall sign a written contract.~~ The Grant Agreement~~contract~~ shall contain terms and conditions that ensure compliance with this Part and the laws of the State of Illinois, and enforcement of the Grant Agreement~~contract~~.

b) The scholarship award will not be final until the recipient and the Department have executed a Grant Agreement setting forth the terms and conditions of the scholarship, using the form prescribed by the Department. The Department will withdraw the scholarship award if a consensus cannot be reached on the terms of the Grant Agreement.~~Scholarship recipients who fail to complete medical school because of academic failure (as documented by the recipient's medical school) shall repay to the Department all scholarship monies that were disbursed. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends. Repayment shall be made as agreed to by the recipient and the Department in the recipient's contract.~~

c) A scholarship recipient will be in breach of the Grant Agreement if the recipient:~~Scholarship recipients who fail to complete medical school because of voluntary actions (e.g, withdrawal from medical school) on their part shall repay to the Department all scholarship monies that were disbursed. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends. Repayment shall be made as agreed to by the recipient and the Department in the recipient's contract.~~

1) Does not complete medical school due to academic failure (as documented by the recipient's medical school);

2) Does not complete medical school due to voluntary actions (e.g., withdrawal from medical school classes);

3) Does not maintain the continuous attendance requirement;

4) Does not place in a residency;

5) Does not become licensed as a physician in Illinois;

6) Does not work at a Department-approved medical facility in an HPSA in Illinois to fulfill the service obligation; or

7) Misrepresents any material facts presented in the scholarship application or subsequent information requested by the Department. A grantee shall fully and promptly cooperate with all requests for information from the Department.

d) A recipient who breaches any term of the Grant Agreement shall pay to the Department *a sum equal to 3 times the amount of the annual scholarship grant for each year the recipient fails to fulfill his or her obligation*. (Section 10 of the Act) The amounts paid to the Department under this Subpart shall be used by the Department to improve access to primary health care services as authorized by Section 2310-200 of the Department of Public Health Powers and Duties Law.~~Scholarship recipients who complete medical school but fail to place in a primary care residency or fail to become licensed as a physician in Illinois shall repay all scholarship monies to the Department. This includes monies remitted to the medical school for tuition and fees as well as monies received by the recipient for stipends. Repayment shall be made as agreed to by the recipient and the Department in the recipient's contract.~~

~~e) If the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship's obligations, these obligations shall be suspended until the scholarship recipient is able to resume the scholarship obligations. However, the suspension shall not exceed two years.~~

~~1) To request a suspension of the scholarship obligation, a recipient shall submit a suspension request in writing to the Department. This request shall detail the reasons for the suspension and, if temporary, the duration of the suspension and shall be supported by clear and convincing documentation.~~

~~2) The Department shall approve a request for a suspension if the request is supported by a letter from the recipient's licensed physician fully explaining and attesting to the recipient's inability (either temporarily or~~

~~permanently) to continue either school or the practice of medicine and if the recipient agrees not to continue either his or her medical education or the practice of medicine in any state.~~

~~3) If a scholarship recipient suffers total and permanent disability, dies or is adjudicated as incompetent, the recipient shall be discharged from all obligations to the Department in connection with the Family Practice Residency Program.~~

~~4) If the Department denies the suspension request, the recipient shall fulfill the scholarship obligation.~~

~~5) Based on the information contained in the request, the Department's acceptance or denial of the request will be provided in writing, under the Director's signature.~~

e~~f~~) Scholarship recipients who, in their third year of medical school, seek a residency training program in an area other than a primary care specialty shall have their eligibility for scholarship funds for their final year of medical school suspended until the residency matching process is complete.

1) If the recipient is notified by the National Resident Matching Program, or directly by a residency not participating in the National Resident Matching Program, of acceptance into a non-primary care residency, no funds shall be provided for the final year of medical education, and all funds previously provided by the Department to the student shall be due in full, immediately.

2) If the recipient has requested a non-primary care residency but is matched to a primary care residency instead and agrees to the match, scholarship funds for the final year of medical education shall again be made available.

f) Under the provisions of the State Comptroller Act, recipients may have their scholarship funds offset to fulfill a delinquent State debt. The offset of funds shall not, in any way, serve to reduce, waive, defer, or suspend a recipient's continuous attendance requirement or service obligation under this Part.

~~g) Misrepresentation of any material facts presented in the recipient's scholarship~~

~~application shall be considered a breach of contract. If the Department determines that a breach of contract occurred, the recipient's medical school shall be notified to halt further disbursements of scholarship funds. In addition, all funds provided by the Department to the student shall be due in full, immediately.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.231 Deferment of Continuous Attendance Requirement

A request to defer a scholarship recipient's continuous attendance requirement shall be submitted in writing to the Department and must conform to the requirements in subsection (a) or (b). The request shall detail the reasons for the deferment and be accompanied and supported by the documentation described in this Section. The Department may grant one deferment per recipient.

a) A deferment will be granted for up to 12 months if the recipient provides documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the continuous attendance requirement. Documentation shall include an explanation from a physician licensed to practice medicine in the United States attesting to the recipient's medical condition and certifying a temporary inability to fulfill the continuous attendance requirement.

b) A recipient who is a military reservist and is called to active duty by any branch of the armed forces of the United States will be granted a deferment beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty on behalf of the United States.

c) A recipient who receives a deferment shall have his or her continuous attendance requirement tolled. The tolling of this requirement shall equal the recipient's period of deferment.

d) A recipient who breaches the continuous attendance requirement shall pay to the Department a sum equal to three times the amount of the full scholarship award. The amounts paid to the Department under this subsection shall be used by the Department to improve access to primary health care services as authorized by Section 2310-200 of the Department of Public Health Powers and Duties Law.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.232 Waiver of Continuous Attendance Requirement

A request to waive a recipient's continuous attendance requirement shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation described in this Section.

a) Reasons for the waiver can include the recipient's:

1) Total and permanent disability;

2) Incompetency; or

3) Death.

b) If the waiver is due to total and permanent disability, documentation from a physician licensed to practice medicine in the United States is required. Additionally, the proof of disability shall include documentation from:

1) The Social Security Administration;

2) The Illinois Workers' Compensation Commission;

3) The U.S. Department of Defense; or

4) An insurer authorized to transact business in Illinois who is providing permanent disability insurance coverage.

c) If a waiver is requested because the recipient is incompetent, the request shall be supported by a certified copy of an adjudication order from a federal or State court of the United States.

d) If the waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate.

e) The Department shall not initiate a claim for repayment against a recipient who is deemed disabled or incompetent nor against the estate of a decedent, if the request is in full compliance with this Section.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.233 Fulfillment of Service Obligation

a) In exchange for scholarship assistance, recipients shall fulfill a service obligation by providing direct patient care at a medical facility in an HPSA in Illinois.

b) Recipients shall provide one year of full-time service for each year of scholarship assistance. Of the full-time work provided each week, at least 32 hours per week shall be direct patient care. Recipients will not receive service credit for hours worked over the required 40 hours per week; excess hours cannot be applied to any other work week.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.234 Deferment of Service Obligation

A request to defer a scholarship recipient's service obligation shall be submitted in writing to the Department and must conform to the requirements of subsection (a) or (b). The request shall detail the reasons for the deferment and be accompanied and supported by the documentation described in this Section. The Department may grant one deferment per recipient.

a) A deferment will be granted for up to 12 months if the recipient provides documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the service obligation. Documentation shall include an explanation from a physician licensed to practice medicine in the United States attesting to the recipient's temporary inability to fulfill the service obligation.

b) A recipient who is a military reservist and is called to active duty by the armed forces of the United States will be granted a deferment beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.

c) A recipient who receives a deferment shall have his or her service obligation tolled. The tolling of this requirement shall equal the recipient's period of deferment.

d) A recipient who does not request a deferment and who does not fulfill the service obligation shall be required to repay to the Department all scholarship monies received.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.235 Waiver of Service Obligation

A waiver request of the service obligation shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation described in this Section.

a) Reasons for a waiver request may include the recipient's:

1) Total and permanent disability;

2) Incompetency; or

3) Death.

b) If the waiver is due to total and permanent disability, documentation from a physician licensed to practice medicine in the United States is required. Additionally, the proof of disability shall include documentation from:

1) The Social Security Administration;

2) The Illinois Workers' Compensation Commission;

3) The U.S. Department of Defense; or

4) An insurer authorized to transact business in Illinois who is providing disability insurance coverage.

c) If a waiver is requested because the recipient is incompetent, the request shall be supported by a certified copy of the adjudication from a federal or State court of law.

d) If the waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate.

e) The Department shall not initiate a claim for repayment against a recipient who is deemed disabled or incompetent nor against the estate of a decedent, if the request is in full compliance with this Section.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.240 Scholarship Repayment

a) Upon ~~the~~ Illinois licensure of the scholarship recipient to practice medicine, the recipient shall provide ~~primary~~ health care in a Department-approved site in a medical facility in an HPSA in~~designated shortage area of~~ Illinois. The term of this service shall be *one year for each* academic *year he or she is a scholarship recipient.* (Section 3.07(d) of the Act)

b) Service as a ~~primary care~~ physician shall begin no later than 30 calendar days after the licensure of the recipient to practice medicine.

1) The Department will defer service until the recipient completes a ~~primary care~~ residency; service shall begin no later than 30 calendar days after completion of the residency.

2) If the recipient leaves the residency program prior to completion, service shall begin within 30 calendar days after leaving the program.

c) Upon written pre-approval~~approval~~ of the Department, the service obligation shall be deferred until 30 calendar days following completion of a fellowship ~~in a primary care specialty~~.

d) The recipient's internship, residency or other advanced clinical training does not qualify as ~~service~~ repayment of the service~~scholarship~~ obligation.

e) The scholarship recipient shall submit a written request to the Department for pre-

approval~~approval~~ for a proposed practice location. The Department will provide written pre-approval~~approval~~ or disapproval~~, in the form of a letter,~~ to the scholarship recipient, based on the requirements of subsection (f). The~~A letter of~~ approval shall include a description of the terms of the service obligation.

1) Without written pre-approval~~approval~~ from the Department, time in practice at the described location shall not meet the scholarship recipient's service obligation.

2) The scholarship recipient may request and receive approval for a practice location up to 18 months preceding the time that practice at the location is to begin. Prior to commencement of the physician's work at the practice location, the Department will verify that the practice location is in an HPSA in Illinois.

3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation. Should the approved practice location close or lose its HPSA designation, the recipient shall secure a new practice location. The Department shall pre-approve the new practice location prior to the recipient commencing work at the new practice location.

f) The scholarship recipient's practice shall continuously meet all of the following requirements:

1) Be located in a federally designated HPSA or HPSAs and be approved by the Department~~(see Subpart E)~~;

~~2) Have at least 51% of the patients seen be members of the affected population group, including Medicaid-reimbursed patients and patients qualifying for a reduced fee if their household income is at or below 200 percent of the federal poverty level;~~

2~~3~~) Be a full-time~~, office-based~~ practice providing direct patient care~~ (see Subpart A, Section 590.20 for definition of full-time, by primary care specialty)~~;

3~~4~~) Be in one of, or in a combination of, the eligible health care~~primary care~~ specialties; and

4~~5~~) Provide continuous service at the rate of 12 months for each academic year of medical school supported by the scholarship.

g) Scholarship recipients may relocate to another qualified practice location, or practice in more than one location, if prior written approval is granted by the Department.

h) Scholarship recipients shall enter into a written contract with the Department that describes terms of the service obligation and contains provisions for enforcement of the contract.

i) *Scholarship recipients who fail to* provide service as required *shall pay to the Department a sum* of money *equal to 3 times the amount of the* recipient's ~~average~~ *annual scholarship* award *for each year*, or portion thereof, that *the recipient fails to fulfill* the service *obligation.* (Section 10 of the Act)

1) To fulfill the repayment requirements of this Section, *the scholarship recipient shall have 30 days from the date the failure begins in which to enter into a contract with the Department that sets forth the manner in which that sum is required to be paid* on a form provided by the Department. (Section 10 of the Act)

2) *If the contract is not entered into within that 30 day period or if the contract is entered into but the required payments are not made in the amounts and at the times provided in the contract, the scholarship recipient also shall be required to pay to the Department interest at the rate of 9% per annum on the amount of that sum remaining due and unpaid.* (Section 10 of the Act)

3) Payment shall be made in equal consecutive monthly installments in amounts so that all sums due shall be paid within a period of time equal to the recipient's service obligation~~term~~, or remaining portion thereof.

4) The contract will contain terms for repayment and provisions for enforcement of the contract.

5) *The amounts paid to the Department under this* Section *shall be deposited into the Community Health Center Care Fund and shall be used by the*

Department to improve access to primary health care services as authorized under Section 2310-200(a) *of the Department of Public Health Powers and Duties Law.* (Section 10 of the Act)

j) If a scholarship recipient fails to pay all monies owed to the Department, the Department shall refer the matter to the Illinois Attorney General, a collection agency, or a licensed attorney.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section 590.300 Limitations on Use of Loan Repayment Funds

a) Funds shall be used for the initial grant term *for the repayment of the educational loans of eligible health care providers~~primary care physicians~~ who agree to serve in* HPSAs*~~Designated Shortage Areas~~ for a specified period of time, no less than 2 years.* (Section 4.10 of the Act)

b) *Payments under this program may be made for the principal, interest, and related expenses of government and commercial loans received by the individual~~ and used~~ for tuition expenses, and all other reasonable educational expenses incurred by the individual.* (Section 4.10 of the Act)

~~c) The maximum annual payment which may be made to an individual under the Act and this Part is $20,000, or 25% of the total covered educational indebtedness, whichever is less.~~

c~~d~~) *Payments made under this* Section *shall be exempt from Illinois State income tax.* (Section 4.10 of the Act)

~~e) Funds shall not be used to monetarily repay a practice obligation resulting from educational loans or scholarships, whether from Illinois based institutions or governments or those in other states.~~

d) Loan repayment funds shall be used:

1) To repay qualifying educational loans of eligible health care providers who agree to serve in a medical facility in an HPSA in Illinois for a specified period of time;

2) For educational loans that were obtained prior to the date the recipient applies for loan repayment assistance;

3) To retire qualifying educational loans if the loans are the result of consolidated or refinanced debt. To qualify, the consolidated or refinanced loans shall:

A) Originate from a government (federal, State or local) or commercial lender; and

B) Include only the qualifying educational loans of the eligible health care provider.

e) Loan repayment funds shall not be used:

1) To repay a practice obligation resulting from educational loans or scholarships, whether from Illinois-based institutions or governments or those in other states;

2) To fulfill practice obligations to the federal government, the State or other entity (such as a local government or the U.S. military), under an agreement with the federal, State or other entity; or

3) To retire qualifying educational loans if the consolidated or refinanced debt is:

A) Commingled with non-qualifying debt; or

B) Consolidated with loans owed by another person, such as a spouse or child.

f) The following types of debt are ineligible for loan repayment assistance through this Part:

1) Loans for which the associated documentation does not identify the loan as applicable to undergraduate or graduate education;

2) Loans not obtained from a government entity or licensed commercial lending institution in the United States;

3) Parent PLUS loans;

4) Co-signed loans;

5) Loans currently in default;

6) Loans currently in forbearance;

7) Personal lines of credit or personal loans;

8) Residency relocation loans; and

9) Credit card debt.

g) Loan repayment funds cannot be used by recipients to reimburse themselves for loans that have been repaid.

h) Under the provisions of the federal Treasury Offset Program (https://fiscal.treasury.gov/top) and the State Comptroller Act, recipients will have their loan repayment funds offset to fulfill a delinquent federal or State debt. The offset of loan repayment assistance funds shall not in any way reduce, waive, defer or suspend a recipient's service obligation under this Part.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.310 Eligibility for Application

a) To apply for loan repayment assistance, the applicant must be an eligible health care provider who:~~Any Illinois licensed physician who intends to practice or is practicing in a primary care specialty in a designated shortage area of Illinois may apply for educational loan repayment.~~

1) Is licensed to practice medicine in all of its branches in Illinois under the Medical Practice Act of 1987;

2) Practices at a medical facility that is located in an HPSA in Illinois;

3) Participates as a provider in the Medicare, Medicaid and Children's Health Insurance Programs, as appropriate;

4) Agrees to see and treat all patients at the medical facility regardless of the patient's ability to pay for services;

5) Does not have any judgment liens arising from federal debt;

6) Is not excluded, suspended or disqualified by a federal agency;

7) Signs a written agreement attesting to accepting repayment of health professional educational loans and to serve for the applicable period of obligated service in a medical facility in an HPSA in Illinois; and

8) Is a U.S citizen.

b) An eligible health care provider must work at a medical facility that must:

1) Be located in an HPSA in Illinois;

2) Be not-for-profit as ascribed in the General Not For Profit Corporation Act of 1986;

3) Participate as a provider in the Medicare, Medicaid and Children's Health Insurance Programs, as applicable;

4) See and treat all patients regardless of the patient's ability to pay for services; and

5) Provide discounts for individuals with limited incomes.

c) Applicants are ineligible for educational loan repayment assistance if one or more of the following exist:

1) Breach on a prior service obligation to the federal, State or local government, or other entity (such as the U.S. military), even if the eligible health care provider has satisfied the obligation through service, monetary payment or other means;

2) Failure to apply previously awarded loan repayment funds to the health care professional's qualifying educational loans; or

3) Default on any State payment obligation or State income tax liability.

d~~b~~) Applicants shall document currently existing educational loan indebtedness to all~~a~~ governmental or commercial lending institutions~~institution~~ incurred for educational expenses in pursuit of the applicant's medical degree. Documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness, with disclosure of the lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to the date of application.

e~~c~~) Applicants shall be practicing~~, or be willing to practice,~~ full-time in a medical facility in an HPSA~~designated shortage area~~ in Illinois.

~~d) Applicants not yet in practice, or not yet in practice in a designated shortage area of Illinois, shall document intent to do so by written confirmation from a community-based organization or agency, or from other physicians located within the designated shortage area.~~

f~~e~~) Physicians having practice obligations to the National Health Service Corps, the State Loan Repayment Program, or the Illinois Medical Student Scholarship Program may apply for educational loan repayment after completion of the practice obligation.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.315 Application Processing

a) Applications shall be submitted on forms designed by the Department.

b) Upon receipt of an educational loan repayment application, the Department will determine whether the applicant is eligible to apply under the Act. If the

applicant is ineligible to apply, the Department will contact the applicant in writing with the determination.

c) If the applicant is eligible to apply, the Department will determine whether the application is complete. A review will determine if all applicable criteria have been addressed and if all required materials and documentation have been submitted.

1) If the application is complete, the Department will proceed with the selection process (see Section 590.320).

2) If the application is incomplete, the Department will notify the applicant in writing and specify the items needed to deem the application complete.

d) An applicant shall document current educational loan debt owed to governmental or commercial lending institutions incurred for expenses in pursuit of the applicant's medical degree. For each loan that is being submitted for consideration, the applicant shall provide two types of documentation: an account statement and a disbursement report. The account statement is used to provide current information on a qualifying educational loan. The disbursement report is used to verify the originating loan information.

1) The account statement is used to provide current information on a qualifying educational loan. This document must:

A) Be on official letterhead or other clear verification that it came from the lender;

B) Include the name and address of the borrower;

C) Contain the loan's account number;

D) Include the date of the statement (date cannot be more than 30 calendar days prior to the date of application submission);

E) Include the current outstanding balance (principal and interest) or the current payoff balance; and

F) Include the current interest rate.

2) The disbursement report is used to verify the originating loan information. This document must:

A) Be on official letterhead or other clear verification that it comes from the lender;

B) Include the name and address of the borrower;

C) Contain the loan's account number;

D) Include the type of loan;

E) Include the original loan date (date must be prior to the date of the application submission);

F) Include the original loan amount; and

G) Include the purpose of the loan.

e) If an applicant intends to work at more than one medical facility (e.g., several satellite clinics), each location shall be in an HPSA in Illinois.

f) The medical facility shall agree to employ the health care professional for a minimum of two years or the duration of the Grant Agreement.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.320 Selection Criteria for Distribution of Loan Repayment Funds

a) When funds and numbers of applications are sufficient to support a geographic separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.

b) In determining which applications will be accepted, the Department will apply the following criteria:~~When numbers of applications are sufficient, an equal number of applicants shall be selected from the city of Chicago and from the remaining urban areas in the State.~~

1) The individual's commitment to serve in a medical facility in an HPSA in Illinois;

2) The availability of the individual for service, with highest consideration given to individuals who will be available for service at the earliest date; and

3) Greatest documented eligible educational indebtedness of an applicant.

c) Applicants will be notified as to whether the application is approved or denied. The notice will be made by regular U.S. Mail or other communication.~~Preference shall be given to applications from physicians who have been recruited by, or are actively involved with, a community-based organization or group having as one of its goals the improvement or maintenance of the availability and accessibility of primary health care in its area.~~

~~d) When all other selection criteria are equal among a group of applicants, preference will be given to the applicant with the greater educational indebtedness.~~

~~e) The Department will review applications from physicians on a quarterly basis, and the following priority classifications of the location and other characteristics of the practice shall be applied:~~

~~1) Rural Selection Priority Classifications, From Highest to Lowest~~

~~A) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in the area, and endorsed by a community-based group or organization.~~

~~B) Population-to-primary care physician ratio of at least 2400:1, new physician establishing practice in the area, with no endorsement by a community-based group or organization.~~

~~C) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, new physician establishing practice in the area, and endorsed by a community-based group or organization.~~

~~D) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, new physician establishing practice in the area, with no endorsement by a community-based group or organization.~~

~~E) Facilities designated under Section 590.410 of this Part, and new physician recruited to the facility.~~

~~F) Population-to-primary care physician ratio of at least 2400:1, physician with practice in the area for 24 months or less.~~

~~G) Population-to-primary care physician ratio between 1800:1 and 2399:1 and where at least one-third of the primary care physicians in the area are aged 60 or more, physician with practice in the area for 24 months or less.~~

~~2) Urban Selection Priority Classifications, From Highest to Lowest~~

~~A) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in the area, and endorsed by a community-based group or organization.~~

~~B) Population-to-primary care physician ratio of at least 3000:1, new physician establishing practice in the area, and no formal endorsement from a community-based group or organization.~~

~~C) Public and nonprofit private medical facilities that are designated as being in shortage areas under Section 590.410(a)(3), and new physicians recruited to these facilities.~~

~~D) Population-to-primary care physician ratio of at least 3000:1, physician with practice in the area for 24 months or less.~~

~~f) Applications shall be accepted between July 1 and September 30 and considered for funding according to the criteria described in subsection (e). If all funds appropriated to this program for a specific fiscal year are not expended during the initial submission of applications, subsequent application cycles shall extend from~~

~~October 1 to December 31, January 1 to March 31, and April 1 to June 30.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.325 Educational Loan Repayment Agreement

a) The educational loan repayment award to a recipient will not be final until the recipient and the Department have executed a loan repayment agreement setting forth the terms and conditions of the agreement on a form provided by the Department.

b) Pursuant to the Illinois Grant Funds Recovery Act, the educational loan repayment agreement shall, at a minimum:

1) *Describe the purpose of the* award *and be signed by the* Department and the recipient;

2) *Specify how payments shall be made, what constitutes permissible expenditure of* award *funds, and the financial controls applicable to the* award, *including, for those* awards *in excess of $25,000, the filing of quarterly reports describing the* recipient's *progress* in *the program, project, or use and the expenditure of the* award *funds related* to the program, project or use;

3) *Specify the period of time for which the* award *is valid and the period of time during which* award *funds may be expended by the* recipient;

4) *Contain a provision that any* recipients *receiving* award *funds are required to permit the* Department, *the Auditor General or the Attorney General to inspect and audit any books, records or papers related to the program, project, or use for which* award *funds are provided*;

5) *Contain a provision in which the* recipient *certifies under oath that all information in the* loan repayment *agreement is true and correct to the best of the* recipient's *knowledge, information and belief; that all funds shall be used only for the purposes described in the* loan repayment *agreement; and that the award of* loan repayment *funds is conditioned upon* the *certification*. (Section 4(b) of the Illinois Grant Funds Recovery Act)

c) The amount of a loan repayment award shall be based on the following:

1) If the recipient works full-time at a medical facility in an HPSA in Illinois for two years, the recipient can receive a maximum of $50,000 if the recipient has that amount in educational debt.

2) If the recipient works half-time at a medical facility in an HPSA in Illinois for four years, the recipient can receive a maximum $50,000 if the recipient has that amount in educational debt.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.326 Fulfillment of Service Obligation

a) Full-time Service Obligation Option

1) In exchange for educational loan repayment assistance, a recipient shall work full-time to fulfill a service obligation at a medical facility in an HPSA in Illinois.

2) Recipients shall provide two years of full-time service for each year of educational loan repayment assistance. The 40 hours per week requirement can be compressed into no fewer than four days per week, and excess hours cannot be applied to any other work week.

b) Half-time Service Obligation Option

1) In exchange for educational loan repayment assistance, a recipient shall work half-time to fulfill a service obligation at a medical facility in an HPSA in Illinois.

2) Recipients shall provide two years of half-time service for each year of educational loan repayment assistance. Recipients who are half-time shall not receive service credit for hours worked over their half-time status and excess hours shall not be applied to any other week.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 590.327 Deferment of Service Obligation

A request to defer the recipient's service obligation shall be submitted in writing to the Department. The request shall detail the reasons for the deferment and shall be accompanied and supported by documentation described in this Section.

a) Deferment of the service obligation shall include:

1) Providing documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the service obligation. Documentation shall include an explanation from a physician licensed to practice medicine in the United States attesting to the recipient's temporary inability to fulfill the obligation. This deferment may be granted for up to 12 months.

2) Requesting up to seven weeks leave for maternity, paternity or adoption leave. If the recipient's leave will exceed seven weeks, a deferment may be granted based on documented medical need.

b) A recipient who is a military reservist and is called to active duty by the armed forces of the United States will be granted a deferment beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.

c) Recipients who receive a deferment shall have their service obligation tolled. The tolling of this requirement shall equal the recipient's period of deferment.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.328 Waiver of Service Obligation

A waiver request of the service obligation shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation described in this Section.

a) Reasons for a waiver request must be based upon the recipient's:

1) Total and permanent disability;

2) Incompetency; or

3) Death.

b) If the waiver is due to total and permanent disability, documentation from a physician licensed to practice medicine in the United States is required. Additionally, the proof of disability shall include documentation from:

1) The Social Security Administration;

2) The Illinois Workers' Compensation Commission;

3) The U.S. Department of Defense; or

4) An insurer authorized to transact business in Illinois who is providing disability insurance coverage.

c) If a waiver is requested because the recipient is incompetent, the request shall be supported by a certified copy of the adjudication from a State or federal court of law.

d) If the waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate.

e) The Department shall not initiate a claim for repayment against a recipient who is deemed disabled or incompetent nor against the estate of a decedent, if the request is in full compliance with this Section.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.330 Terms of Performance

a) Each physician selected for educational loan repayment assistance shall sign a written contract with the Department. The contract shall contain terms and conditions that ensure compliance with the laws of the State of Illinois and this Part, and enforcement of the contract.

b) Each physician selected for loan repayment assistance shall practice as a primary

care physician, a general surgeon, emergency medicine physician, or obstetrician in a medical facility in an HPSA in Illinois~~designated shortage area~~ on a full-time or half-time basis ~~(see Section 590.20 for definition of full-time physician)~~.

c) Educational loan~~Loan~~ repayment assistance recipients who move their practice from the location described in the recipient's original application shall relocate to a medical facility in an HPSA in Illinois.~~an area that qualifies for the same or a higher priority ranking. Relocating to a lower priority area shall result in termination of the loan repayment contract. If a recipient relocates to a lower priority area and has his or her loan repayment contract terminated, the recipient shall be eligible to reapply for the loan repayment program and be considered among all other applicants. If a loan repayment recipient relocates to a lower priority area, has his or her loan repayment contract terminated and either does not reapply for loan repayment assistance or is not selected for loan repayment assistance, the recipient shall immediately remit to the Department all funds that were previously provided to the recipient.~~

~~d) Loan repayment recipients who elect to have payments made on their behalf directly to the financial institution to which they are obligated may have payments made up to six months in advance if the financial institution so agrees. If the physician moves from the designated shortage area during the period for which loan repayment has been made, he or she shall repay any prorated amounts to the Department.~~

~~e) Loan repayment recipients who elect to have payments made directly to themselves shall make loan payments, then present documentation of payment (e.g., cancelled checks) to the Department. Direct payments to recipients will be made on a quarterly basis.~~

d~~f~~) Misrepresentation of any material facts presented in the application or in response to any Department inquiry will be considered a breach of contract. If the Department determines that a breach of contract has occurred, any funds provided by the Department for the repayment of educational loans shall be due in full immediately.

e~~g~~) If the physician does not repay any funds owed to the Department, the Department shall refer the matter to the Illinois Attorney General, a collection agency, or a licensed attorney.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 590.335 Medical Facility Transfer

A recipient may transfer from the qualified medical facility stipulated in the educational loan repayment agreement to a new qualified medical facility, provided that all of the requirements in this Section are met.

a) The recipient shall request of the Department, in writing, a transfer. The request must be approved before the recipient transfers to the new site.

b) If the recipient transfers sites prior to Department approval, the recipient will not receive service credit for the time period between the transfer and the approval.

c) The new medical facility shall be in an HPSA in Illinois.

d) If the transfer request is denied, the recipient shall continue to work at the original medical facility.

e) If the transfer request is denied and the recipient refuses assignment to the current medical facility or to another approved medical facility, the recipient shall be in breach.

f) A health care professional who resigns from his or her current medical facility without prior written approval from the Department, or is terminated by the medical facility for cause, and who does not receive a Department pre-approved transfer to another medical facility shall be in breach.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.340 Reporting Requirements

Failure of the recipient to comply with any of the requirements of this Section shall result in the Department's withholding or suspending of educational loan repayment funds and recovery of previously disbursed educational loan repayment funds (see Section 4.1 of the Illinois Grant Funds Recovery Act).

a) The recipient shall submit a detailed written progress report to the Department every three months for the duration of the agreement.

b) Within the progress report, the recipient shall document that:

1) Funds were used to pay off educational debt (documentation shall consist of copies of payments made to the lending institution where the qualifying educational loans were obtained or copies of account statements that document payments made during the reporting period); and

2) The health care professional is still working (full-time or half-time, as agreed) at the medical facility by reporting the hours worked at the medical facility.

c) The payment history shall document that all loan repayment funds received were paid toward the qualifying educational loan.

d) If the Department determines that all educational loan repayment funds were not paid toward the qualifying educational loan, the Department shall terminate the agreement and take any appropriate or necessary action to recover loan repayment funds.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.345 Educational Loan Repayment Award Monitoring

a) The educational loan repayment agreement will be monitored throughout the agreement period. Components in the monitoring process include, but are not limited to, the agreement, the recipient's progress reports, and correspondence, e-mails and telephone calls concerning the agreement.

b) The recipient shall fully and promptly cooperate with the Department's efforts to monitor and verify compliance with the agreement, including providing supporting documentation. The recipient shall retain all records relating to the agreement until after all final reports have been submitted to, and reviewed by, the Department.

c) The recipient shall maintain records necessary to document compliance, take appropriate action to meet the stated objectives, and immediately notify the Department of any breaches of the agreement or of problems or concerns.

d) The recipient shall be subject to unannounced on-site visits by the Department during normal business hours.

e) The recipient shall provide, upon request, copies of all documents concerning the expenditure of educational loan repayment funds.

f) The Department will relay any questions and concerns regarding management of educational loan repayment funds to the recipient in writing. The recipient will be requested to respond in writing addressing the concerns.

g) If the Department finds evidence of financial mismanagement, the Department may terminate the agreement and take any appropriate or necessary action to recover educational loan repayment funds.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.350 Cooperation with Investigations and Audits

Recipients shall fully and promptly cooperate with all investigations and audits of the use of educational loan repayment funds. Recipients shall provide the Department with unrestricted access to the recipient's records and files during normal business hours. A failure to cooperate shall create a presumption that educational loan repayment funds have not been spent in accordance with the agreement and that grounds exist for immediate suspension or termination of any agreement.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.355 Penalty for Failure to Fulfill Service Obligation

a) If the recipient fails to fulfill an obligation to provide service at the medical facility in an HPSA in Illinois for the duration and hours specified in the agreement, the recipient shall be in breach of the educational loan repayment agreement.

b) Breach shall include, but not be limited to, the following:

1) Failure to practice at the location specified in the agreement;

2) Resignation from the recipient's current site without prior written approval from the Department or termination by the medical facility for cause;

3) Material misstatement in furnishing any information to the Department;

4) Any misrepresentation for the purpose of obtaining or keeping educational loan repayment assistance;

5) Failure to provide care because of an individual's inability to pay; or

6) Failure to promptly retire educational loan balances by the amount of educational loan repayment assistance received during the agreement term.

c) If the Department believes that any breach has occurred, then the Department shall either refer the matter to the Illinois Attorney General for commencement of collection litigation or commence administrative recovery pursuant to the Illinois Grant Funds Recovery Act. In either case, actions shall include all of the remedies referenced in subsections (e)(1)(B) and (e)(2). Any final order entered by the Director following the administrative recovery process shall be reviewable in the Circuit Court pursuant to the Administrative Review Law.

d) Any dispute about the terms of performance or repayment will be governed by the Department's administrative hearing process or the Illinois Grant Funds Recovery Act.

e) When the administrative hearing process determines that the agreement has not been fulfilled, the Department and recipient shall enter into a contract for the repayment of the obligation.

1) A recipient who breaches a commitment to serve full-time or half-time shall be liable to the Department for an amount equal to the sum of the following:

A) The amount of loan repayment assistance paid to the health care professional, representing any period of obligated service not completed;

B) The amount of $7,500 multiplied by the number of months of obligated service not completed; and

C) Interest on the amount in subsection (e)(1)(A) at the maximum legal prevailing rate, as determined by the U.S. Treasurer, from the date of the breach of the loan repayment agreement.

2) The minimum amount the Department is entitled to recover from a health care professional who breaches a commitment to serve will not be less than $31,000.

3) To fulfill the repayment requirements of this Section, the recipient shall have 30 calendar days after the conclusion of the administrative hearing to enter into a repayment contract with the Department. This contract shall contain terms of the repayment and provisions for the enforcement of the agreement.

4) All amounts owed by the recipient shall be paid to the Department within one year after the date the Department determines that the recipient is in breach of the program obligations.

5) If the recipient does not repay all funds owed to the Department within the required time period, the Department may use all collection methods available, including referral to the Illinois Attorney General or a collection agency for resolution.

6) The amounts paid to the Department shall be deposited into the Rural/Downstate Health Access Fund.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 590.360 Suspension or Termination of Educational Loan Repayment Funding

a) Availability of Appropriation or Sufficiency of Funds

1) All awards are contingent upon and subject to the availability of funds. The Department may deny an application or may terminate or suspend any agreement, in whole or in part, without penalty or further payment being required, if:

A) The Illinois General Assembly fails to make an appropriation sufficient to pay the obligation or if funds needed are insufficient for any reason;

B) The Governor decreases the Department's funding by reserving some or all of the Department's appropriation or appropriations pursuant to power delegated to the Governor by the Illinois General Assembly; or

C) The Department or the Governor determines that a reduction is necessary or advisable based upon actual or projected budgetary considerations.

2) The recipient will be notified in writing of the lack of appropriation or a reduction or decrease.

b) Termination for Cause

1) The Department may immediately terminate the agreement, in whole or in part, upon notice to the recipient, if:

A) The recipient is convicted of committing any illegal act other than a minor traffic violation;

B) The Department determines that the actions or inactions of the recipient have caused, or reasonably could cause, jeopardy to health, safety or property of any person or the Department itself;

C) The Department has notified the recipient that the Department is unable to perform the agreement; or

D) The Department has reasonable cause to believe that the recipient cannot lawfully perform the agreement.

2) If the Department believes that any breach has occurred, then the Department shall either refer the matter to the Illinois Attorney General for commencement of collection litigation or commence administrative recovery pursuant to the requirements of the Illinois Grant Funds

Recovery Act. In either case, actions shall include all of the remedies referenced in Section 590.355(e)(1)(B) and (e)(2). Any final order entered by the Director following the administrative recovery process shall be reviewable in the Circuit Court pursuant to the Administrative Review Law.

(Source: Added at 44 Ill. Reg. _____, effective _____)

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section 590.400 Data Elements Used in Designation Process (Repealed)

~~a) Population counts and demographic information describing a rational area are available in the most recently published decennial population census prepared by the U.S. Department of Commerce, Bureau of the Census.~~

~~b) Information regarding physicians practicing in an area is collected by Department staff. Such information includes specialty, practice locations, amount of time in practice per week, and approximate or exact age of physician.~~

~~c) Full-time-equivalencies for primary care physicians are calculated comparing a physician's office hours per week to that reported nationally by the American Medical Association (see Section 590.20).~~

~~d) The number of obstetricians providing patient care in a particular year in Illinois will be obtained from the American Medical Association's Center for Health Policy Research.~~

~~e) The number of live births in a particular year in Illinois will be obtained from the Department.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

Section 590.410 Criteria for Designating Shortage Areas (Repealed)

~~a) Shortage areas may include the following:~~

~~1) *An urban or rural area which is a rational area for the delivery of health services;*~~

~~2) *A population group; or*~~

~~3) *A public or nonprofit private medical facility*. (Section 3.04 of the Act)~~

~~b) Areas and population groups designated by the U.S. Department of Health and Human Services (see 42 CFR 5) as having shortages of primary care physicians shall qualify for purposes described in this Part.~~

~~c) Additional areas shall be designated using the following criteria:~~

~~1) Urban service areas with a population-to-primary care physician ratio of at least 3000:1;~~

~~2) Rural service areas with a population-to-primary care physician ratio of at least 2400:1;~~

~~3) Rural service areas with a population-to-primary care physician ratio between 1800:1 and 2399:1, and where one-third of the primary care physicians in the area are 60 years of age or older;~~

~~4) Urban or rural areas where board certified pediatricians or obstetrician/gynecologists are not practicing within the service area, and where there is sufficient need to support a full-time practice. Sufficient need, for the purposes of this subsection (c)(4), may be documented in the following manner:~~

~~A) At least 80% of the non-pediatric or obstetric physicians within the service area agree that there is a sufficient need.~~

~~B) At least 80% of the pediatric or obstetric physicians within the service area agree that there is sufficient need.~~

~~C) Hospital administrators and local health department administrators within the service area agree that there is sufficient need.~~

~~5) Rural service areas where the obstetricians having admitting privileges at a hospital with an obstetrical unit perform more deliveries per year than the statewide average. The statewide average is obtained by dividing the~~

~~number of obstetricians providing patient care in Illinois in a particular year into the number of births in Illinois in the same year; and when the existing obstetricians and family practice physicians within the service area providing obstetrical care express, in writing, their need for additional obstetricians.~~

~~d) Facilities whose mission is to provide care to underserved populations will be designated for purposes of this Part. These facilities include:~~

~~1) Local health departments that establish primary care clinics, offering direct patient care on either a full or part-time basis;~~

~~2) Any community health center or its satellite in Illinois that is funded through Section 330 of the Public Health Service Act or is designated a Federally Qualified Health Center Look-Alike;~~

~~3) Health clinics that can document that at least 51 percent of their patients are a combination of the following:~~

~~A) Medicaid eligible; or~~

~~B) Qualify for reduced fees based on a sliding fee scale using as an upper limit 200 percent of the federal poverty level, as published annually in the Federal Register.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

Section 590.420 Distribution of Lists of Designated Shortage Areas (Repealed)

~~Current listings of State and federally designated shortage areas are available electronically to all recipients of the Medical Student Scholarships authorized under Subpart C, interested individuals, organizations, local health departments, hospitals, primary care physicians and community health organizations at: www.idph.state.il.us/about/rural_health/shortageareas.htm.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Control of Communicable Diseases Code

2) Code Citation: 77 Ill. Adm. Code 690

3)

Section Numbers:	Proposed Actions:
690.100	Amendment
690.110	Amendment
690.361	New Section
690.635	Repealed

4) Statutory Authority: Communicable Disease Report Act [745 ILC 45], Department of Public Health Act [20 ILCS 2305], and Department of Public Health Powers and Duties Law [20 ILCS 2310\Hospital Licensing Act [210 ILCS 85]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adopts standards for the control of cases and contacts for Coronavirus, Novel, including COVID-19, Severe Acute Respiratory Syndrome (SARS), and Middle Eastern Respiratory Syndrome (MERS). These amendments include reporting requirements for laboratories that provide tests for screening, diagnosis, or monitoring. Additionally, they have provisions that require that persons who have tested positive for one of these diseases isolate themselves at home.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other rulemakings pending on this Part? The Department is adopting identical emergency rule to this Part in this issue of the *Illinois Register*.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Erin Conley
Rules Coordinator
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/785-9212
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Facilities that perform laboratory services may be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Facilities need to report results to the Department within the specified timelines.

C) Types of professional skills necessary for compliance: Administrative, nursing, and other medical staff, physicians

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

54 Professional, Scientific, and Technical Services

B) Categories that the agency reasonably believes the rulemaking will impact, including:

ii. regulatory requirements;
iii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the last two regulatory agendas because the need for it was unanticipated.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 13473.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Number: 1060.200 Proposed Action: Amendment

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

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking allows for drivers that are being administered a CDL Skills Test to be allowed to do so in a representative power unit that has an automatic transmission.

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

Section Number:	Proposed Action:	*Illinois Register* Citation:
1060.270	Amendment	44 Ill. Reg. 9926; June 5, 2020

11) Statement of Statewide Policy Objective: No expenditures by units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

217/785-3094
pwright@ilsos.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Commercial Driver Training Schools

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

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: No impact

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section
1060.5 Definitions
1060.10 Unlicensed Person May Not Operate Driver Training School
1060.20 Requirements for School Licenses
1060.30 Driver Training School Names
1060.40 Refund of Application Fees
1060.50 School Locations and Facilities
1060.60 Driver Training School Student Instruction Record
1060.70 Driver Training School Course of Instruction
1060.71 Adult Driver Education Course Certification
1060.72 Adult Driver Education Classroom Instruction
1060.80 Driver Training School Contracts
1060.90 Inspection of School Facilities
1060.100 Licenses
1060.110 Safety Inspection of Driver Training School Motor Vehicles
1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130 Examination for Driver Training Instructor
1060.140 Temporary Permit
1060.150 Driver Training School Responsibility for Employees
1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170 Hearings
1060.180 Teen Accreditation
1060.181 Teen Accreditation Classroom and Behind-the-Wheel Requirements
1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210 Driver Training School Responsibility for Employees (Recodified)
1060.220 Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230 Hearings (Recodified)
1060.240 Teen Accreditation (Recodified)
1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

School's License and Instructor's License (Recodified)
1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation (Recodified)

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

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006; amended at 31 Ill. Reg. 16008, effective November 16, 2007; amended at 33 Ill. Reg. 15811, effective October 27, 2009; amended at 34 Ill. Reg. 19099, effective November 22, 2010; amended at 37 Ill. Reg. 4295, effective March 20, 2013; amended at 37 Ill. Reg. 18893, effective November 5, 2013; amended at 38 Ill. Reg. 12566, effective July 1, 2014; amended at 42 Ill. Reg. 16056, effective August 3, 2018; amended at 43 Ill. Reg. 3857, effective March 8, 2019; emergency amendment at 44 Ill. Reg. 10021, effective May 21, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11610, effective June 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. _____, effective _____.

Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

a) Accreditation of the Program
Each commercial driver training school that desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in this Section 1060.200(b) through (e) in addition to all other applicable Sections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit, if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications and standards are met and the school has been in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification may teach the drive portion of instruction.

b) Required Facilities

1) All CDL, endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment prescribed in IVC Chapter 6, Article IV and Section 1060.50.

2) Those who desire to provide instruction to persons who wish to obtain a CDL, endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school. The area must:

A) be a minimum of 27,000 square feet;

B) be made of a solid surface and be able to accept paint, which includes but is not limited to concrete, asphalt and crushed compacted limestone;

C) have adequate lighting, approved by the Secretary of State, which is required for yard instruction to take place after dark;

D) have adequate parking space to accommodate all students when in the training area;

E) be maintained and be free of disrepair, including, but not limited to, potholes and ruts; and

F) contain restroom facilities if the school's main or branch location is not within 100 feet of the training facility.

c) Required Course of Instruction

1) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less than a 4 week period to each student, as indicated in the curriculum. A student must complete the 160 hours of instruction within 9 months after starting instruction.

2) The following curriculum must be offered to each first time CDL student in a minimum of 4 weeks. Each student must receive 160 hours of CDL instruction as outlined in this subsection (b)(1)(B). The training schedule outlined must follow the Illinois Occupational Skill Standards, Entry-Level Truck Driver Manual (March 1999) endorsed for Illinois by the Illinois Occupational Skill Standards and Credentialing Counsel. This manual is available from the Secretary of State Driver Facility, 650 Roppolo Drive, Elk Grove Village IL 60007.

A) Classroom. 40 hours of classroom instruction; this includes, but is not limited to, preparation for the Secretary of State's written examinations and all chapters of this curriculum.

B) Range. A minimum of 20 hours of behind-the-wheel instruction. This requires one-on-one instruction with a properly licensed CDL instructor and vehicle on an approved vehicle training area.

C) Over the Road. A minimum of 20 hours of behind-the-wheel

instruction on public streets and highways. This requires one-on-one instruction with a properly licensed CDL instructor and vehicle.

D) Observation. 20 hours of observation experience composed of behind-the-wheel range and over-the-road training.

E) Remedial Training. 60 hours of additional classroom training, behind-the-wheel range, and over-the-road training based on each CDL student's specific needs.

3) Instructional materials shall be available and shall include a form of video delivery.

4) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications, including but not limited to the CDL Study Guide, available for the use of students and teachers.

5) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL issued under the requirements of 49 CFR 383, as incorporated in Section 1060.5. The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL.

6) Classroom Instruction – CDL, endorsement and/or restriction classification instruction

A) A listing of students enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.

B) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, the effects of alcohol and drugs on driving, and *information on the human*

trafficking problem in Illinois [625 ILCS 5/11-216].

C) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement.

D) Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

E) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL, endorsement and/or restriction accredited driver training program.

7) Laboratory Instruction – For persons taking instruction for CDL, endorsement and/or restriction classification

A) Behind-the-wheel instruction shall not begin until the student is enrolled in a classroom program of CDL, endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.

B) Each student must have in his/her possession, when engaged in vehicle operation, a valid and properly classified instruction permit or driver's license.

C) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State, and shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering and emergency situation procedures.

D) A Class A CDL skills test for a tractor trailer may be administered using~~testing for classification A must be given in~~ a representative power unit with a multi-range transmission with no fewer than 9 forward gears, or an automatic transmission, and a representative trailer at least 48 feet long with a tandem axle.

8) Student Ratio Per Course

A) The total number of students enrolled in each CDL accredited driving school during any given period shall not exceed 5 students per each currently licensed instructor.

B) The total number of students enrolled in each CDL accredited driving school during any given period shall not exceed 6 students for each currently registered CDL vehicle.

d) Classroom Teacher Qualifications

1) Each CDL, endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school who meets the standards of IVC Section 6-411.

2) Required Classroom Teacher Qualifications:

A) A driver training instructor teaching the classroom portion of a CDL, endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130.

B) The instructor must possess good physical and mental health, as determined by a physician. An application/physical examination form, provided by the Secretary of State, shall be completed by the instructor and a physician.

C) A classroom instructor must pass an objective type instructor written examination based upon the IVC, this Part and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

e) CDL, Endorsement and/or Restriction Behind-the-Wheel Teacher Qualifications

1) Each CDL, endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the

school who meets the standards of IVC Section 6-411.

2) Required Behind-the-Wheel Teacher Qualifications:

A) A driver training instructor teaching the behind-the-wheel portion of a CDL, endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 and be licensed in a classification representative of the vehicle in which he or she intends to teach for at least 3 consecutive years immediately prior to application (a one month lapse in renewal will not negate the 3 consecutive years requirement).

B) The instructor must possess good physical and mental health, as determined by a physician. An application/physical examination form, provided by the Secretary of State, shall be completed by the instructor and a physician.

C) The instructor shall give instruction only in the classification, endorsement and/or restriction in which he/she is licensed.

D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the IVC, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704), as provided for in subsection (c)(1)(C). In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL, endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

f) Student Instruction Records

1) Records shall be maintained by schools that document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. Students are to be identified by their name, address and other personal information. A driver license number also must be entered on the student record. The records are to be on file in the office of the management for a period of 3 years.

2) The driver school with a CDL, endorsement and/or restriction accreditation must meet all requirements of Section 1060.60.

3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.

4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.

g) The Secretary of State shall suspend, revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with this Part or 49 CFR 383.

h) The Secretary of State may reduce the amount of scheduled skills testing for CDL Accredited schools that have a student failure rate of 45% or greater in the preceding 2 calendar months.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois

2) Code Citation: 80 Ill. Adm. Code 1540

3)

Section Numbers:	Proposed Actions:
1540.80	Amendment
1540.140	Amendment
1540.270	Amendment
1540.395	Amendment
1540.405	New Section

4) Statutory Authority: 40 ILCS 5/14-135.03

5) A Complete Description of the Subjects and Issues Involved: The proposed rules allow the Executive Secretary of the System to designate a person to serve in his or her place on the Executive Committee. Additionally, these proposed rules permit both the Chairperson of the Board and the Executive Secretary to appoint alternate designees to serve on the Executive Committee in place of his or her previously appointed designees.

The proposed rules would require the semi-annual recertification of student status only when System staff is unable to determine that a child is a full-time student based on data supplied by a third-party vendor. Recently, System staff learned that a database is available that can be used to identify full-time students. Because of the administrative difficulty of obtaining semi-annual recertifications of student status in a timely manner, System staff is proposing requiring submittal of recertifications only when full-time student status cannot be verified through the data supplied by a third-party vendor. However, an initial student certification signed by the student and a representative of the school would still be required. These changes are aimed at making it easier for System staff to verify that SERS benefit recipients between the ages of 18 and 22 are full-time students, by minimizing the circumstances when the System is required to obtain semi-annual recertifications of student status.

The proposed rules provide that a participant of the Early Retirement Incentive (ERI) program elects the total buyout payment, then such total buyout payment shall exclude the age and service enhancement components of such program unless the member has paid the necessary costs associated with the ERI program prior to his or her election.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

The proposed rules clarify that if a member's spouse dies after the member elects an accelerated pension benefit payment, then the factors of the calculation of that accelerated pension benefit payment shall not be changed.

The proposed rules would require mandatory direct deposit of any recurring SERS benefit that first becomes payable on or after January 1, 2021, unless the Executive Secretary waives that requirement because (i) the payee lives outside the United States or demonstrates that payment by direct deposit creates a hardship or (ii) the Executive Secretary determines that good cause otherwise exists for the payment of the benefit by means other than direct deposit.

Finally, these proposed rules correct a drafting error that was made during a recent rulemaking. The date that was drafted into the rules was January 1, 2019 when the intent was to be January 1, 2020. This rulemaking corrects that oversight.

6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None

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

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the 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 period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Houch
State Retirement Systems
2101 South Veterans Parkway
PO Box 19255
Springfield IL 62794-9255

217/524-8105
fax: 217/557-3943
jeff.houch@srs.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: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: There is no impact on small businesses.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the System when the most recent regulatory agendas were published.

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540
THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section
1540.5 Introduction (Repealed)
1540.10 Appointment of Retirement System Coordinator
1540.20 Member's Contribution and Service Credit
1540.30 Determination of Rate of Compensation
1540.40 Prior Service Credit
1540.50 Credit for Service for Which Contributions are Permitted
1540.60 Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70 Death Benefits
1540.80 Disability Claims
1540.90 Benefit Offset
1540.100 Birth Date Verification
1540.110 Marriage Verification
1540.120 Level Income Option
1540.125 Reversionary Annuity
1540.130 Pension Credit for Unused Sick Leave
1540.140 Removal of Children from Care of Surviving Spouse
1540.150 Proof of Dependency
1540.160 Investigations of Benefit Recipients
1540.170 Interest on Member Contributions
1540.180 Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190 Lump Sum Salary Payments
1540.195 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1540.200 Removal from the Payroll
1540.210 Latest Date of Membership
1540.220 Period for Payment and Amount of Payment of Contributions
1540.230 Contributions by the State (Repealed)
1540.240 Actuarially Funded Basis (Repealed)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255 Pick-up Option for Optional Service Contributions
1540.260 Contributions and Service Credit During Nonwork Periods
1540.270 Written Appeals and Hearings
1540.280 Availability for Public Inspection (Recodified)
1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300 Organization of the State Employees' Retirement System (Recodified)
1540.310 Amendments
1540.320 Optional Forms of Benefits – Basis of Computation
1540.330 Board Elections
1540.340 Excess Benefit Arrangement
1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360 Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370 Americans With Disabilities Act
1540.380 Correction of Mistakes in Benefit Payments
1540.385 Suspension of Benefits from Uncashed Warrants
1540.390 Freedom of Information Act
1540.395 Accelerated Pension Benefit Payment Program
1540.400 Multiple Survivors of a Tier 2 Member
1540.405 Direct Deposit

1540.APPENDIX A Grievance Form
1540.TABLE A Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at

8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; emergency amendment modified in response to Joint Committee on Administrative Rules Objection at 39 Ill. Adm. Code 5626, effective April 7, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. 4217, effective March 22, 2017; amended at 42 Ill. Reg. 9568, effective May 29, 2018; emergency amendment at 42 Ill. Reg. 21436, effective November 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 768, effective December 19, 2018; amended at 43 Ill. Reg. 3965, effective March 18, 2019; amended at 43 Ill. Reg. 9252, effective August 16, 2019; amended at 44 Ill. Reg. 534, effective December 27, 2019; amended at 44 Ill. Reg. 7888, effective April 27, 2020; amended at 44 Ill. Reg. 11172, effective June 19, 2020; amended at 44 Ill. Reg. _____, effective _____.

Section 1540.80 Disability Claims

a) Nonoccupational Disability and Temporary Disability

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Any member of the State Employees' Retirement System (SERS) claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of SERS a written application on forms prescribed by the Board.

2) If a member makes a payment of contributions to SERS in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the latter of the 31st day of absence from work (including any periods of the absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to SERS. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment). If a member is receiving a nonoccupational disability benefit, and incurs a concurrent sickness or condition that is severe enough to disable the member past the period in which the member is disabled from the original sickness or condition, the nonoccupational benefit would continue uninterrupted and the member would not be required to obtain a new leave of absence or incur a new 30 day waiting period. A benefit will continue uninterrupted in the manner described only if the member is otherwise eligible for the benefit and a physician's report is provided and supports the disabling sickness or condition.

3) If a member makes a payment of contributions to SERS in order to establish sufficient credit to qualify for a temporary disability benefit, payment of the benefit shall accrue as of the latter of the 31st day after the member is last entitled to receive compensation or the date of payment to SERS. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).

4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make the payment must be received at the Springfield Office of SERS before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).

5) If a member requests to have service credits under the State Universities Retirement System (SURS) or the Teachers' Retirement System of the State of Illinois (TRS) considered for the purposes of determining nonoccupational or temporary disability benefit eligibility under Section 14-124 or 14-123.1 of the Illinois Pension Code, or for purposes of calculating the total period of time for which benefit will be paid, SERS shall not include in its calculations any credits accrued under Article 15 or 16 of the Code that have been forfeited by acceptance of a refund or applied toward a retirement annuity and that have not been restored or otherwise reestablished in accordance with the requirements of those Articles of the Code. Credits accrued under Article 15 or 16 of the Code that have been forfeited by acceptance of a refund or applied toward a retirement annuity, and that have not been restored or otherwise reestablished in accordance with the requirements of those Articles of the Code, shall not be considered for purposes of determining eligibility for a nonoccupational or temporary disability benefit under Section 14-124 or 14-123.1 of the Code or in determining the total period of time for which such a benefit is payable.

b) Occupational Disability
Any member of SERS claiming benefits for occupational disability shall file at the Springfield Office of SERS a written application on forms prescribed by the Board.

c) Licensed Healthcare Professionals

1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed healthcare professional attesting to the disability. An additional statement from a second licensed healthcare professional may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.

2) The term "licensed healthcare professional" shall mean any individual defined as a "licensed healthcare professional" by Section 14-103.42 of the Code.

d) Report of Licensed Healthcare Professionals

1) All licensed healthcare professional's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.

2) All licensed healthcare professional's reports shall be signed by a licensed practicing healthcare professional or by medical records personnel of a licensed clinic.

e) Gainful Employment
In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have the benefit terminated. The term "gainfully employed" shall mean either of the following:

1) Any employment by or for the State of Illinois.

2) Effective January 1, 2020~~2019~~, any individual who exceeds $3,660 in remuneration in any calendar quarter (the "calendar quarter limitation") will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal the suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation, SERS will recover the dollar amount of the earnings that exceeded the calendar quarter limitation. In addition, the individual must sign an agreement not to exceed the calendar quarter limitation in the future and to acknowledge that termination of benefits shall occur if a second violation occurs. Any individual who exceeds the calendar quarter limitation a second time will have his or her benefit suspended at the end of the quarter when the calendar quarter limitation was exceeded. The individual may appeal this suspension of benefits to the Executive Committee. If the Executive Committee determines that the individual exceeded the calendar quarter limitation a second time, the individual will be considered gainfully employed and benefits will be terminated as of the date of suspension. Any overpayment of benefits due to the termination will be recovered in full.

A) For purposes of this Section, "remuneration" shall mean:

i) any compensation for personal services, including fees, wages, salary, commissions, and similar items;

ii) any income derived from the participation in a business activity, as opposed to a passive investment, through the performance of physical and/or mental activities generally performed for the production of income.

B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in the computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to: the sum of the amount of money and the fair market value of any property received on the sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property that is sold, exchanged, or disposed of. In applying this Section, SERS shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

C) Gainful employment shall not include remuneration from income producing opportunities or activities created by the member prior to the onset of the disability, except to the extent that the remuneration level has increased through the performance of physical and/or mental activities.

D) A dependent unmarried child over age 18 who is receiving a survivor's annuity shall be considered to be engaged in substantial gainful activity if he or she is gainfully employed as defined in this subsection (e).

f) Investigation of Claims

1) The SERS Board of Trustees recognizes its obligation to provide a

systematic program for the continued investigation, control and supervision of disability claims.

2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. SERS will pay for independent medical examinations, hospital records, and activity inspection reports that it requires. SERS may waive the medical examination report requirement for cases in which the evidence supports that a member is permanently disabled and that the member will never be able to return to his or her former position.

3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

4) Any benefit suspended as a result of a medical examination will be suspended on the last day of the month in which the claim is reviewed by the Executive Committee.

5) Any person who applies for or who is receiving disability benefits and knowingly makes to SERS any false statement, falsifies or permits to be falsified any record submitted to SERS, or omits pertinent information in an attempt to defraud SERS, shall have the benefit suspended until the correct information has been provided to SERS.

A) If the correct information that is provided does not substantiate eligibility for the disability benefit payments, then the benefit shall be terminated.

B) If it is determined that the person omitted pertinent information and the correct information that is provided supports that the

individual is gainfully employed, then the process prescribed in subsection (e) shall determine if the benefit payments shall resume.

C) If it is determined that the person knowingly made to SERS a false statement, or falsified or permitted to be falsified any record submitted to SERS, in an attempt to defraud SERS and the correct information that is provided supports that the individual is gainfully employed, then the benefit shall be terminated.

g) A disability benefit claim will be processed after the date that the final payroll payment received by the member has been posted to SERS' accounting database.

h) When calculating the amount of a nonoccupational, occupational, or temporary disability benefit under Section 14-123, 14-123.1, or 14-125 of the Code, the "date of disability" or "time disability occurred" is the date the member is removed from payroll by virtue of being placed on disability leave.

i) When calculating the final average compensation of a disability benefit claim, the calculation shall include the actual compensation received during the month in which the member left the regular payroll.

j) Definitions

"The duties of the member's position" means the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

"Member", for purposes of Sections 14-123, 14-123.1, and 14-124 of the Illinois Pension Code [40 ILCS 5] (Code), means an employee in active service at the time of incurring a disabling condition.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1540.140 Removal of Children from Care of Surviving Spouse

a) Children Under Age 18
If a spouse is receiving a widow's or survivors' annuity prior to age 50 because minor children of the member are under the care of the spouse and the children

are legally removed by order of a court from the spouse's care, then the widow's annuity or survivors' annuity payable to the spouse shall be suspended until the spouse attains age 50; however, the children eligible to receive a survivors' annuity, if under the care of the legal guardian, may continue to receive their portion of the survivors' benefit, based on their individual eligibility. Widow's or survivors' annuity payments accepted by the spouse after the children have legally been removed by order of a court from the spouse's care will be considered benefit overpayments due to the System.

b) Children Over Age 18 and Under Age 22 and a Full-Time Student

1) If under the care of the surviving spouse at attainment of age 18, children over age 18 and under age 22 and a full-time student will be presumed under the care of a surviving spouse during their period of eligibility, based upon a self-certification signed by the surviving spouse. However, the surviving spouse will not be considered as the natural guardian of the child.

2) Application for benefits by or on behalf of a child over age 18 and under age 22 and a full-time student must be accompanied by a student certification. The certification must have the signature of the student and a representative of the school to be valid. A new certification must be obtained and submitted to the System semi-annually after initial approval of the benefit unless the System is able to determine, based on records in its possession or vendor-supplied data, that the child is a full-time student for that semi-annual period.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1540.270 Written Appeals and Hearings

a) Definition of Terms

"Authorized Representative" – a person representing a Petitioner in a written appeal or hearing.

"Executive Committee" – a committee consisting of one member of the Board of Trustees, ~~the designee of~~ the Chairperson of the Board or his or her designee, and the Executive Secretary of SERS or his or her designee,

which shall meet periodically for the purpose of hearing all administrative contested matters and making recommendations to the Board of Trustees who shall make the final decision. At any time, the Chairperson of the Board or the Executive Secretary of SERS may appoint an alternate designee to serve on the committee in place of the designee that he or she has previously appointed.

"Executive Secretary" – the person designated as the official custodian of all papers and documents filed in proceedings before the Executive Committee.

"Hearing" – the reconsideration by the Executive Committee of the initial disposition of a claim, at which the Petitioner appears in person or by an Authorized Representative, either at the hearing or by video or audio conference.

"Hearing Officer" − a member of the Executive Committee or an attorney retained by the Executive Committee for the purpose of conducting hearings and communicating the Executive Committee's findings of fact, conclusions of law, and recommendation to the Board of Trustees.

"Legal Action" − any action, following the final denial by the Board of Trustees, in which a member is seeking relief in State or Federal Court for a disputed claim.

"Petition" – a written request made by a Petitioner or Authorized Representative for a hearing, a written appeal, a rehearing, or a written reappeal before the Executive Committee.

"Petitioner" – an individual who requests by Petition:

a hearing or a written appeal before the Executive Committee for reconsideration of the initial disposition of a claim; or

a rehearing or written reappeal before the Executive Committee for reconsideration of the disposition of a hearing or written appeal.

"Rehearing" – the reconsideration by the Executive Committee of the disposition of a hearing or written appeal, at which the Petitioner appears

in person or by an Authorized Representative, either at the hearing or by video or audio conference.

"System" – the State Employees' Retirement System of Illinois.

"Video or Audio Conference" − hearing or rehearing before the Executive Committee for which the Petitioner or Authorized Representative is not physically present and the proceeding before the Executive Committee is conducted through Polycom VSX™ 7000s video and audio technology.

"Written Appeal" – the reconsideration by the Executive Committee, based upon written evidence, of the initial disposition of a Petitioner's claim, at which the Petitioner does not appear either in person or by an Authorized Representative.

"Written Reappeal" – the reconsideration by the Executive Committee, based upon written evidence, of the disposition of a hearing or written appeal, at which the Petitioner does not appear either in person or by an Authorized Representative.

b) Administrative Determination
The administrative staff of the System shall be responsible for the daily functioning of the System, including the processing of all claims for benefits payable by the System, all claims for service credits granted by the System, and all claims against or relating to the System.

c) Right of Appeal
Any member, annuitant or beneficiary adversely affected by the initial disposition of a claim by the System's staff may have the disposition of the claim reconsidered either at a hearing before the Executive Committee or by filing a Written Appeal with the Executive Committee.

d) Written Appeals to Executive Committee

1) Communication to Executive Committee
All Petitions for Written Appeal shall be directed to the Executive Secretary of SERS~~the System~~ at its Springfield Office and must be received within 30 days following the notification of the initial disposition of the claim.

2) Form of Written Appeal
A Petition for a Written Appeal shall set forth the name and address of the Petitioner, the name and address of his Authorized Representative if applicable, a brief statement of the facts forming the basis of the written appeal, which must include any new or additional evidence, and the relief sought.

3) Disposition of Written Appeal

A) The Executive Committee shall consider written appeals at the next regular meeting of the Executive Committee more than 15 days after the receipt of the Petition.

B) Following the written appeal and the receipt of all supplemental material requested, the recommendation of the Executive Committee shall be communicated in writing to the Petitioner and Authorized Representative, if applicable, and the appropriate action shall be implemented by the Executive Committee subject to the approval of the Board of Trustees.

4) Continuances and Extensions of Time
Continuances and extensions of time shall be granted by the Executive Committee or the Examiner when it is demonstrated that obtaining and presenting additional evidence is necessary to render a fair and equitable decision on the written appeal before the Committee.

5) Minutes and Records of Written Appeals

A) Minutes of every meeting of the Executive Committee and a record of all written appeals before the Executive Committee shall be kept by the Executive Secretary of SERS~~the System~~ at its Springfield Office.

B) The Executive Secretary of SERS~~the System~~ shall be the official custodian of all papers and documents filed in proceedings before the Executive Committee.

e) Hearings Before the Executive Committee

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1) Communication to the Executive Committee
All Petitions for Hearings shall be made to the Executive Secretary of SERS~~the System~~ at its Springfield Office and must be received within 30 days following the notification of the initial disposition of the claim.

2) Appearance
Any Petitioner or Authorized Representative may appear at a hearing before the Executive Committee, either in person or by video or audio conference.

3) Form of Petition
Petitions may be informal or formal and shall be presented by letter or other writing. A petition shall set forth the name and address of the Petitioner, the name and address of the Authorized Representative, if applicable, a brief statement of the facts forming the basis of the petition, which must include any new or additional evidence and the relief sought.

4) Notice of Hearing
Upon scheduling of a hearing before the Executive Committee, a Petitioner shall be provided with written notice of: the date, time and place of the hearing; the subject matter of the hearing; and relevant procedural and substantive statutory and regulatory provisions. Notice of the hearing shall also inform the Petitioner that he or she will be afforded the opportunity to provide a statement of his or her position, present oral evidence, and conduct examination and cross-examination of witnesses as necessary for full and true disclosure of the facts. In the absence of the Petitioner, the Executive Committee will consider the Petitioner's Petition and such other matters as may be properly brought before it at the hearing.

5) Prehearing Conferences

A) Upon written request by the Executive Committee or a Petitioner or Authorized Representative, a conference shall be conducted for the purpose of formulating issues and considering:

i) The simplification of issues;

ii) The amendment of pleadings;

iii) The making of admissions of facts or stipulations for the purpose of avoiding the unnecessary introduction of evidence;

iv) The procedure at the hearing;

v) The limitation of the number of witnesses; and

vi) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

B) The persons attending the prehearing conference may enter into a written stipulation as to matters decided in the prehearing conference.

C) No minutes shall be kept of the prehearing conference. Facts disclosed in the course of the prehearing conferences are privileged and, except by agreement, shall not be used against the Petitioner or any other party attending the prehearing conference either before the Executive Committee or elsewhere unless fully substantiated by other evidence.

6) Conduct of Hearings

A) Hearings shall be conducted before the Executive Committee by the Hearing Officer and shall be of an informal nature.

B) The Hearing Officer shall direct all parties to enter their appearances on the record. The Hearing Officer shall conduct a full and fair hearing, receive testimony of the claimant and admit exhibits into evidence, avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the Hearing Officer shall make all procedural and evidentiary rulings necessary for the conduct of the hearing.

C) Parties may, by written stipulation, agree upon any facts involved in the proceeding. The facts stipulated shall be considered as

evidence in the proceeding.

D) Irrelevant material or unduly repetitious evidence shall be excluded.

7) Documentary Evidence
Whenever possible, documents and exhibits shall be introduced by stipulation of the parties. Originals of documents shall be introduced into evidence with leave of the Hearing Officer to substitute the originals with copies. Whenever possible, the parties shall interchange copies of exhibits or other pertinent material before the hearing at which they are to be offered.

8) Briefs and Oral Arguments
Written briefs and oral arguments shall be allowed at the request of the Petitioner. The time limitations upon the oral argument shall be determined by the Hearing Officer having regard to the magnitude and complexity of the issues involved and the other business of the Executive Committee. All testimony shall be taken under oath before an officer authorized to administer oaths by the laws of this State or of the United States or of the place where the testimony is to be given.

9) Disposition of Hearing
Following the hearing and receipt of all supplemental material requested, the Executive Committee, following its next scheduled meeting, shall communicate its recommendation in writing to the Petitioner and Authorized Representative, if applicable. The recommendation shall contain a sufficient statement of the facts, all necessary findings of fact and conclusions of law, and a suggested decision or decisions of the Board of Trustees. The appropriate action shall be implemented by the Executive Committee subject to the approval of the Board of Trustees.

10) Continuances and Extensions of Time
Continuances and extensions of time shall be granted by the Executive Committee or the Hearing Officer when it is demonstrated that obtaining and presenting additional evidence or witnesses is necessary to render a fair and equitable decision on the hearing before the Executive Committee.

11) Minutes and Record of Hearing

A) Minutes of every meeting of the Executive Committee and a record of all hearings before the Executive Committee shall be kept by the Executive Secretary of SERS~~the System~~ at its Springfield Office.

B) Two records of proceedings shall be kept that shall be in the form of a non-verbatim bystander's record of the proceedings and either a stenographic transcription or a tape recording. The record shall be available to the Petitioner or Authorized Representative prior to the Executive Committee making its recommendations.

C) The Executive Secretary of SERS~~the System~~ shall be the official custodian of all papers and documents filed in proceedings before the Executive Committee.

12) Disqualification; Ex Parte Communications

A) Disqualification

i) A Hearing Officer or other member of the Executive Committee may be disqualified on grounds of bias or conflict of interest. A motion to disqualify a Hearing Officer or other member of the Executive Committee for bias or conflict of interest should be made to the Hearing Officer by any party to the hearing at least one week prior to the commencement of the hearing. The motion shall be heard, considered and ruled upon by the Hearing Officer at or prior to the commencement of the hearing. The movant shall have the burden of proof with respect to the motion to disqualify. Either an adverse ruling or the fact that a Hearing Officer or other member of the Executive Committee is an employee of the System or has a contract with the System, standing alone, shall not constitute bias or conflict of interest.

ii) The Executive Director may not be called as a witness unless it is demonstrated that the Executive Director has relevant noncumulative personal knowledge of facts

bearing upon the claim. The Executive Director may not be disqualified as a member of the Executive Committee on the basis that the Executive Director is responsible for the overall administration of the System.

iii) In the event that the Executive Committee is reduced to fewer than two members, the Board President may appoint another person to the Executive Committee.

B) *Ex Parte Communications Prohibited. Except in the disposition of matters that the System is authorized by law to entertain or dispose of on an ex parte basis, the members of the Executive Committee shall not, after receiving notice of a hearing in a contested matter, communicate, directly or indirectly, in connection with any issue of fact, with any party, or in connection with any other issue with any party, or the representative of any party, except upon notice and opportunity for all parties to participate. However, an employee of the System may communicate with other employees of the System and an employee of the System or member of the Executive Committee may have the aid and advice of one or more assistants. An ex parte communication received by any member of the Executive Committee shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received. Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications.* [5 ILCS 100/10-60]

f) Rehearings and Written Reappeals

1) Purpose of Rehearing and Written Reappeal
Any member of the Executive Committee may grant a rehearing or written reappeal only for the purpose of considering new or additional evidence not previously available.

2) Procedures for Rehearing

The procedures set forth in subsection (e) (Hearings Before the Executive Committee) shall apply to rehearings, except that a Petition for a Rehearing must be received within 90 days following the notification of the final decision of the Board of Trustees with respect to the recommendation of the Executive Committee.

3) Procedures for Written Reappeal
The procedures set forth in subsection (d) (Written Appeals to Executive Committee) shall apply to written reappeals, except that a Petition for a Written Reappeal must be received within 90 days following the notification of the final decision of the Board of Trustees with respect to the recommendation of the Executive Committee.

g) Decisions of Board of Trustees

1) Decisions of the Board of Trustees shall be final administrative decisions subject to the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

2) Communication to Petitioner
The decision of the Board of Trustees shall be communicated in writing to the Petitioner and Authorized Representative, if applicable.

h) A request for a retirement annuity or a refund of contributions shall be granted when legal action is pending on a disputed disability claim. Should the member receive a favorable decision on the legal action against the System and request additional disability benefits with regard to the disputed claim for a period beyond the effective date the retirement annuity or refund of contributions, the member must repay all retirement benefits or refund of contributions within 30 days after notification by the System of the amount due.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1540.395 Accelerated Pension Benefit Payment Program

a) Purpose. This Section establishes policies specific to SERS concerning the Accelerated Pension Benefit Payment Options authorized by Sections 14-147.5 and 14-147.6 of the Code.

b) Payment Option Limitations

1) A member needs to be an eligible person on or before June 1, 2024 in order to elect an accelerated pension benefit payment.

2) A member who elects the Level Income Option is ineligible to elect an accelerated pension benefit payment.

3) A member who elects the Social Security Offset Removal is ineligible to elect an accelerated pension benefit payment.

4) A member who elects a reversionary annuity is ineligible to elect an accelerated pension benefit payment.

5) A member subject to a mandatory distribution pursuant to section 401(a)(9) of the Internal Revenue Code is ineligible to elect an accelerated pension benefit payment at least 30 days prior to the date the mandatory distribution must be paid. The election form of such a member must be received by SERS at least 30 days prior to the date the mandatory distribution must be paid.

6) A member who is indebted to SERS because of an overpayment is ineligible to elect the accelerated pension benefit payment under Section 14-147.5 of the Code. That member may qualify for an accelerated pension benefit payment upon repaying the debt in full.

7) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under Article 14 of the Code was used to calculate a proportional annuity or to qualify the member for a proportional annuity, is ineligible to elect an accelerated pension benefit payment.

8) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under another participating system was used to calculate the proportional annuity payable by SERS established under Article 14 of the Code or to qualify the member for the proportional annuity payable by SERS established

under Article 14 of the Code is ineligible to elect an accelerated pension benefit payment.

c) The present value of pension benefits calculation, as determined by Section 14-147.5(b) of the Code, shall not include any earnings credits under another participating system.

d) For a member who elects the accelerated pension benefit payment prescribed under Section 14-147.5 of the Code, the effective date of that accelerated pension benefit payment shall not be before April 1, 2019. Furthermore, the effective date of the payment shall not be before the first of the month immediately following the date in which a valid application is received by SERS.

e) The effective date for accelerated pension benefit payment prescribed under Section 14-147.6 of the Code:

1) shall not be before December 1, 2018; and

2) shall not be before the effective date of the member's retirement annuity.

f) The accelerated pension benefit payment shall not be transferred to the member's eligible account prior to the effective date of the member's retirement annuity.

g) A valid application for an accelerated pension benefit must be received by SERS before June 1, 2024 in order to qualify a member for an accelerated pension benefit.

h) The election to receive an accelerated pension benefit payment under Section 14-147.6 of the Code becomes irrevocable on either the date the member cashes or deposits the first retirement annuity payment, or the date on which the accelerated pension benefit payment is vouchered, whichever occurs earlier.

i) The election to receive an accelerated pension benefit payment under Section 14-147.5 of the Code becomes irrevocable on the date the accelerated pension benefit payment is vouchered.

j) Accelerated pension benefit payments shall be paid solely from the amounts transferred to SERS from the State Pension Obligation Acceleration Bond Fund. Under no circumstance will other SERS assets be used to pay accelerated pension

benefit payments. All elections for an accelerated pension benefit payment that will not be paid from amounts transferred to SERS from the State Pension Obligation Acceleration Bond Fund shall be null and void.

k) For cases in which a member is charged with a felony related to, arising out of, or in connection with his or her service as an employee and elects an accelerated pension benefit payment, the adjudication process related to the charges must be completed before the accelerated pension benefit payment is vouchered. If the member is convicted and sentenced of a felony related to, arising out of, or in connection with his or her service as an employee, the payment shall not be vouchered.

l) A member who elects the accelerated pension benefit payment under Section 14-147.5 of the Code is ineligible to receive a refund under Section 14-130(c) of the Code.

m) A member with post-tax contributions on file with SERS, and who elects the accelerated pension benefit payment under Section 14-147.5 of the Code, may not elect to transfer the payment into the pre-tax plan offered under the State Employees Deferred Compensation Plan.

n) On or after the date that a member's accelerated pension benefit payment is vouchered, that member is ineligible to establish creditable service associated with employment before the date that the accelerated pension benefit payment is vouchered.

o) If a member who elected the Early Retirement Incentive under Section 14-108.3 of the Code elects the accelerated pension benefit payment under Section 14-147.5 of the Code, then the calculation of that payment shall exclude the creditable service and age enhancement components of the Early Retirement Incentive program unless the member has paid the necessary costs under Section 14-108.3(c) prior to the election of the accelerated pension benefit payment.

p) If a member has irrevocably elected to receive an Accelerated Pension Benefit Payment and if the member's spouse dies after the date of that election but before the System has paid the Accelerated Pension Benefit Payment, then the amount to be paid as an Accelerated Pension Benefit Payment shall not be recalculated, reduced, or otherwise adjusted on account of the death of the member's spouse.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

g~~e~~) Definitions

"Accelerated Pension Benefit Payment" means an accelerated pension benefit payment under Sections 14-147.5 and 14-147.6 of the Code.

"Accrued Sufficient Service Credit to be Eligible to Receive a Retirement Annuity Under this Article" means, for the purposes of Section 14-147.5(a)(2) of the Code, that a member must have established sufficient creditable service to qualify for a retirement annuity under Article 14 of the Code. Service credit on file with another participating system at the time of the member's election for an accelerated pension benefit payment under Section 14-147.5 shall be excluded for those purposes.

"Creditable Service" means service defined as "creditable service" under Section 14-103.15 of the Code.

"Eligible Account" means a "tax qualified retirement plan or account" required by Sections 14-147.5(e) and 14-147.6(d) of the Code.

"Level Income Option" means a benefit payment option prescribed by Section 14-112 of the Code.

"Participating System" means a retirement system defined as a "participating system" by Section 20-108 of the Code.

"Proportional Annuity" means a retirement annuity paid in accordance with Section 20-121 of the Code.

"Reversionary Annuity" means a reversionary annuity authorized by Section 14-113 of the Code.

"Social Security Offset Removal" means the 3.825% reduction to a member's retirement annuity established by Sections 14-119(d) and 14-121(g) of the Code.

"State Employees Deferred Compensation Plan" means the plan described by Section 24-104 of the Code.

"State Pension Obligation Acceleration Bond Fund" means the bond fund created by Section 7.7(d) of the General Obligation Bond Act.

"Vouchered" means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1540.405 Direct Deposit

a) Any individual who, on or after November 1, 2020, applies for a recurring benefit under Article 14 of the Code, such as a retirement annuity, survivor annuity, or disability benefit, shall designate, on a form prescribed by the System, the financial institution and account to which he or she intends for the benefit to be directly deposited by electronic funds transfer.

b) Any recurring benefit under Article 14 of the Code that first becomes payable by the System to a payee, on or after January 1, 2021, shall, except in the case of the initial payment, be directly deposited by electronic funds transfer to the financial institution and account designated by the payee on the form prescribed by the System.

c) The Executive Secretary of SERS may waive the requirements of this Section if:

1) the payee lives outside of the United States or demonstrates that circumstances exist that would create a hardship if the payee were required to receive payment by direct deposit; or

2) the Executive Secretary determines that good cause otherwise exists for the payment of the benefit by means other than direct deposit.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3)

Section Numbers:	Adopted Actions:
2765.62	Amendment
2765.68	Amendment

4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600].

5) Effective Date of Rules: July 28, 2020

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 is on file in the Department of Employment Security's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 5971; April 17, 2020

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? None were made.

13) Will this rulemaking replace an emergency rule currently in effect? Yes. 2765.62 and 2765.68 were amended by emergency rule at 44 Ill. Reg. 6099, April 17, 2020.

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Requiring good cause to be found to waive penalties for the failure to timely file the employer's wage report for the month of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

February 2020, as provided by Section 1402 of the Unemployment Insurance Act, due to the COVID-19 Pandemic, retroactive to April 1, 2020.

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

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765
PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	
2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.11	Employers Who Employ Household Workers and Pay Contributions on an Annual Basis
2765.15	Liability For The Entire Year
2765.18	Liability of a Third Party Purchaser or Transferee for the Due And Unpaid Contributions, Interest and Penalties of the Seller or Transferor's Seller or Transferor
2765.20	Contributions Of Employer By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments in Lieu of Contributions Are Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.44	Fee For Not Sufficient Funds (NSF) Checks
2765.45	Application of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.56	Imposition of Late Reporting Penalty for Employers Who Employ Household Workers and Elect to File Reports on an Annual Basis
2765.60	Payment Or Filing By Mail
2765.61	Waiver of Interest and Penalty for Employers Who Employ Household Workers and Who File Reports and Pay Contributions on an Annual Basis (Repealed)
2765.62	Temporary Waivers of Penalty
2765.63	When Payment Due and Consequences of Upward Revision in Employer's Contribution Rate
2765.64	Consequences When an Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions When the Wages Should Have Been Reported and Contributions Paid By Its Client

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

2765.65 Waiver Of Interest Or Penalty
2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State
2765.68 Waiver of Penalty for Certain Employers for 1987 and Thereafter Wage Reports
2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions
2765.70 Waiver of Interest For Certain Nonprofit Organizations or Local Governmental Entities
2765.71 Waiver of Interest Accruing Due to a Delay in the Issuance of a Decision on a Protested Determination and Assessment
2765.73 Waiver of Penalties and Interest for Certain Nonprofit Organizations
2765.74 Time For Paying Or Filing Delayed Payment Or Report
2765.75 Application for Waiver
2765.80 Approval Of Application For Waiver
2765.85 Insufficient or Incomplete Application
2765.90 Disapproval Of Application Conclusive
2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

Section
2765.200 Transfer of Trade or Business Subject to Section 1507.1 of the Act
2765.210 Prohibition on Withdrawal of Joint Application for Partial Transfer of Experience Rating Record
2765.220 Determination of Benefit Ratio
2765.225 Requirement for Privity in Order to Have a Predecessor Successor Relationship
2765.228 No Requirement for Continuous Operation in Order for a Predecessor Successor Relationship to Exist
2765.230 Effect of a Transfer of Physical Assets on a Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

Section
2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

2765.326	Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
2765.328	What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
2765.329	Application of "30 Day" Requirement for Determining the Chargeable Employer Pursuant to Section 1502.1 of the Act for Benefit Years Beginning on or After January 1, 1993
2765.330	Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
2765.332	Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
2765.333	Effect of Ineligibility Under Section 612 on Chargeability Under Section 1502.1 Of The Act
2765.334	Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
2765.335	Procedural Requirements And Right Of Appeal
2765.336	Non-Cancellation of Benefit Charges Due to Employer's Pattern of Failing to Respond Timely and Adequately

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27,

1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005; amended at 33 Ill. Reg. 9658, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18968, effective December 17, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2506, effective February 11, 2013 through June 30, 2013; amended at 37 Ill. Reg. 7471, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22262, effective November 17, 2014, for a maximum of 150 days; emergency expired April 15, 2015; amended at 39 Ill. Reg. 10768, effective July 27, 2015; amended at 43 Ill. Reg. 1585, effective January 15, 2019; expedited correction at 43 Ill. Reg. 11054, effective January 15, 2019; amended at 43 Ill. Reg. 6480, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 6099, effective April 8, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 8234, effective April 28, 2020; amended at 44 Ill. Reg. 13339, effective July 28, 2020; emergency amendment at 44 Ill. Reg. 13457, effective July 28, 2020, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2765.62 Temporary Waivers of Penalty

a) Subject to the limitations set forth in subsection (b), the penalties for failure to file a report as required by 56 Ill. Adm. Code 2760.125(a) for either or both of the first 2 months of a calendar quarter in compliance with 56 Ill. Adm. Code 2760.141(a) shall be waived when the employer timely files the report required for the third month of that quarter as required by 56 Ill. Adm. Code 2760.125(a)(1), in compliance with 56 Ill. Adm. Code 2760.141.

b) Subsection (a) shall not apply for months following the first 2 quarters that include months for which penalties have been waived pursuant to subsection (a) or for any months beginning after November 30, 2014.

c) Notwithstanding any other provision of this Part to the contrary, as a result of business interruptions and widespread closures resulting from COVID-19, the Director finds good cause for waiving any penalties imposed upon any employer for failing to submit or timely submit the report required under 56 Ill. Adm. Code 2760.125(a) for the month of February 2020.

(Source: Amended at 44 Ill. Reg. 13339, effective July 28, 2020)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

Section 2765.68 Waiver of Penalty for Certain Employers for 1987 and Thereafter Wage Reports

a) Notwithstanding any other provisions of this Part to the contrary, the Director shall waive the reporting penalty provided in Section 1402 of the Act for 1987 and for any reports of wages paid in calendar year 1987 and any calendar year thereafter, if the employer, within 30 working days after the date of mailing of the notice from the Agency that its report is delinquent, shows that the delinquent report is the employer's first late report during the last 20 calendar quarters, including quarters during which the employer was not required to file reports under the Act and:

1) in the case a contributory employer, the total amount of contributions due for the calendar quarter of the report is less than $500 (the amount due is disregarded for reimbursable employers); and

EXAMPLE: Employer A is required to file two reports for a quarter under 56 Ill. Adm. Code 2760.120. The total amount of contributions attributable to the first report is $400. The total amount of contributions attributable to the second report is $200. Employer A will not be entitled to waiver of penalty under this Section with respect to either report because the total amount of contributions due for the quarter is more than $500.

2) This delinquent report is the employer's first late report during the last 20 calendar quarters, including quarters during which the employer was not required to file reports under the Act.

b) The employer's application for this waiver shall be made in the form provided in Section 2765.75, except that it need not be sworn and instead of stating the "good cause applicable", the employer shall state that it met the requirements of subsections (a)(1) and (2). In support of its statement that it met the requirements of subsection (a)(1), the employer shall attach a copy of its Contribution and Wage Report for the applicable calendar quarter.

c) If the employer is required to file two reports under 56 Ill. Adm. Code 2760.120 and both reports are filed untimely, for the purposes of subsection (a)(2), both reports will be deemed to be a single delinquent report.

d) For purposes of subsection (a), a month for which the late filing penalty has been waived under any provision of Section 2765.62 shall not be considered a month for which the employer filed a late report.

(Source: Amended at 44 Ill. Reg. 13339, effective July 28, 2020)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Prior Notification of Dividends or Distributions

2) Code Citation: 50 Ill. Adm. Code 1305

3)

Section Numbers:	Adopted Actions:
1305.10	New Section
1305.20	New Section
1305.30	New Section
1305.40	New Section

4) Statutory Authority: Implementing and authorized by Section 123C-26 and Article XXIV of the Illinois Insurance Code [215 ILCS 5/123C-26 and Article XXIV].

5) Effective Date of Rules: July 31, 2020

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 principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 3039; February 21, 2020

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

11) Differences between Proposal and Final Version: None

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

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

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: PA 100-1118, effective November 27, 2018, added a new section to Article VIIC of the Illinois Insurance Code, Domestic Insurance

Companies, namely, section 123C-26 [215 ILCS 5/123C-26] which mandates that captive insurance companies shall notify the Director when issuing dividends or distributions to policyholders [215 ILCS 5/123C-26.A] and which mandates that the Director approve that issuance and adopt rules to implement the approval process [215 ILCS 5/123C-26.B].

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

Marcy Savage
Assistant Deputy Director, Corporate Regulation Section
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/524-0016

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE

PART 1305
PRIOR NOTIFICATION OF DIVIDENDS OR DISTRIBUTIONS

Section
1305.10 Purpose
1305.20 Definitions
1305.30 Prior Notification of Dividends and Other Distributions
1305.40 Penalties

AUTHORITY: Implementing and authorized by Section 123C-26 and Article XXIV of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. 13347, effective July 31, 2020.

Section 1305.10 Purpose

The purpose of this Part is to describe the information that shall be provided to the Director by a domestic captive insurance company to notify the Director to seek approval of all dividends and other distributions under Section 123C-26 of the Illinois Insurance Code and provide penalties for the failure to comply with this Part.

Section 1305.20 Definitions

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

Section 1305.30 Prior Notification of Dividends and Other Distributions

a) Notice

1) Any domestic captive insurance company required by Section 123C-26 of the Code to notify the Director of a dividend or other distribution to holders of an equity interest in the captive insurance company shall notify

the Director of the proposed dividend or distribution in writing within 5 business days following the declaration and no less than 10 business days prior to payment. The 10-day period shall begin the day the notice is received by the Department. The notice shall be deemed incomplete unless all the information required by this Part has been included.

2) Proof of Receipt. Certified mail confirmation, confirmation from a commercial delivery service, or the date stamped upon the notice by the Department acknowledging receipt of the filing required by this Part shall serve as proof of the date of receipt of the filing.

b) The domestic captive insurance company shall provide to the Director the information required in this Part on Form D-2 (see 50 Ill. Adm. Code 655.Illustration A) or on a similar form from and via the website of the Department.

c) The notification shall be directed to the Deputy Director of the Financial-Corporate Regulatory Division of the Illinois Department of Insurance, 320 W. Washington Street, Springfield, Illinois 62767.

d) The notification shall contain the following information:

1) name and addresses of the company sending the notification and of any companies on whose behalf the notification is being sent;

2) date of mailing;

3) name, title, address and telephone number or email address for the person to whom notices should be sent regarding this notification;

4) the amount of the dividend or other distribution and the date established for payment;

5) a statement as to whether the dividend or other distribution is to be in cash or other property, and, if in property, a description of the property, its cost, statutory carrying value, and the fair market value of the property, together with an explanation of the basis for valuation;

6) the amounts and payment dates of all dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which notification is being given or approval is being sought;

7) a balance sheet and statement of income, for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the prior notification of the dividend is submitted, indicating the amount of all unrealized capital gains included in unassigned funds;

8) a brief statement of:

A) the effect of the proposed dividend upon the insurer's surplus;

B) the reasonableness of surplus in relation to the insurer's outstanding liabilities; and

C) the adequacy of surplus relative to the insurer's financial position;

9) a calculation of the insurer's risk based capital level as of the most recently filed financial statement (quarterly or annual), adjusted to show the effect of the proposed dividend or other distribution; and

10) date, name and signature of the individual sending the notification, attested to by an officer of the company.

e) In determining whether to approve the issuance of the dividends or other distributions, the Director shall review the notification, information included in the notification, and any other relevant information to determine if the issuance or other distribution may materially impair the domestic captive insurance company or companies.

Section 1305.40 Penalties

Failure of a domestic captive insurance company to timely file the report required by this Part or Section 123C-26 of the Code or to issue dividends or other distributions without the approval of the Director shall subject the domestic captive insurance company or companies to Article XXIV of the Code or any other remedy available to the Director.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Unfair Discrimination Based on Sex, Sexual Orientation, Gender Identity or Marital Status

2) Code Citation: 50 Ill. Adm. Code 2603

3)

Section Numbers:	Adopted Actions:
2603.20	Amendment
2603.35	Amendment
2603.40	Amendment

4) Statutory Authority: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/236, 355, 355a, 364, 367 and 424(1)].

5) Effective Date of Rules: July 31, 2020

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 principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 14987; December 27, 2019

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

11) Differences between Proposal and Final Version:

2603.20, next to last line: deleted "[215 ILCS Art. XVII]"

2603.35(a)(3), last line: after "person" and before the semicolon, added ", or because the insured or prospective insured has undergone, or is in the process of undergoing, gender transition"

2603.35(a)(5), last line: deleted "or"

2603.35(a)(6): changed "denying or limiting coverage, or denying a claim, for services due to an insured's actual or perceived gender identity or for the reason that the insured is a transgender person, including, but not limited to, health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the insured is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition." to "denying or limiting coverage, or denying a claim, for services due to an insured's actual or perceived gender identity, or for the reason that the insured is a transgender person or has undergone, or is in the process of undergoing, gender transition, including, but not limited to, denials or limitations relating to health care services that are ordinarily available to individuals of one sex based on the fact that an individual's sex assigned at birth, actual or perceived gender identity, or gender otherwise recorded is different from the one to which such services are ordinarily available; or"

Following 2603.35(a)(6), added a new paragraph (a)(7) as follows: "7) denying or limiting coverage, or denying a claim, for a covered service relating to gender transition based on a categorical age limitation."

Following 2603.35(b) added a new subsection (c) as follows: "c) Nothing in this Section is intended to determine, or restrict a company from determining, whether a particular health care service is medically necessary."

2603.40(b), 3rd and 10th lines: after "transgender person," added "or on the basis that the insured or prospective insured has undergone, or is in the process of undergoing, gender transition,"; 8th line, changed "July" to "August".

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: In June 2019, the Centers for Medicare and Medicaid Services issued a notice of proposed rulemaking to amend federal regulations so as to remove certain protections against gender identity discrimination that previously had been promulgated under Section 1557 of the Patient Protection and Affordable Care Act. See "Nondiscrimination in Health and Health Education Programs or Activities", 84 Fed. Reg. 27846 (proposed Jun. 14, 2019). To ensure that Illinois consumers remain

protected against gender identity discrimination relating to their health insurance coverage, the Department has reviewed its applicable regulation on unfair discrimination at 50 Ill. Adm. Code 2603. The following amendments are primarily intended to fill the gaps in those regulatory protections. First, whereas Section 2603.35 currently only applies to group health insurance coverage, these amendments will extend the rule to apply to individual policies, as well. Second, the protections in Section 2603.40 against discrimination in setting premium rates will be amended to apply to gender identity.

Additionally, these amendments delete references in Section 2603.20 to 215 ILCS 5/283 and 296(6) regarding fraternal benefits societies, as those sections of the Illinois Insurance Code have been repealed. In their place, the Department will reference 215 ILCS 5/314.1, which contains a currently applicable preservation of rights for fraternal benefit societies.

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

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl.
Chicago IL 60603

312/814-5445

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ff: UNFAIR METHODS OF COMPETITION

PART 2603
UNFAIR DISCRIMINATION BASED ON SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR MARITAL STATUS

Section
2603.10 Authority
2603.20 Purpose and Scope
2603.25 Definitions
2603.30 Prohibited Practices
2603.35 Prohibited Gender Identity Discrimination
2603.40 Rates
2603.50 Severability Provision
2603.60 Effective Date (Repealed)

AUTHORITY: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Filed May 26, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 896; amended at 39 Ill. Reg. 409, effective July 1, 2015; amended at 44 Ill. Reg. 13352, effective July 31, 2020.

Section 2603.20 Purpose and Scope

The purpose of this Part is to eliminate unfair discrimination based upon sex, gender identity, sexual orientation or marital status in the terms and conditions of insurance contracts and in the underwriting criteria of insurance carriers. This Part shall apply to all companies authorized to do an insurance business in this State of the kind or kinds of business described in Class 1(a), 1(b) or Class 2(a) of Section 4 of the Code, all companies licensed in accordance with the Voluntary Health Services Plans Act [215 ILCS 165], the Health Maintenance Organization Act [215 ILCS 125] and to all Fraternal Benefit Societies licensed in accordance with Article~~article~~ XVII of the Code~~ [215 ILCS Art. XVII]~~. This Part shall not affect the rights of fraternal benefit societies as specified in Section 314.1~~Sections 283 and 296(6)~~ of the Code.

(Source: Amended at 44 Ill. Reg. 13352, effective July 31, 2020)

Section 2603.35 Prohibited Gender Identity Discrimination

a) A company that offers or provides group or individual health insurance coverage~~plan~~ that is neither a grandfathered plan nor a plan offering excepted benefits shall not discriminate on the basis of an insured's or prospective insured's actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person. The discrimination prohibited by this Section includes any of the following:

1) discriminatory exclusionary clauses;

2) provisions that exclude from, limit, charge a higher rate for, or deny a claim for coverage of hospital and medical benefits for gender dysphoria if benefits covered by the policy are provided for other medical conditions;

3) cancelling, limiting or refusing to issue or renew an insurance policy on the basis of an insured's or prospective insured's actual or perceived gender identity, or for the reason that the insured or prospective insured is a transgender person, or because the insured or prospective insured has undergone, or is in the process of undergoing, gender transition;

4) designating an insured's or prospective insured's actual or perceived gender identity, or the fact that an insured or prospective insured is a transgender person, as a preexisting condition for which coverage will be denied or limited;

5) provisions that exclude from, limit, charge a higher rate for, or deny a claim for coverage for the surgical treatments for gender dysphoria; ~~or~~

6) denying or limiting coverage, or denying a claim, for services due to an insured's actual or perceived gender identity, or for the reason that the insured is a transgender person or has undergone, or is in the process of undergoing, gender transition, including, but not limited to, denials or limitations relating to health care services that are ordinarily ~~or exclusively~~ available to individuals of one sex based on the fact that an individual's sex assigned at birth, actual or perceived gender identity, or gender otherwise recorded is different from the one to which such services are ordinarily available; or~~when the denial or limitation is due only to the fact that the insured is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.~~

7) denying or limiting coverage, or denying a claim, for a covered service relating to gender transition based on a categorical age limitation.

b) Temporary Exemption for Transitional Small Group Plans. A group plan having fewer than 51 members that was sold before January 1, 2014 and renewed between January 1, 2015 and October 1, 2015 will not be required to comply with the requirements of this Section until after the expiration of the 2015 plan year.

c) Nothing in this Section is intended to determine, or restrict a company from determining, whether a particular health care service is medically necessary.

(Source: Amended at 44 Ill. Reg. 13352, effective July 31, 2020)

Section 2603.40 Rates

a) No insurance company shall place a risk in a rating classification on the basis of sex, sexual orientation or marital status or otherwise differentiate in rates on the basis of sex, sexual orientation or marital status unless that classification or differentiation is based upon expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company or intercompany studies, claim costs, and expense experience. After July 1, 1979, no company shall charge a differential by sex, sexual orientation or marital status larger than the differential indicated by the criterion stated in this Section.

b) No insurance company shall use separate rating classifications or otherwise differentiate in rates on the basis of actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person, or on the basis that the insured or prospective insured has undergone, or is in the process of undergoing, gender transition, unless the classification or differentiation is based upon expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company or intercompany studies, claim costs, and expense experience. After August 1, 2020, no company shall charge a differential by actual or perceived gender identity, or by the fact that the insured or prospective insured is a transgender person, or on the basis that the insured or prospective insured has undergone, or is in the process of undergoing, gender transition, that is larger than the differential indicated by the criterion stated in this Section. Nothing in this Section otherwise prohibits a company from recognizing an individual's gender identity to the extent requested by the

individual.

c) An insurer shall, upon request of the Director, justify that any~~the~~ classification or differentiation described in this Section equitably and reasonably reflects differences in expected claim costs and expenses.

(Source: Amended at 44 Ill. Reg. 13352, effective July 31, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Early Childhood Block Grant

2) Code Citation: 23 Ill. Adm. Code 235

3)

Section Number:	Adopted Action:
235.80	New Section

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rule: July 28, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

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.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 1461; January 17, 2020

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? Yes

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

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

Section Number:	Proposed Action:	*Illinois Register* Citation:
235.75	New Section	44 Ill. Reg. 12141; July 24, 2020

15) Summary and Purpose of Rulemaking: This Part is being modified to align with the enactment of PA 100-819, effective July 1, 2019. This Act requires each publicly funded early childhood program receiving State funds under the Early Childhood Block Grant (ECBG) program to collect and review its chronic absence data and determine what supports and resources are needed to positively engage chronically absent students and

their families to encourage the habit of daily attendance and promote success. On or before July 1, 2020, and annually thereafter, these programs must report this data to the agency. The agency must make the report publicly available via the Illinois Early Childhood Asset Map internet website and the Preschool for All program or Preschool for All Expansion program triennial report.

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

PART 235
EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section
235.10 Purpose; Eligible Applicants
235.20 Application Procedure and Content for New or Expanding Programs
235.30 Additional Program Components for Preschool Education Proposals
235.40 Additional Program Components for Prevention Initiative Proposals
235.50 Proposal Review and Approval for New or Expanding Programs
235.55 Proposal Review Process and Additional Funding Priorities for Preschool Education Programs
235.60 Application Content and Approval for Continuation Programs
235.65 ExceleRate Illinois: Quality Rating and Improvement System
235.67 Program Monitoring
235.70 Terms of the Grant
235.80 Chronic Absenteeism Data Report and Support

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES

Section
235.100 Purpose
235.105 Eligible Applicants
235.110 Application Procedure and Content for New Programs
235.120 Proposal Review and Approval for New Programs
235.130 Application Content and Approval for Continuation Programs
235.140 Terms of the Grant

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

235.200 Implementation and Purpose; Eligible Applicants
235.210 Application Procedure and Content
235.220 Proposal Review and Approval of Proposals

SUBPART D: EXCLUSIONARY DISCIPLINE IN EARLY CHILDHOOD PROGRAMS

Section
235.300 Purpose
235.310 Definitions
235.320 Behavior Support Plans
235.330 Program Transition Plans
235.340 Reporting

235.APPENDIX A Illinois Early Learning and Development Standards − Children Age 3 to Kindergarten Enrollment Age
235.APPENDIX B Illinois Birth to Five Program Standards
235.APPENDIX C Illinois Early Learning Guidelines − Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71 and 2-3.89 of the School Code [105 ILCS 5/2-3.71 and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. 15168, effective October 24, 2016; amended at 44 Ill. Reg. 1942, effective January 10, 2020; emergency amendment at 44 Ill. Reg. 5924, effective March 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 13359, effective July 28, 2020.

SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section 235.80 Chronic Absenteeism Data Report and Support

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

a) In this Section, "chronic absence" means absences that total 10% or more of school days of the most recent academic school year, including absences with and without valid cause, as defined in Section 26-2a of the School Code, and out-of-school suspensions for an enrolled student.

b) Each grantee that operates a preschool education program funded under this Part must collect and review its chronic absence data and determine what support and resources are needed to positively engage chronically absent students and their families to encourage the habit of daily attendance and promote success.

c) Each preschool education program must annually report all data collected under subsection (b) to the State Board of Education no later than July 1 of each year. The State Board will make this report publicly available via the Illinois Early Childhood Asset Map Internet website and the Preschool for All Program or Preschool for All Expansion Program triennial report.

(Source: Added at 44 Ill. Reg. 13359, effective July 28, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Student Records

2) Code Citation: 23 Ill. Adm. Code 375

3)

Section Numbers:	Adopted Actions:
375.10	Amendment
375.40	Amendment

4) Statutory Authority: 105 ILCS 10/2 and 4

5) Effective Date of Rules: July 28, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

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.

9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 2718; February 14, 2020

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? None were made.

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: This Part is being modified to align with the enactment of PA 101-515, effective August 23, 2019, and PA 101-161, effective January 1, 2020. PA 101-515 modifies the definition of "Student Temporary Record" to include information contained in service logs maintained by a Local Education Agency under Section 14-8.02f(d) of the School Code. PA 101-161 provides for different methods a school district may use to notify a parent or student before any school student record is

destroyed or information is deleted from that record. This Part must be amended to conform with the changes made by these Public Acts. Other cleanup changes, including School Code and administrative rule references, are made as well.

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section
375.10 Definitions
375.20 Rights of Students
375.30 Notification
375.40 Maintenance and Destruction of School Student Records
375.50 Cost for Copies of Records
375.60 Emergency Release of Information
375.70 Release of Information
375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80 Directory Information
375.90 Challenge Procedures
375.100 Implementation
375.110 Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Sections 2-3.13a and 2-3.64a-5 of the School Code [105 ILCS 5].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. 9479, effective June 19, 2013; amended at 39 Ill. Reg. 2449, effective February 2, 2015; amended at 40 Ill. Reg. 2287, effective January 13, 2016; amended at 42 Ill. Reg. 5899, effective March 15, 2018; amended at 44 Ill. Reg. 13364, effective July 28, 2020.

Section 375.10 Definitions

"Accident Report" means documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event, or when a student is participating in a school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or if~~whether~~ the school nurse has referred the student for a medical evaluation, regardless of whether the parent or~~,~~ guardian, ~~or~~ student (if 18 years or older), or an unaccompanied ~~homeless~~ youth (as defined by 42 USC 11434a) has followed through on that request.

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Health Record" means medical documentation necessary for enrollment and proof of having certain examinations, as may be required under Section 27-8.1 of the ~~School~~ Code.

"Health-related Information" means current documentation of a student's health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, that~~which~~ includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, documentation regarding a student athlete's and his or her parent's or guardian's~~parents'~~ acknowledgement of the district's concussion policy adopted under Section 22-80~~pursuant to Sections 10-20.53 and 34-18.45~~ of the ~~School~~ Code, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

"Official Records Custodian" means the individual appointed in each school in accordance with Section 4 of the Act who has responsibility for the *maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.*

"School Code" or "Code" means 105 ILCS 5.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"School Student Record" has the meaning ascribed to that term~~shall have the meaning set forth~~ in Section 2(d) of the Act, except that school student records shall not include:

Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes;

Electronic recordings made on school buses, as described~~defined~~ in Section 14-3(m) of the Criminal Code of 2012~~1961~~ [720 ILCS 5~~/14-3~~]; and

Any information, either written or oral, received pursuant to Section 22-20 of the ~~School~~ Code and Sections 1-7 and 5-905 of the Juvenile Court Act of 1987 [705 ILCS 405~~/1-7 and 5-905~~].

The content of a video or other electronic recording may become part of a student's school student record to the extent school officials use and maintain this content for a particular reason (e.g., disciplinary action or~~,~~ compliance with a student's Individualized Education Program) regarding that specific student. Video or other electronic recordings that become part of a student's school record shall not be a public record and shall be released only in conformance with Section 6(a) of the Act and the federal Family Educational Rights and Privacy Act (20 USC 1232g).

"Special Education Records" means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the ~~School~~ Code, to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the

student's parents;

Evidence required under Section 5(b)(1)~~(5)(b)(1)~~ of the Missing Children~~Children's~~ Records Act [325 ILCS 50~~/5(b)(1)~~];

Academic transcript, including:

grades, graduation date, and grade level achieved;

as applicable, and if allowed by district policy, scores received on college entrance examinations if that inclusion is requested in writing by a student, parent, or person who enrolled the student;

the unique student identifier assigned and used by the Student Information System established pursuant to 23 Ill. Adm. Code 1.75 (Student Information System);

as applicable, designation of an Advanced Placement computer science course as a mathematics-based, quantitative course for purposes of meeting State graduation requirements set forth in Section 27-22 of the ~~School~~ Code;

as applicable, designation of the student's achievement of the State Seal of Biliteracy, awarded in accordance with Section 2-3.159~~2-3.157~~ of the ~~School~~ Code and 23 Ill. Adm. Code 680~~1.442~~ (State Seal of Biliteracy);

as applicable, designation of the student's achievement of the State Commendation Toward Biliteracy, awarded in accordance with 23 Ill. Adm. Code 680~~1.442~~ (State Seal of Biliteracy); and

as applicable, designation of the student's achievement of the Global Scholar Certification, awarded in accordance Section 2-3.169~~2-3.167~~ of the ~~School~~ Code and 23 Ill. Adm. Code 1.443 (Illinois Global Scholar Certificate);

Attendance record;

Health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act; and

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64a-5).~~; and~~

If not maintained in the temporary record, the student permanent record may also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics~~,~~ or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act;

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64a-5);

The completed home language survey form (see 23 Ill. Adm. Code 228.15 (Identification of Eligible Students));

Information regarding serious disciplinary infractions (i.e., those involving drugs, weapons, or bodily harm to another) *that resulted in expulsion, suspension, or the imposition of punishment or sanction*;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5~~/8.6~~] and *information contained in service logs maintained by a local education agency* under Section 14-8.02f(d) of the Code [~~(~~105 ILCS 10/2(f)]~~)~~;

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code;

Health-related information; and

Accident Reports.; and

Student temporary record mayMay also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality, and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education records; or

Records associated with plans developed under section 504 of the federal Rehabilitation Act of 1973 (29 USC 701 et seq.).; and

Any verified reports or information from non-educational persons, agencies, or organizations of clear relevance to the education of the student.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 44 Ill. Reg. 13364, effective July 28, 2020)

Section 375.40 Maintenance and Destruction of School Student Records

a) The provisions within the Act and this Part requiring the official records custodian to separate school student records into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date~~ of this Part~~. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that this categorization occur; and

2) The official records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 or 6 of the Act or by court order* [105 ILCS 10/4(f)]. For the purposes of this Part, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge.

b) Pursuant to Section 4(g) of the Act~~ [105 ILCS 10/4(g)]~~, student temporary records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information pursuant to Section 375.10~~ of this Part~~. The records review is required in any given school year at the time a student first changes attendance centers within a district, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year.

c) Destruction of Records

1) Upon graduation, transfer, or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of the student's records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of official records

custodian, name of student, and the scheduled destruction date of temporary and permanent records.

2) A school may provide reasonable prior notice to a parent or student through:

A) *notice in the school's parent or student handbook;*

B) *publication in a newspaper published in the school district; or*

C) *if no newspaper is published in the school district:*

i) *in a newspaper of general circulation within the school district;*

ii) *U.S. mail delivered to the last known address of the parent or student; or*

iii) *other means provided the notice is confirmed to have been received.* (Section 4(h) of the Act)

3) Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205~~/7~~]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-18.34~~34-34.18~~ of the ~~School~~ Code, as applicable.

d) Upon graduation or permanent withdrawal of a student with a disability, as defined in Article 14 of the ~~School~~ Code ~~[105 ILCS 5/Art. 14]~~ and 23 Ill. Adm. Code 226~~: Subpart A~~ (Special Education), special education records, and other information contained in the student temporary record that may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60~~/222(f)~~]).

f) Any final finding report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services (DCFS) upon written request made by DCFS~~the Department~~ pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives a request from DCFS~~the Department~~ has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of DCFS'~~the Department's~~ request to the receiving school, which shall comply with this subsection~~ (f)~~. No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the school student record.

g) School student records shall be maintained for at least the period of time set forth in Section 4 of the Act.

1) The official records custodian shall take all reasonable measures to protect school student records through administrative, technical, and security safeguards against risks, such as unauthorized access, release, or use.

2) With the exception of material eliminated in accordance with subsections (b), (d), and (f)~~ of this Section~~, the destruction or disposal of any records or information contained in those records shall be subject to the provisions of the Act and authorization by the appropriate Local Records Commission (see Section 7 of the Local Records Act).

(Source: Amended at 44 Ill. Reg. 13364, effective July 28, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Charter Schools

2) Code Citation: 23 Ill. Adm. Code 650

3)

Section Numbers:	Adopted Actions:
650.10	Amendment
650.20	Amendment
650.30	Amendment
650.35	Repealed
650.40	Amendment
650.50	Amendment
650.63	New Section
650.65	Amendment
650.70	Amendment
650.100	Repealed
650.110	Repealed
650.APPENDIX A	Amendment

4) Statutory Authority: 105 ILCS 5/Art. 27A

5) Effective Date of Rules: July 28, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

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.

9) Notice of Proposal Published in the *Illinois Register*: 44 Ill. Reg. 2729; February 14, 2020

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

11) Differences between Proposal and Final Version:

In Section 650.30(d), 30 days is changed to 14 days.

In Section 650.63(a), 14 days is changed to 21 days.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 650.63(c)(1) is changed to: Within 7 days of receipt of any appeal that is timely filed under subsection (a), the State Superintendent will select a hearing officer and will issue a written Notice of Opportunity for Hearing, which shall be served upon the local school board and the charter holder.

Section 650.63(c)(3) is changed to: No later than 10 days following the receipt of a request for a hearing, the hearing officer must issue to the parties a Notice of Hearing. The Notice of Hearing must include the date, time, and location of the hearing, with such hearing convened and conducted no later than 45 days after receipt of a timely filed appeal under subsection (a), unless otherwise agreed to by all parties to the matter. The hearing must be conducted at either the State Board of Education's Springfield office or Chicago office, unless the State Superintendent, local school board, and charter holder all agree on an alternative location. No less than 48 hours before the hearing, the Notice of the Hearing must be posted on the State Board's website and at the principal office holding the meeting.

Section 650.63(c)(4) is deleted.

In Section 650.63(c)(5), paragraphs (A), (B), and (C) are added.

In Section 650.63(f), the first sentence is changed to: Any appeals validly-filed with the State Charter School Commission under Section 27A-9(e) of the Code that are still pending on June 30, 2020, will be determined by the State Board in accordance with this Section.

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 Rulemaking: PA 101-543, signed by Governor Pritzker on Aug. 23, 2019, abolishes the Commission effective July 1, 2020. This change will mean that most of the key duties of the Commission revert back to ISBE, including the responsibility to hear and decide appeals of local school board decisions to close existing charter schools. Moreover, the new legislation requires ISBE to appoint and utilize a hearing officer for charter appeals, which is not addressed in the current Part 650 rules.

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Part 650 needs be updated to remove all obsolete references to the Commission. The proposed rules also define the process and timeline that must be followed to appeal a local school board's decision to revoke or not renew a charter school and ISBE's procedures for processing such appeals. Finally, the proposed rules clarify the circumstances under which charter schools authorized by a local school board may have their authorization transferred to the Board.

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

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 650
CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

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650.10 Definitions
650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section
650.30 Submission to the State Board of Education~~: Local Boards of Education~~
650.35 Submission to the State Board of Education: Commission (Repealed)
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650.63 Appeal of Local School Board Decisions
650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action
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SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

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

SUBPART D: CHARTER SCHOOL REVOLVING LOAN PROGRAM

Section

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NOTICE OF ADOPTED AMENDMENTS

650.200 Purpose
650.210 Use of Funds
650.220 Maximum Amount of Loan
650.230 Application Procedures
650.240 Review of Application and Notification of Loan Award
650.250 Repayment Procedures
650.260 Terms and Conditions of Loan Agreement

650.APPENDIX A Principles and Standards for Authorizing Charter Schools

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

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012; amended at 38 Ill. Reg. 21916, effective November 3, 2014; amended at 39 Ill. Reg. 8298, effective May 26, 2015; amended at 41 Ill. Reg. 136, effective December 27, 2016; amended at 42 Ill. Reg. 3182, effective January 31, 2018; amended at 44 Ill. Reg. 13375, effective July 28, 2020.

SUBPART A: GENERAL PROVISIONS

Section 650.10 Definitions

"Article 27A of the School Code" or the "Charter Schools Law" means 105 ILCS 5.

"Authorizer" has the meaning set forth in Section 27A-3 of the School Code~~ and includes the Commission~~.

~~"Commission" means the State Charter School Commission (see Section 27A-7.5 of the School Code).~~

"Day" means calendar day, unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined

in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

"School Code" or "Code" means 105 ILCS 5.

"State Board" means the Illinois State Board of Education.

"State Superintendent" means the State Superintendent of Education.

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.20 Purpose

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by a local board of education or, by two or more local boards of education pursuant to Section 27A-4(e) of the School Code, or by the Commission.

a) This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards and the Commission of the submission of charter school proposals, as required by Sections 27A-8(f) and 27A-9(e) and (f) of the School Code, and of reporting of data regarding the charter schools under the authorizer, as required by Section 27A-12 of the School Code.

b) This Part further sets forth procedures for appeals to the State Board of EducationCommission of local board of education decisions under Section 27A-9 of the School Code and for the orderly closing of charter schools.

c) This Part also sets forth the procedures for the State Board of Education to remove the power of authorizers to authorize charter schools as provided under Section 27A-12 of the School Code.

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section 650.30 Submission to the State Board of Education: Local Boards of Education

Local boards of education shall submit a final report to the State Board of Education as to the

action by the local boards of education with regard to an application for, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education. Reports shall be submitted as follows.

a) The local board of education shall submit the report to the State Board of Education either by electronic mail or U.S. mail to the address in subsection (f) no(e) not later than seven days after the date of the public meeting at which the board acted on the charter request.

1) For reports submitted by U.S. mail, the report must bear a postmark date of nonot later than seven days following the meeting date.

2) In the case of separate public meetings by each school board involved, the seven days shall begin when the last school board votes on the matter.

b) Section 27A-6 of the School Code provides that a *proposed contract* to open a new charter school or to renew the charter of an existing charter school *must be submitted to and certified by the State Board before it can take effect*.

1) Reports of approved applications or renewals shall consist of the charter school proposal voted upon by each of the local boards of education authorizing the charter school and the contractual agreement.

2) The report also shall be accompanied by each of the forms, to be supplied by the State Superintendent of Education, listed in this subsection (b)(2). Reports lacking one or more of these documents shall be considered incomplete and shall not be reviewed for certification until all required items have been submitted.

A) A form attesting to the local board of education's compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president of each local school board that is a party to the application and the appropriate officers of the charter school governing body.

B) A budget narrative and financial schedule for the term of the charter.

C) A plan for the provision of special education services to students with disabilities enrolled in the charter school that aligns to the requirements of Article 14 of the ~~School~~ Code ~~[105 ILCS 5/Art. 14]~~ and 23 Ill. Adm. Code 226 (Special Education), and which, for approved applications, shall at least include, but not be limited to, an explanation of how parents of students with disabilities will be informed of their students' eligibility to participate in the charter school lottery held pursuant to Section 27A-4(h) of the ~~School~~ Code and how the charter school will identify students who may be eligible to receive special education services at the charter school.

D) A plan for the provision of educational services for English learners that aligns to the requirements of Article 14C of the ~~School~~ Code ~~[105 ILCS 5/Art. 14C]~~ and 23 Ill. Adm. Code 228 (Transitional Bilingual Education).

c) Reports of denials, revocations or non-renewals shall consist of all of the following:

1) The~~the~~ charter proposal or current charter contract voted upon by each of the local boards of education;

2) A~~a~~ copy of each board's resolution setting forth the board's action and its reasons for the action;

3) Any other documents upon which each board relied in denying the current proposal or revoking or not renewing the contract.

d) Reports of revocations or non-renewals must also contain a notice to the ~~applicant or~~ charter holder to the effect that a ~~denial,~~ revocation or non-renewal of a charter school ~~application or~~ contract may be appealed to the State Board of Education~~Commission~~ within 21~~30~~ days after~~from~~ the date that the school board voted to ~~deny the application or~~ revoke or not renew a contract~~; and any other documents upon which the board relied in denying the current proposal or revoking or not renewing the contract~~.

e~~d~~) Each submission under subsection (b) or (c) also shall include a certification of publication and a copy of the printed notice of the public meeting for each local

board of education involved, as required by Section 27A-8(d) of the ~~School~~ Code.

f~~e~~) Reports shall be submitted via electronic submission to charter@isbe.net or by certified mail, return receipt requested, addressed to:

Illinois State Board of Education
Charter Schools
100 West Randolph Street
Suite 14-300
Chicago, Illinois 60601

~~f) Reports and other documentation pertaining to denials, revocations or non-renewals also shall be submitted to the Commission within the timeframe set forth in subsection (a) via electronic submission to state.charter.commission@illinois.gov or by certified mail, return receipt requested, addressed to:~~

~~State Charter School Commission~~
~~Michael A. Bilandic Building~~
~~160 North LaSalle Street, 6th Floor~~
~~Chicago, Illinois 60601~~

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.35 Submission to the State Board of Education: Commission (Repealed)

~~a) Section 27A-9(f) of the School Code provides that, in the event that the Commission *on appeal reverses a local board's decision or if a charter school is approved by referendum, the Commission shall act as the authorized chartering entity for the charter school. The State Board shall determine whether the charter proposal approved by the Commission is consistent with the provisions of Article 27A of the School Code and, if the approved proposal complies, certify the proposal.*~~

~~1) The Commission shall submit a final report to the State Board of Education, in the manner set forth in Section 650.30(a), as to any decision to reverse, on appeal, a local school board's determination with respect to a charter application or renewal, or to approve a charter school proposal established by referendum.~~

~~2) Reports of a reversal on appeal or approval of charters established by referendum shall contain the charter school proposal and the contractual agreement. The report also shall be accompanied by each of the forms listed in Section 650.30(b). Forms that require signature shall be signed by the executive director of the Commission and the appropriate officers of the charter school governing body.~~

~~b) The Commission also shall submit reports of renewal of its charters in the manner set forth in Section 650.30(a). The report shall be accompanied by each of the forms listed in Section 650.30(b). Forms that require signature shall be signed by the executive director of the Commission and the appropriate officers of the charter school governing body.~~

~~c) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by the Commission; a copy of the Commission's resolution setting forth its action and the reasons for the action; and any other documents upon which the Commission relied in denying the current proposal or revoking or not renewing the contract.~~

(Source: Repealed at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.40 Review of Local Approvals by the State Superintendent of Education ~~of Local or Commission Approvals~~

a) The State Superintendent shall review each report of an approved application or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the ~~School~~ Code. Proposed contractual agreements that are complete and compliant with the provisions of Article 27A of the ~~School~~ Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. The State Superintendent shall send a certification of the charter to each local school board that is a party to the application ~~or the Commission, as applicable,~~ and the charter school governing body.

b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Superintendent shall so notify each submitting school board ~~or the Commission, as applicable,~~ and the applicant or charter

holder, identifying the areas of deficiency that must be remedied before the proposal can be considered for certification.

c) The State Superintendent shall notify each local school board that is a party to the application ~~or the Commission, as applicable,~~ and the applicant or charter holder as to a determination made with respect to a report of an approved application or renewal by certified mail within 30 days after receipt of the report. (See Section 27A-8(f) of the ~~School~~ Code.)~~.~~

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.50 Revision of Certified Charters

a) A material revision to a previously certified contract may go into effect immediately upon approval of both the authorizer and the governing body of the charter school. Should either the authorizer or the governing body of the charter school request in writing that the State Superintendent certify the material revision as being consistent with the provisions of Article 27A, the material revision shall not take effect unless and until the State Superintendent so certifies. (See Section 27A-6(e) of the ~~School~~ Code.)

1) A request for the State Superintendent to certify a material revision shall consist of the revised contractual agreement, any other materials that describe the need for the material revision, and an explanation from the local authorizer or~~and/or~~ charter school governing body as to any legal concerns raised by the material revision.

2) The request also shall be accompanied by the forms specified in Section 650.30(b)(2)(A) and may include the forms specified in Section 650.30(b)(2)(B), (b)(2)(C) or (b)(2)(D), as applicable to the proposed revision.

b) A request for certification of a proposed revision shall be submitted to the State Board of Education in the manner set forth in Section 650.30(f)~~650.30(e)~~. Within 30 days after receiving the request for certification, the State Superintendent shall either:

1) Certify that the proposed revision is consistent with the provisions of Article 27A of the ~~School~~ Code; or

2) Request additional information as may be needed to render a decision.

c) The following revisions to a certified contract or a renewal are considered material for purposes of this Section. Any proposed revision not listed in this subsection (c), except those set forth in subsection (d), should be presumed material and shall be subject to the requirements of this Section.

1) Enrollment growth beyond 20 percent or expansion beyond the grade levels listed in the certified charter.

2) Transferring the charter to another non-profit entity.

3) Altering the mission of the charter or the targeted student population.

4) Employing or terminating a management company.

5) Any change to the charter with respect to the National School Lunch Program (7 CFR 210~~210.10~~ (2012)).

6) Any change to the charter with respect to the provision of student transportation.

d) The following revisions to a certified contract are not considered material for purposes of this Section.

1) Bylaws.

2) Relocation.

3) The name of the charter school.

4) The articles of incorporation.

5) Class sizes as stated in the application.

6) Length of school day or~~and/or~~ academic year.

7) Curriculum changes.

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(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.63 Appeal of Local School Board Decisions

a) A charter holder may appeal to the State Board of Education a local school board report that revokes or refuses to renew a charter. Any appeal must be submitted to the State Superintendent no later than 21 days after the local school board voted on the charter revocation or non-renewal.

1) The appeal shall be submitted electronically to the State Superintendent at charterappeals@isbe.net, with a copy sent by certified mail or electronic mail to the local school board.

2) Based on the information available to the charter holder, the appeal submitted by the charter holder shall state the reason why the decision of the local school board should be overturned.

3) Any appeal not submitted within the deadline specified in this subsection (a) will not be considered by the State Superintendent, and the State Superintendent will notify the applicant that the appeal will not be considered.

b) The State Superintendent will conduct a documentary review of the materials submitted with any appeal that is filed within the deadline specified in subsection (a), which, at the State Superintendent's discretion, may be conducted by State Board personnel or independent evaluators. The parties shall submit any additional information that the State Superintendent determines is necessary to consider the appeal.

c) Hearings on Charter Appeals

1) Within 7 days after receipt of any appeal that is timely filed under subsection (a), the State Superintendent will select a hearing officer and will issue a written Notice of Opportunity for Hearing, which will be served upon the local school board and the charter holder.

A) The Notice of Opportunity for Hearing must include a copy of the appeal and the electronic or mailing address to which the recipient of the Notice must send the request for hearing.

B) A request for hearing must be submitted to the State Superintendent within 10 days after receipt of the Notice of Opportunity for Hearing.

2) If no hearing is requested in accordance with this subsection (c), the hearing officer shall issue an order finding that no hearing has been requested and that a proposed order will be generated in accordance with subsection (d)(3).

3) No later than 10 days following the receipt of a request for a hearing, the hearing officer must issue to the parties a Notice of Hearing. The Notice of Hearing must include the date, time, and location of the hearing, with the hearing convened and conducted no later than 45 days after receipt of a timely filed appeal under subsection (a), unless otherwise agreed to by all parties to the matter. The hearing must be conducted at either the State Board of Education's Springfield office or Chicago office, unless the State Superintendent, local school board, and charter holder all agree on an alternative location. No less than 48 hours before the hearing, the Notice of Hearing must be posted on the State Board's website and at the principal office holding the meeting.

4) A local school board may submit to the State Superintendent a formal response to the appeal.

A) The response must be submitted electronically to the State Superintendent at charterappeals@isbe.net, with a copy sent by certified mail or electronic mail to the charter holder.

B) The response must address the reasons for the local school board's decision to revoke or not renew the charter of the charter holder, to the extent not already addressed in the local school board's final report submitted under Section 650.30 of this Part. In accordance with Section 27A-9(c) of the School Code, *no local school board may arbitrarily or capriciously revoke or not renew a charter*. The response must also detail how the local school board will ensure

that all students who are currently enrolled in the charter school will be offered placement in a higher performing school, *as defined in the State's Every Student Succeeds Act accountability plan*. If the local school board is unable to offer all students placement in a higher performing school, the response *must detail, by clear and convincing evidence, that factors unrelated to the charter school's accountability designation outweigh the charter school's academic performance*.

C) If the hearing officer receives this response before the date of the hearing, he or she must consider it as part of his or her proposed order under subsection (d)(2).

5) The following shall be the order of proceedings for all hearings concerning a local school board's decision to revoke or not renew a charter, subject to modification by the hearing officer for good cause:

A) Oral presentation by the charter holder of up to 45 minutes to address the reasons why the decision of the local school board should be overturned. The charter holder may cede any part of its time to any member of the public who wishes to speak on the charter holder's behalf.

B) Oral presentation by the local school board or boards of up to 45 minutes each to address the reasons why a local school board's decision was proper under Article 27A of the School Code. The local board may cede any part of its time to any member of the public who wishes to speak on the local board's behalf.

C) Questions to the charter holder to clarify any issues or to address any deficiencies noted by State Board personnel or independent evaluators through the documentary review conducted under subsection (b).

D) Questions to the local school board to clarify any issues or to address any deficiencies noted by State Board personnel or independent evaluators through the documentary review conducted under subsection (b).

6) A hearing conducted under this subsection (c) must be open to the public.

d) Proposed Orders

1) In reviewing appeals, the State Board will consider whether the charter school subject to closure *is in compliance with Article 27A of the Code and is in the best interests of the students the charter school is designed to serve*. (Section 27A-9(e) of the Code)

2) No later than 14 days after the close of a hearing, the hearing officer shall issue proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100] (IAPA). These recommendations must be made upon consideration of the record as a whole or any portion of the record as may be supported by competent, material, and substantial evidence. After the hearing officer issues his or her proposed order to the State Superintendent, the State Superintendent will review the record and the hearing officer's findings of fact, conclusions of law, and recommendations and may accept, reject, or modify the hearing officer's recommendation.

3) If no hearing is conducted under this Section, the State Superintendent will review any appeal materials submitted by the parties and any additional analysis conducted by State Board personnel or independent evaluators under subsection (b), and will make a recommendation, by way of a proposed order that complies with IAPA Section 10-45.

4) The State Superintendent will forward a copy of the proposed findings of fact, conclusions of law, and recommendations to both the charter holder and the local school board or boards.

e) Final Decision

1) The State Superintendent will submit his or her findings and recommendation, together with any exceptions or briefs, to the State Board for a final decision.

2) A copy of the final decision will be sent by certified mail to each party no later than 60 days after receipt of the appeal, after receipt of any additional

information requested under subsection (b), after the date of the hearing conducted under this Section, or after receipt of any exceptions or briefs filed in accordance with IAPA Section 10-45, whichever occurs last. The State Board's failure to strictly comply to the time constraints under this subsection (e)(2) does not invalidate the State Board's final decision.

3) The decision of the State Board is final unless appealed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 27A-9(e) of the Code.

f) Any appeals validly-filed with the State Charter School Commission under Section 27A-9(e) of the Code that are still pending on June 30, 2020 will be determined by the State Board in accordance with this Section. The State Superintendent may extend the time for review as necessary for thorough review, but in no case may the extension exceed the time that would have been available had the appeal been submitted to the State Board on July 1, 2020.

(Source: Added at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action

In accordance with Section 27A-12 of the School Code, the State Board of Education shall rely on information reported by authorizers pursuant to Section 650.55 and *ongoing monitoring of both charter schools and authorizers* to determine whether *to remove the power to authorize from any authorizer in this State if the authorizer does not demonstrate a commitment to high-quality authorization practices and, if necessary, revoke* the charters of *the chronically low-performing charters authorized by the authorizer at the time* the power to authorize is removed. [105 ILCS 5/27A-12]

a) A charter school authorizer may be subject to corrective action, including but not limited to removal of chartering authority, in the following circumstances:

1) Failure to develop chartering policies and practices consistent with the principles and standards set forth in Appendix A (see Section 27A-7.10(e) of the ~~School~~ Code);

2) Failure to comply with any State or federal statutory or regulatory requirement for charter authorization;

3) Failure to require a plan of remediation pursuant to Section 27A-9(c) of the ~~School~~ Code for, ~~and/~~or to close, charter schools that:

A) committed a material violation of any of the conditions, standards or procedures set forth in the charter; ~~and/~~or

B) violated any provision of law from which the charter school was not exempted under Article 27A of the ~~School~~ Code;

4) Failure to require a plan of remediation pursuant to Section 27A-9(c) of the ~~School~~ Code for, ~~and/~~or to close, charter schools that:

A) have exhibited low student performance as evidenced by:

i) a school's student achievement being among the lowest 5 percent of schools in the State, as determined by a three-year average of State assessment results for all students in reading and mathematics;

ii) if the charter school is a high school, an average graduation rate of less than 60 percent over the three school years immediately preceding the year in which corrective action is being considered; or

iii) receipt of a school improvement grant under Section 1003(g) of Title I of the Elementary and Secondary Education Act of 1965 (20 USC 6301 et seq.); and/or

B) fail to meet performance targets and standards established by the authorizer in a charter school performance plan by the timelines specified in the plan;

5) Failure to require a plan of remediation pursuant to Section 27A-9(c) for, ~~and/~~or to close, charter schools for financial mismanagement or failure to meet generally accepted standards of fiscal management; ~~and/~~or

6) A pattern of evidence-based complaints about the authorizer or any of its public charter schools, filed with the State Superintendent of Education in accordance with subsection (b).

b) A complaint alleging that an authorizer has violated a requirement of Article 27A of the ~~School~~ Code or this Part may be submitted in writing to the State Superintendent ~~of Education~~ no later than one calendar year from the date of the alleged violations.

1) The written complaint shall include:

A) A statement as to which provision of law or rules has been violated;

B) The date or dates upon which the violation occurred;

C) The facts on which the statement is based; and

D) The signature and contact information for the complainant.

2) A complaint submitted in accordance with subsection (b)(1) shall be considered by the State Superintendent ~~of Education~~ unless:

A) It clearly appears on its face to be frivolous, trivial or designed or intended primarily to harass the authorizer;

B) The State Superintendent ~~of Education~~ has documentation that the authorizer already is satisfactorily addressing issues that are substantially the same as those raised in the complaint;

C) Prior to any action by the State Superintendent ~~of Education~~, the complainant withdraws the complaint; or

D) The alleged violation occurred more than one calendar year after the complaint was submitted to the State Superintendent ~~of Education~~.

3) At the conclusion of any complaint investigation, the State Board will~~shall~~ provide to the complainant a written decision that addresses each allegation in the complaint and contains:

A) Findings of fact and conclusions with respect to those allegations;

B) The reasons for the State Board of Education's final decision; and

C) Orders for any actions or sanctions, including, without limitation, technical assistance activities and negotiation, imposed against the authorizer ~~and/~~or any charter schools under its jurisdiction.

c) When the State Superintendent of Education has information that the authorizer may meet one or more of the conditions specified in subsection (a), or upon a determination that a complaint submitted pursuant to subsection (b) is within the State Board of Education's jurisdiction (i.e., alleges a violation of Article 27A of the ~~School~~ Code or this Part) and merits consideration (e.g., subsection (b)(2)), the State Superintendent shall provide written notification to the authorizer enumerating the deficiencies found or the particulars of the complaint filed against the authorizer and providing a copy of the complaint, redacting any information that is protected from disclosure under one or more exemptions enumerated in the ~~Illinois~~ Freedom of Information Act [5 ILCS 140].

1) The written notification shall be sent by certified mail, return receipt requested, to the authorizer, and a copy of the notification shall be provided by regular U.S. mail to the complainant.

2) Upon receipt of the notification, the authorizer shall have no more than 15 days to provide a written response to the State Board ~~of Education~~. The authorizer and the State Superintendent ~~of Education~~ may mutually agree to a longer time for response, but in no case shall the response time exceed 45 days. The written response shall be addressed to the General Counsel, Illinois State Board of Education, 100 West Randolph Street, Suite 14-300, Chicago, Illinois 60601.

3) The authorizer's written response shall include a statement addressing any of the deficiencies cited by the State Superintendent ~~of Education~~ or the issues raised in a complaint, as well as any documentation requested by the State Superintendent.

4) The authorizer shall provide a copy of the written response and any supporting documentation to the complainant within the timelines established pursuant to subsection (c)(2).

d) Reasonable Inquiry

1) The State Superintendent of Education may conduct a reasonable inquiry to determine if the authorizer has violated any of the provisions of Article 27A of the ~~School~~ Code or this Part if:

A) The authorizer fails to respond to the complaint within the timeframe specified in subsection (c);

B) The authorizer denies the allegations in the complaint;

C) It cannot otherwise be determined on the face of the complaint and the authorizer's response as to whether the authorizer has violated any Section of the Charter Schools Law or this Part; or

D) In the authorizer's initial response, the authorizer concedes noncompliance and agrees to take appropriate remedial action, but:

i) The complainant submits additional documentation, either orally or in writing, alleging that no remedial action has occurred or that remediation was not completed within the timeframe committed to by the authorizer; or

ii) The State Superintendent ~~of Education~~ finds that no remedial action has occurred or remediation was not completed within the timeframe committed to by the authorizer.

2) The reasonable inquiry may include one or more of the following steps, which may be conducted by State Board of Education personnel, or an outside entity, at the State Superintendent's~~Superintendent of Education's~~ discretion. The State Superintendent shall notify the authorizer in advance of commencing the reasonable inquiry of the identity of any outside entity to be used to conduct the inquiry.

A) Review of all or selected portions of the authorizer's policies, practices, education records or curriculum;

B) Contact with individuals from the authorizer or any charter school under the authorizer's jurisdiction who might reasonably be expected to have information relevant to identified deficiencies or the allegations of the complaint;

C) Desk audit, whereby the State Superintendent ~~of Education~~ would require submission or complete access to materials or data from the authorizer or any charter school under the authorizer's jurisdiction that the State Superintendent ~~of Education~~ determines will assist him or her in responding to the identified deficiencies or the allegations in the complaint; ~~and/~~or

D) Technical assistance as needed to attempt to bring the authorizer into compliance.

e) If the reasonable inquiry results in a determination of noncompliance, the State Superintendent shall provide a written notification of noncompliance to the authorizer by certified mail, return receipt requested. The notification of noncompliance shall specify the following:

1) All formal findings of noncompliance specific to the statutory or regulatory violations that led to the finding of noncompliance, to include any new allegations raised during the reasonable inquiry conducted pursuant to subsection (d);

2) The timeframe within which the areas of noncompliance must be cured;

3) The technical assistance available to the authorizer, if applicable;

4) The consequences that may be imposed by the State Board of Education should the authorizer fail to address the areas of noncompliance (see subsection (i)); and

5) A statement informing the authorizer that it may seek a conference with representatives of the State Board of Education to dispute the findings of

noncompliance, including those resulting from any new allegations raised during the reasonable inquiry conducted pursuant to subsection (d), by submitting a written request to the address specified in subsection (c)(2) within 15 days after receiving the notification of noncompliance.

f) Within 60 days after the date of receipt of notification of noncompliance issued under subsection (e), or within 60 days after the date of any conference scheduled pursuant to subsection (e)(5), whichever is later, the authorizer shall submit to the State Superintendent a corrective action plan that conforms to the requirements of subsection (g). The authorizer and State Superintendent ~~of Education~~ may mutually agree to a longer time for response, but in no case shall the response time exceed 90 days. The plan must be signed by the president and secretary of the local board of education, pursuant to Section 10-7 of the Code, as evidence that the board adopted a resolution authorizing its submission.

~~1) If the authorizer is a local school board, the plan shall be signed by the president and secretary of the local board of education pursuant to Section 10-7 of the School Code, as evidence that the board adopted a resolution authorizing its submission.~~

~~2) If the authorizer is the Commission, the plan shall be signed by the chairman of the Commission as evidence that the Commission adopted a resolution authorizing its submission.~~

g) The State Superintendent of Education shall approve or disapprove a corrective action plan no later than 30 days after its receipt from the authorizer and shall notify the authorizer in writing of that decision.

1) The State Superintendent shall approve a plan if it:

A) Specifies the steps to be taken by the authorizer that are directly related to the area or areas of noncompliance cited;

B) Provides evidence that the authorizer has the resources and ability to take the steps described without giving rise to other issues of compliance that would subject the authorizer to corrective action; and

C) Specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

2) If no plan is submitted, or if no approvable plan is received within the timeframe required under subsection (f), the State Board of Education may impose sanctions against the authorizer in accordance with subsection (i).

h) If, at any time while a plan for corrective action is in effect, the State Board~~ of Education~~ determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Board~~ of Education~~ may impose sanctions in accordance with subsection (i).

i) Sanctions Against an Authorizer
In accordance with Section 27A-12 of the~~ School~~ Code, the State Board of Education may remove an authorizer's power to authorize charter schools. For the purposes of this Section, "removal of the power to authorize" means~~shall mean~~ removal of an authorizer's power to approve and oversee any new charter schools~~, and/~~or removal of an authorizer's power to oversee charter schools already operating that are under the jurisdiction of the authorizer.

1) An authorizer that is subject to sanctions pursuant to this Section may make an oral presentation to the State Board. A request to make an oral presentation must be submitted in writing and postmarked no later than 30 days from the date of receipt of notice that sanctions may be imposed, and must identify the specific agency findings with which the authorizer disagrees. The State Board shall consider oral presentations and written documents presented by staff and interested parties prior to rendering a final decision.

2) In the event that chartering authorization is removed, the State Board~~ of Education~~ shall determine the status of each charter school within the authorizer's portfolio. With respect to each charter school, the State Board may:

A) Allow the charter school to continue operating under the jurisdiction of the authorizer;

B) Terminate the existing charter agreement between the authorizer and the governing board of the charter school and transfer the charter school to the State Board~~another authorizer~~ in accordance with subsection (j); or

C) Terminate the existing charter agreement between the authorizer and the governing board of the charter school and close the charter school in accordance with subsection (k).

j) Transfer of Charter Schools

1) Based upon a recommendation of the State Superintendent of Education, the State Board of Education may order that the authorization for any charter school~~a change in authorizer for charter schools~~ under the jurisdiction of a local school board~~an authorizer~~ that has had its power to authorize charter schools removed under this Section be transferred to the State Board.~~ Unless compelling reasons justify a different recommendation:~~

~~A) The State Superintendent shall recommend a transfer to the Commission in the case of sanctions against a local school board authorizer; or~~

~~B) The State Superintendent shall recommend a transfer to the school board for the district or districts of student residency in the case of sanctions against the Commission.~~

2) The State Superintendent~~ of Education~~ shall provide written notification of the transfer recommendation by certified mail, return receipt requested, to the governing bodies of any charter school subject to transfer. If the charter school does not consent to the transfer, it must provide written notification to the State Superintendent no later than 14 days after receipt of the transfer recommendation. If the State Superintendent does not receive this notification, he or she shall present the transfer recommendation at a meeting of the State Board and the State Board will vote on whether to enter into a charter agreement with the charter school.~~ and the entity recommended to become the authorizer.~~

~~3)~~ ~~The governing bodies of any charter school that is subject to the transfer recommendation and the entity recommended to become the authorizer shall follow the same process and be subject to the same timelines for review as set forth in Section 27A-8 of the School Code to determine whether to enter into a contractual agreement for authorization. Until the process is complete, the charter school shall remain open under its current authorizer.~~

A) The~~If the charter school does not consent to the transfer, the~~ State Board will~~ of Education shall~~ order a~~the~~ charter school that does not consent to a transfer under this subsection (j) to close. Prior to this direction, the State Board will~~of Education shall~~ permit members of the governing board of the charter school subject to closure to present written and oral comments to the State Board~~ of Education~~.

B) Any closure of a charter school pursuant to~~ this~~ subsection (j)(2)(A)~~(j)(3)(A)~~ shall follow the procedures set forth in Section 650.70~~ (Procedures for Closing a Charter School)~~.

~~B) If the entity recommended to become the authorizer does not consent to the transfer, the State Board of Education shall direct the State Superintendent of Education to either recommend an alternative authorizer to which the charter school will be transferred in accordance with the requirements of this Section or to close the charter school by following the procedures set forth in Section 650.70.~~

3~~4~~) Except in the case of an emergency that places the health, safety or education of the charter school's students at risk, the transfer of the charter school to the State Board~~its new authorizer~~ shall occur at the end of the school year.

4~~5~~) The term of the contract with the State Board~~a new authorizer~~ after a transfer of authorizers may be for a period not to exceed five years following the date the State Board voted to assume jurisdiction over the transferred charter school~~effective date of the certification of the new charter school in accordance with Article 27A of the School Code and this Part~~.

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k) Closure of Charter Schools

1) The State Board of Education may order any charter school under the jurisdiction of the authorizer that has had its power to authorize charter schools removed under this Section to close if the State Board~~ of Education~~ clearly demonstrates that the charter school did any of the following or otherwise failed to comply with the requirements of Article 27A of the~~ School~~ Code:

A) Exhibited low student performance, as defined in subsection (a)(4)(A), ~~and/~~or failed to meet performance targets and standards established by the charter school's authorizer in a charter school performance plan within the timelines specified in the plan;

B) Mismanaged its finances or failed to meet generally accepted standards of fiscal management;

C) Violated any provision of law from which the charter school was not exempted pursuant to Section 27A-5 of the~~ School~~ Code; ~~and/~~or

D) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

2) Prior to the State Board~~ of Education's~~ ordering any charter school to close under this subsection (k), the State Superintendent will~~of Education shall~~ provide written notification by certified mail, return receipt requested, to the governing board of the charter school subject to closure. The notice shall summarize the reasons for the closure recommendation and provide, as applicable, the formal opinion pertaining to the recommendation.

3) The governing board of the charter school subject to closure shall have seven days from the date of receipt of the State Superintendent's notice to request the opportunity to present written and oral comments to the State Board~~ of Education~~ about the closure recommendation.

4) Any closure of a charter school pursuant to this subsection (k) shall follow the procedures set forth in Section 650.70.

l) An authorizer that has had its power to authorize charter schools removed pursuant to this Section may petition the State Board~~ of Education~~ for a return of authorizing powers. The State Board of Education will~~shall~~ reinstate the power to authorize to an authorizer if the authorizer clearly demonstrates that:

1) Any noncompliance matters that resulted in the sanctions have been resolved;

2) The authorizer has developed systems and processes to ensure that the noncompliance issues that resulted in the sanctions will not recur; and

3) The authorizer has participated in a State-level~~State-~~ or national-level training program designed to develop the capacity and effectiveness of charter school authorizers~~, including but not limited to any training programs offered by the Commission, provided that the Commission is not the sanctioned authorizer submitting the petition for reinstatement~~.

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.70 Procedures for Closing a Charter School

The governing body of a charter school that is closing, whether voluntarily or involuntarily, shall be subject to the requirements of this Section.

a) Required Notices

1) Except in the case of an emergency, when the health, safety or education of the charter school's students is at risk, any notice of a charter school's closing required under subsection (a)(2) shall be provided:

A) at least 60 days before the end of the school year in which the closure will take place for a charter school that is closing involuntarily (i.e., has had its charter revoked or not renewed); or

B) at least 60 days before the scheduled closing date for a charter school that is voluntarily closing.

2) The governing body or its designee shall provide notice of the charter school's closure:

A) to the charter school's employees, including the date of closure;

B) to the parents or guardians of the students attending the school and to the superintendent of each school district in which any of the charter school's students reside, including:

i) the date of closure; and

ii) the procedures the parents or guardians should follow in order to continue their children's education within the public schools;

C) to the entity that authorized the charter school and to the State Superintendent of Education, submitted by certified mail, return receipt requested, and including:

i) the date of closure;

ii) the name, address, and telephone number of the person who will be responsible for making arrangements for the closure; and

iii) copies of the notices required by subsection~~subsections~~ (a)(2)~~(A) and (a)(2)(B) of this Section~~.

b) Disposition of Assets
Any unspent public funds and other property and assets of the charter school shall be disposed of in the manner set forth in Section 27A-10.10 of the ~~School~~ Code.

c) Student Records
The governing body or its designee shall transfer its students' permanent and temporary records, as defined in ~~(see~~ 23 Ill. Adm. Code 375.10,~~; Definitions)~~ to the school's chartering entity or entities, as set forth in 23 Ill. Adm. Code 375.75, ~~(Public and Nonpublic Schools: Transmission of Records for Transfer Students),~~ except that, if the State Board~~Commission~~ is the chartering entity, each student's permanent record shall be transferred to his or her district of residence.

d) Other Records
The governing body or its designee shall prepare all the school's records for transfer to the chartering entity or entities. These records shall include, but need not be limited to:

1) the minutes of the meetings of the governing body;

2) the school's policy manual;

3) the manuals setting forth the school's administrative, accounting, and personnel-related procedures;

4) all personnel files, including service records and information regarding teachers' licensure;

5) all teachers' schedules;

6) all inventory records for fixed assets (i.e., tangible property used in operating the charter school);

7) bank statements, including any canceled checks returned by the financial institution;

8) corporate credit card statements and invoices;

9) accounting reports, budgets, journals, ledgers, and registers;

10) annual financial reports prepared by independent auditors;

11) all agreements, contracts, and records of arrangements, including any exhibits, amendments, or other supporting documentation;

12) all Internal Revenue Service forms used and any supporting documentation;

13) all Teachers' Retirement System forms used and any supporting documentation;

14) purchase requisitions and purchase vouchers, including supporting documentation such as vendors' invoices, store receipts, or travel itineraries;

15) vouchers for reimbursement of staff expenses, including travel, with any supporting documentation; and

16) all electronic files containing financial records pertaining to the school.

e) Requirements for Inventory Records
For each fixed asset of the charter school (i.e., land, buildings, machinery, equipment, furniture, and fixtures), the inventory record shall include the following information:

1) a description of the fixed asset;

2) a manufacturer's serial number, model number, federal or national stock number, or other identifying number, if applicable;

3) an indication as to whether local, State, ~~and/~~or federal funds were used to acquire the asset, along with information from which the percentage of State ~~and/~~or federal participation can be calculated;

4) whether title to the asset vests in the charter school, an agency of State government, or the federal government;

5) the acquisition date (or the date received, if the asset was furnished by a donor) and cost;

6) the location and condition of the fixed asset and the date as of which this information was last reported (e.g., the date of the last physical inventory taken by representatives of the charter school);

7) information as to the ultimate disposition of the fixed asset, including the date of disposal and sale price, or, when the charter school has compensated a State or federal agency for its share in the asset, the method used to determine the current fair market value.

f) Final Financial Accountability

1) The governing body or its designee shall cause a final audit of the charter school to be performed by an independent auditor after all the school's assets have been liquidated and its accounts payable have been settled. The governing body or its designee shall provide a copy of the audit report to the chartering entity.

2) If the governing body has been unable to liquidate all the school's accounts payable, the governing body or its designee shall inform the chartering entity or entities of any outstanding obligations. The chartering entity shall not, however, be responsible for any obligation of a charter school not specified in the charter agreement.

3) The governing body shall designate an individual who will complete any expenditure reports or other fiscal documentation that may be required by the State Board of Education.

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section 650.100 Appeals to, and Requests for Consideration by, the Commission (Repealed)

~~a) An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter. An applicant for a charter also may submit its proposal to the Commission for consideration in situations in which the local school board fails to act on the proposal within a timely manner. (See Section 27A-8(d) and (e) of the School Code.) Any appeal or request for consideration shall be submitted to the Commission no later than 30 days after:~~

~~1) the date that the school board voted to deny the application; or~~

~~2) the date by which the school board was to, but did not, hold a public meeting (see Section 27A-8(d) of the School Code); or~~

~~3) the date by which the school board was to, but did not, vote on the charter request (see Section 27A-8(e) of the School Code).~~

~~b) The appeal or request for consideration must be submitted electronically to the Commission at state.charter.commission@illinois.gov, with a copy sent by certified mail or electronic mail to the school board.~~

~~c) Appeals of School Board Decisions to Deny, Revoke or not Renew a Charter The applicant, to the extent possible, must state the reasons why the decision of the school board should be reversed.~~

~~d) Consideration of Requests Due to Local Inaction~~

~~1) The applicant shall state the reasons why the proposal should be granted.~~

~~2) The applicant shall list the date the charter school proposal was submitted to the school board for consideration and, if a public meeting was held in accordance with Section 27A-8(c) of the School Code, the date of the public meeting and a statement that the school board failed to vote on the request within 30 days after the meeting being held.~~

~~e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal or consider a request submitted due to the local board's inaction.~~

~~f) Any appeal or request for consideration not submitted within the applicable deadline specified in subsection (a) shall not be considered, and the Commission shall provide notification to the applicant to this effect.~~

(Source: Repealed at 44 Ill. Reg. 13375, effective July 28, 2020)

Section 650.110 Review of Appeals and Requests for Consideration; Decision (Repealed)

~~a) Within seven days after receiving an appeal or a request to consider due to a school board's inaction, the Commission shall inform each party (i.e., charter school applicant and school district) of the following:~~

~~1) the time, date and location of the public meeting to hear the appeal or consider the request that is scheduled no later than 45 days after the Commission received the appeal or request for consideration;~~

~~2) a notice provided to both parties that either party may provide a written request for an opportunity to make an oral presentation before the Commission during the public meeting at which the Commission shall hear the appeal or consider the request. This request shall be submitted no later than seven days prior to the date set for the meeting; and~~

~~3) the time, date and location of any interviews the Commission may wish to schedule with the parties in advance of the public meeting.~~

~~b) When practicable, the Commission's designees (e.g., Commission staff, independent evaluators assigned by the Commission) shall conduct any interviews in the presence of both parties. Unless otherwise required by Illinois law, the interviews shall not be open to the public.~~

~~c) In addition to the timeline provided under subsection (a) of this Section, the Commission shall provide each party with a reminder notice at least five days in advance of the public meeting to be held to hear the appeal or consider the request. A public meeting conducted under this subsection (c) shall comply with the Open Meetings Act [5 ILCS 120].~~

~~1) If either party has requested an oral presentation, the Commission shall provide each party with an equal amount of time to make the oral presentation to the body and to respond to the Commission's questions.~~

~~2) The Commission shall reserve time at the public meeting to take testimony or comments from the public.~~

~~3) In so far as possible, the Commission shall hold the public meeting at or near the school district involved in the appeal or request for consideration.~~

~~d) The Commission shall render a decision no later than 30 days after the conclusion of the public meeting and shall announce that decision either during the public meeting held to consider the appeal or request for consideration or during another publicly scheduled meeting held within the required 30-day timeline.~~

~~1) In reviewing appeals or whether to grant a charter due to a school district's inaction, the Commission shall consider whether the charter proposal is in compliance with Article 27A of the School Code and is in the best interests of the students the charter school is designed to serve. (Section~~

~~27A-8(h) of the School Code). In order to determine whether a proposal satisfies both prongs under Section 27A-8(h), the Commission shall conduct a de novo review of the proposal and the district's response. Pursuant to this review, the Commission shall not give deference to any finding of fact or conclusion of law made by the local board of education with respect to the proposal or any information provided by the charter school applicant.~~

~~2)~~ ~~If the appeal or request for consideration, as a matter of law, does not comply with the Charter Schools Law, or if the charter proposal is not in the best interest of the students, the Commission shall issue a final decision to the parties containing the Commission's reasons for denying the appeal or request for consideration.~~

~~3)~~ ~~If the Commission finds that the charter school proposal complies with Article 27A of the School Code and is in the best interest of the students to be served, it shall issue a final decision to the parties containing the Commission's reasons for approving the appeal or request for consideration.~~

~~4)~~ ~~A copy of any decision rendered pursuant to subsection (d)(2) or (d)(3) of this Section shall be provided to each party by certified mail within the timeline set forth in this subsection (d).~~

~~e)~~ ~~The decision of the Commission is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 27A-8(h) of the School Code.~~

(Source: Repealed at 44 Ill. Reg. 13375, effective July 28, 2020)

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Section 650.APPENDIX A Principles and Standards for Authorizing Charter Schools

The following principles and standards for charter school authorizers align to Article 27A of the School Code and are based on the "Principles and Standards of Quality Charter School Authorizing" (2012), published by the National Association of Charter School Authorizers (NACSA), 105 West Adams Street, Suite 3500, Chicago IL 60603-6253 and posted at http://www.qualitycharters.org/publications-resources/principles-standards.html. No later amendments to or editions of these standards are incorporated. A small number of standards are identified as "advanced" (recommended); all others are considered "essential" (required).

PRINCIPLES

A high-quality authorizer engages in responsible oversight of charter schools by ensuring that schools have both the autonomy to which they are entitled and the public accountability for which they are responsible. The following three principles lie at the heart of the authorizing endeavor, and authorizers should be guided by and fulfill these principles in all aspects of their work.

Principle 1: Maintain High Standards

Sets high standards for approving charter applicants.

Maintains high standards for the schools it oversees.

Effectively cultivates high-quality charter schools that meet identified educational needs.

Oversees charter schools that meet over time the performance standards and targets on a range of measures and metrics set forth in the charter contracts.

Principle 2: Uphold School Autonomy

Honors and preserves core autonomies crucial to school success, including:

Governing board independent from the authorizer;

Personnel;

School vision and culture;

Instructional programming, design and use of time; and

Budgeting.

Minimizes administrative and compliance burdens on schools.

Focuses on holding schools accountable for outcomes rather than processes, while at all times strictly enforcing all applicable statutory and regulatory requirements for charter schools.

Principle 3: Protect Student and Public Interests

Makes the well-being and interests of students the fundamental value informing all the authorizer's actions and decisions.

Holds schools accountable for fulfilling fundamental public education obligations to all students, which includes providing:

Nonselective, nondiscriminatory access to all eligible students;

Fair treatment in admissions and disciplinary actions for all students; and

Appropriate services for all students, including those with disabilities and who are English learners, in accordance with applicable laws.

Holds schools accountable for fulfilling fundamental obligations to the public, which includes providing:

Sound governance, management and stewardship of public funds;

Public information and operational transparency in accordance with applicable State and federal laws; and

Compliance with all applicable laws and regulations.

Ensures in its own work:

Ethical conduct;

Focus on the mission of chartering high-quality schools;

Clarity, consistency and public transparency in authorizing policies, practices and decisions;

Effective and efficient public stewardship; and

Compliance with all applicable laws and regulations.

STANDARDS

Standard 1: Agency Commitment and Capacity

A high-quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs; clearly prioritizes a commitment to excellence in education and in authorizing practices; and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.

1.1 Standards for Planning and Commitment to Excellence

Supports and advances the purposes of Article 27A of the School Code.

Ensures that the authorizer's governing board, leadership and staff understand and are committed to the principles articulated in this Appendix A.

Defines external relationships and lines of authority to protect the authorizing functions from conflicts of interest and political influence.

Implements policies, processes and practices that streamline and organize its work toward State goals, and executes its duties efficiently while minimizing administrative burdens on schools.

Evaluates its work regularly against national standards for high-quality authorizing and recognized effective practices and develops and implements timely plans for improvement if these standards and practices are not achieved.

States a clear mission for high-quality authorizing (advanced).

Articulates and implements an intentional strategic vision and plan for chartering, including clear priorities, goals, and timeframes for achievement (advanced).

Evaluates its work regularly against its chartering mission and strategic plan goals, and implements plans for improvement when the mission and strategic plan goals are not achieved (advanced).

Conforms to reporting requirements about its progress and performance in meeting its strategic plan goals, as required by Section 27A-12 of the School Code and Section 650.55 of this Part.

1.2 Standards for Human Resources

Enlists expertise and competent leadership for all areas essential to charter school oversight, including, but not limited to, educational leadership; curriculum, instruction and assessment; special education; English learners and other diverse learning needs; performance management and accountability; law; finance; facilities; and nonprofit governance and management through the use of staff, contractual relationships, ~~and/~~or intra-agency or inter-agency collaborations.

Employs competent personnel at a staffing level that is appropriate and sufficient, commensurate with the size of the charter school portfolio, to carry out all authorizing responsibilities in accordance with the principles and standards set forth in this Appendix A.

Provides for regular professional development for the authorizer's leadership and staff to achieve and maintain high standards of professional authorizing practice and to enable continual improvement.

1.3 Standards for Financial Resources

Determines the financial needs of the authorizing office and devotes sufficient financial resources to fulfill its authorizing responsibilities in accordance with the principles and standards set forth in this Appendix A and commensurate with the scale of the charter school portfolio.

Tracks operating costs and expenses associated with the performance of the powers and duties enumerated in Section 27A-7.10(a) of the School Code and any additional duties set forth in the terms of each charter contract.

When making decisions pertaining to approving or renewing a charter school, considers whether the terms of the charter, as proposed, are economically sound for both the charter school and the school district. (See Section 27A-7(a) of the School Code.)

Provides funding to all charter schools in compliance with the requirements of Article 27A of the School Code and submits to the State Board of Education information about the budget and financial schedule as may be required.

Structures funding in such a way as to avoid conflicts of interest, inducements, incentives or disincentives that might compromise its judgment in charter approval and accountability decision-making.

Deploys funds effectively and efficiently and maintains the public's interests when doing so.

Standard 2: Application Process and Decision-Making

A high-quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate a strong capacity to establish and operate a high-quality charter school.

2.1 Standards for Proposal Information, Questions and Guidance

Maintains a charter application information packet or, if actively soliciting proposals, issues a request for proposals (RFP) that:

States any chartering priorities the authorizer may have established;

Articulates comprehensive application questions to elicit the information needed for a rigorous evaluation of the applicant's plans and capacities; and

Provides clear guidance and requirements for the content and format of the application and the evaluation criteria that will be used when considering the application.

Welcomes proposals from first-time charter applicants, as well as existing school operators or replicators, and appropriately distinguishes between the two types of developers in proposal requirements and evaluation criteria.

To the extent it is determined to be economically sound for the district and the charter school, encourages expansion and replication of charter schools that demonstrate success and capacity for growth.

Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.

To the extent it is determined to be economically sound for the district and the charter school, broadly invites and solicits charter applications, while publicizing the authorizer's strategic vision and chartering priorities without restricting or refusing to review applications that propose to fulfill other goals (advanced).

2.2 Standards for Fair, Transparent, Quality-Focused Procedures

Implements a charter application process that is open, well-publicized and transparent, and is organized around timelines that are clear, realistic and compliant with the timelines for review of charter proposals set forth in Section 27A-8 of the School Code.

Allows sufficient time in the application process so that each stage of the application review and school pre-opening processes are carried out with integrity and attention to high quality.

Explains how each stage of the application process is conducted and evaluated.

Informs applicants of their rights and responsibilities and promptly notifies applicants in writing of approval or denial, while explaining the factors that determined the decision.

In compliance with Sections 27A-8(f) and 27A-9(e) of the School Code and Section 650.30 of this Part ~~(Submission to the State Board of Education)~~, submits all required documentation pertaining to charter school approvals, denials, revocations, or non-renewals to the State Board of Education~~, and all required documentation pertaining to denials, revocations or non-renewals to the State Board of Education and the Commission~~.

2.3 Standards for Rigorous Approval Criteria

Requires all applicants to submit a charter school proposal that is complete and fully addresses all required elements under Section 27A-7(a) of the School Code, including, but not limited to, a clear and compelling mission; a high-quality educational program; a solid business plan; a transportation plan to meet the needs of low-income and at-risk students; effective governance and management structures and systems; founding team members who demonstrate diverse and necessary capabilities; and clear evidence of the applicant's capacity to execute its plan successfully.

Establishes distinct requirements and criteria for applicants that are existing school operators and those that are replicators.

Establishes distinct requirements and criteria for applicants proposing to contract with education service or management providers.

To the extent that these schools are permitted under Article 27A of the School Code, establishes distinct requirements for applicants proposing to operate schools devoted exclusively to students from low-performing or overcrowded schools.

To the extent that these schools are permitted under Article 27A of the School Code, establishes distinct requirements for applicants proposing to operate schools devoted exclusively to re-enrolled high school dropouts and/or students 16 or 15 years old who are at risk of dropping out.

To the extent that these schools are permitted under Article 27A of the School Code, establishes distinct requirements and criteria for applicants proposing to operate virtual or online charter schools.

2.4 Standards for Rigorous Decision-Making

Grants charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria.

Rigorously evaluates each application through the use of knowledgeable and competent evaluators who employ some combination of a thorough review of the written proposal, a substantive in-person interview with the applicant group, the public meeting required under Section 27A-8(c) of the School Code for gathering more information to assist in determining whether to grant or deny the charter school proposal, and other due diligence to examine the applicant's experience and capacity.

Engages, for both written application reviews and any applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial and legal expertise, as well as thorough understanding of the provisions of Article 27A of the School Code and the essential principles of charter school autonomy and accountability.

Provides orientation or training to application evaluators (including interviewers) to ensure the use of consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants.

Ensures that the application review process and decision-making are free of conflicts of interest, and requires full disclosure of any potential or perceived conflicts of interest between reviewers or decision-makers and applicants.

Standard 3: Performance Contracting

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A high-quality authorizer executes contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences and other material terms. The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.

3.1 Standards for Contract Term, Negotiation and Execution

Executes a contract with a legally incorporated governing board of a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois that is completely independent of the authorizer.

Executes all charter agreements within 120 days after the charter's approval and at least 30 days before the start of school, whichever date comes first.

Ensures that all charter school agreements have been certified by the State Board of Education in accordance with Section 650.40 prior to the date on which the charter school opens or begins its renewal term.

Defines material terms of the contract.

Ensures mutual understanding and acceptance of the contract by the school's governing board prior to authorization or charter granting by the authorizing board.

Allows, and requires contract amendments for, occasional material changes to the school's plan, but does not require amending the contract for non-material modifications.

3.2 Standards for Rights and Responsibilities

Executes charter school contracts that clearly:

State the rights and responsibilities of the school and the authorizer;

State and respect the autonomies to which charter schools are entitled, based on statute, waiver or authorizer policy, including those relating to the school's authority over educational programming, staffing, budgeting and scheduling;

Define performance standards, criteria and conditions for renewal, intervention, revocation and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;

State the statutory, regulatory and procedural terms and conditions for the school's operation, including a clearly defined list of all health and safety requirements applicable to all public schools under the laws of the State of Illinois;

State reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety and other legal requirements prior to opening and are prepared to open smoothly;

State the responsibility and commitment of the school to adhere to essential public education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a discipline policy approved by the authorizer; and

State the responsibilities of the school and the authorizer in the event of school closures.

Ensures that any fee-based services that the authorizer provides are set forth in a services agreement that respects charter school autonomy and treats the charter school equitably compared to district schools, if applicable; and ensures that purchasing these services is explicitly not a condition of charter approval, continuation or renewal.

3.3 Standards for Charter Performance Standards

Executes charter contracts that plainly:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Establish the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;

Include expectations for appropriate access, education, support services and outcomes for students with disabilities;

Define clear, measurable and attainable academic, financial and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to required State and federal measures;

~~Make increases in student academic achievement for all groups of students described in section 6311(b)(2)(C)(v) of the Elementary and Secondary Education Act (20 USC 6301 et seq.) the most important factor to be considered for charter renewal or revocation decision-making;~~

Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including State-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews and performance comparisons with other comparable public schools in the district and State;

Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability;

Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties and sound public stewardship; and

Include clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable, requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school's success in fulfilling its mission and serving its special population.

3.4 Standards for Education Service or Management Contracts (if applicable)

For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the charter school governing board and the school's financial independence from the external provider. In determining whether a charter school is independent of the external provider, the authorizer shall consider the criteria listed in Q & A (B-13) of the U.S. Department of Education, Charter Schools Program, Title V, Part B of the ESEA, Nonregulatory Guidance (Published January 2014~~April 2011~~) and posted at http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc. ~~http://www2.ed.gov/programs/charter/nonregulatory-guidance.doc.~~

Reviews the proposed third-party contract as a condition of charter approval to ensure that it is consistent with applicable laws, authorizer policy and the public interest.

Standard 4: Ongoing Oversight and Evaluation

A high-quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation and renewal decisions; and provides regular public reports on school performance.

4.1 Standards for Performance Evaluation and Compliance Monitoring

Implements a comprehensive performance accountability and compliance monitoring system that is defined by the charter contract and provides the information necessary to make rigorous and standards-based renewal, revocation and intervention decisions.

Defines and communicates to schools the process, methods and timing of gathering and reporting school performance and compliance data.

Implements an accountability system that effectively streamlines local, State and federal performance expectations and compliance requirements,

while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens.

Provides clear technical guidance to schools, as needed, to ensure timely compliance with applicable regulations.

Visits each school as appropriate and necessary for collecting data that cannot be obtained otherwise and in accordance with the contract, while ensuring that the frequency, purposes and methods of these visits respect school autonomy and avoid operational interference.

Evaluates each school annually on its performance and progress toward meeting the standards and targets stated in the charter contract, including essential compliance requirements, and clearly communicates evaluation results to the school's governing body and leadership.

In accordance with Section 27A-5(f) of the School Code, requires and reviews annual financial audits of schools conducted by a qualified independent auditor.

Communicates regularly with schools as needed, including both the school leaders and governing boards, and provides timely notice of contract violations or performance deficiencies.

Provides an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement.

Articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.

4.2 Standards for Respecting School Autonomy

Respects the school's authority over its day-to-day operations.

Collects information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is sufficiently detailed and timely to protect student and public interests.

Periodically reviews compliance requirements and evaluates the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance or other considerations.

Refrains from directing or participating in the educational decisions or choices that are appropriately within a school's purview under Article 27A of the School Code or the contract.

4.3 Standards for Protecting Student Rights

In accordance with Section 27A-4(d) and (h) of the School Code, ensures that schools admit students through a random selection that is open to all students who reside within the geographic boundaries of the areas served by the local school board, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service or parent contracts) that exclude students based on socioeconomic, family or language background; prior academic performance; special education status; or parental involvement.

Ensures that schools provide access and services to students with disabilities, as required by applicable State and federal laws, including compliance with individualized education programs and section 504 plans, access to facilities and educational opportunities.

Ensures clarity in the roles and responsibilities of all parties involved in serving students with disabilities.

Ensures that schools provide access to and appropriately serve other special populations of students, including English learners, homeless students and gifted students, as required by State and federal law.

Ensures that schools' student discipline policies and actions comply with applicable State and federal laws regarding discipline, are fair and ensure that no student is expelled or counseled out of a school outside of the process set forth in those policies.

4.4 Standards for Intervention

Establishes, and makes available to schools as they are chartered, an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue.

Gives schools clear, adequate, evidence-based and timely notice of contract violations or performance deficiencies.

Allows schools reasonable time and opportunity for remediation in non-emergency situations.

When intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

4.5 Standards for Public Reporting

Produces regular public reports that provide clear, accurate performance data for the charter schools overseen by the authorizer, reporting on individual school and overall portfolio performance according to the framework set forth in the charter contract. (Also see Section 650.55.)

Standard 5: Revocation and Renewal Decision-Making

A high-quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial and operational performance data to make merit-based renewal decisions and revokes charters when necessary to protect student and public interests.

5.1 Standards for Revocation

Adheres to all notice and corrective action requirements for revocation of a charter school, as set forth in Section 27A-9 of the School Code.

5.2 Standards for Renewal Decisions Based on Merit and Inclusive Evidence

Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract.

Grants renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.

Does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

5.3 Standards for Cumulative Report and Renewal Application

Provides to each school, in advance of the renewal decision, a cumulative performance report that:

Summarizes the school's performance record over the charter term; and

States the authorizer's summative findings concerning the school's performance and its prospects for renewal.

Requires any school seeking renewal to apply through the use of a renewal application, which should provide the school with a meaningful opportunity and reasonable time to respond to the cumulative performance report, to correct the record, if needed, and to present additional evidence regarding its performance.

5.4 Standards for Fair, Transparent Process

Clearly communicates to schools the criteria for charter revocation, renewal and non-renewal decisions that are consistent with the charter contract and Article 27A of the School Code.

Promptly notifies each school of its renewal (or, if applicable, revocation) decision, including a written explanation of the reasons for the decision.

Promptly communicates renewal or revocation decisions to the school community and public within a timeframe that allows parents and students to exercise choices for the coming school year.

Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

In compliance with Sections 27A-8(f) and 27A-9(e) of the School Code and Section 650.30 of this Part, submits all required documentation pertaining to charter school renewals, revocations, or non-renewals to the State Board of Education~~, and all required documentation pertaining to revocations or non-renewals to the State Board of Education and the Commission~~.

Regularly updates and publishes the process for renewal decision-making, including guidance regarding required content and format for renewal applications.

5.5 Standards for Closure

In the event of a school closure, oversees and works with the school's governing board and leadership in carrying out a detailed closure protocol that complies with Section 650.70 and all applicable State laws.

(Source: Amended at 44 Ill. Reg. 13375, effective July 28, 2020)

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organization, Public Information, Procedures and Rulemaking

2) Code Citation: 2 Ill. Adm. Code 3500

3)

Section Numbers:	Adopted Actions:
3500.325	New Section
3500.350	Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

5) Effective Date of Rules: July 29, 2020

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*: As this is a Title 2 internal rulemaking, First Notice publication was not required.

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

11) Differences between Proposal and Final version: As this is a Title 2 internal rulemaking, First Notice publication was not required.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR in respect to this rulemaking; technical changes made as indicated by JCAR have been made.

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

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments expand the Commission's conflict of interest policy and bring the Commission into compliance with 775 ILCS 40/40.

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

Illinois Torture Inquiry and Relief Commission
Attention: Michelle Jenkins
100 W. Randolph St., Ste. 10-300
Chicago IL 60601

312/814-1094
fax: 312/814-5333

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

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXV: TORTURE INQUIRY AND RELIEF COMMISSION

PART 3500
ORGANIZATION, PUBLIC INFORMATION, PROCEDURES AND RULEMAKING

SUBPART A: ORGANIZATION

Section
3500.10 Commission Members
3500.20 Chair of the Commission
3500.30 Terms of Members
3500.40 Compensation and Expenses
3500.50 Director
3500.60 Other Staff

SUBPART B: PUBLIC INFORMATION

Section
3500.210 Commission Records

SUBPART C: PROCEDURES

Section
3500.310 Meetings
3500.320 Quorum
3500.325 Conflicts of Interest
3500.330 Claim of Torture
3500.340 Initial Screening of Claim Form
3500.350 Wavier of Convicted Person's Procedural Safeguards and Privileges
3500.360 Informal Inquiry and Summary Dismissal
3500.370 Summary Referral (Repealed)
3500.375 Formal Inquiry
3500.380 Evidentiary Proceedings Before the Commission
3500.385 Decisions
3500.386 Factors Considered in Decisions
3500.390 Notification of Crime Victim
3500.395 Commission Reports to General Assembly and Governor

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: RULEMAKING

Section
3500.410 Adoption of Rules

AUTHORITY: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

SOURCE: Adopted at 35 Ill. Reg. 15125, effective August 25, 2011; amended at 38 Ill. Reg. 18988, effective September 19, 2014; amended at 41 Ill. Reg. 3941, effective March 17, 2017; amended at 44 Ill. Reg. 13427, effective July 29, 2020.

SUBPART C: PROCEDURES

Section 3500.325 Conflicts of Interest

a) A Commissioner shall disqualify himself or herself from an investigation or a proceeding where his or her impartiality might reasonably be questioned, including but not limited to the following instances:

1) The Commissioner has a personal bias or prejudice concerning a party or the party's lawyer;

2) The Commissioner has personal knowledge of disputed evidentiary facts concerning the matter in controversy; "Personal knowledge" does not include facts learned pursuant to official duties as a Commissioner or agent of the Commission. A "disputed evidentiary fact" does not include facts generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

3) The Commissioner or staff member served as a lawyer in the matter in controversy, or took actions in the matter in controversy that were covered by the attorney-client privilege and the privilege was held by the claimant or the state;

4) The Commissioner served as a law enforcement agent investigating the matter in controversy; the duty to recuse does not extend to investigation undertaken as part of official TIRC duties to investigate or adjudicate a TIRC claim.

5) The Commissioner advocated, as an attorney or otherwise, for or against the claimant or the state in the matter in controversy;

6) The Commissioner served as a lawyer for a co-defendant of the claimant in the matter in controversy;

7) The Commissioner could reasonably expect to be called as a material witness in the matter in controversy should an evidentiary hearing be held in any court of competent jurisdiction; the duty to recuse does not extend to knowledge gained as part of official TIRC duties to investigate or adjudicate a TIRC claim.

8) Within the three years before a proceeding is considered before the Commission, the Commissioner was in the private practice of law with a law firm that currently represents or previously represented the claimant in the proceedings before TIRC;

9) The Commissioner has an economic interest in the matter in controversy or the Commissioner knows that the Commissioner's spouse, parent, child, or member of the Commissioner's family residing with the Commissioner has an economic interest in the proceeding, or has anything other than a *de minimis* interest that could be substantially affected by the proceeding;

10) The Commissioner or the Commissioner's spouse or any person within the third degree of relationship to either of them is:

A) a party or former party to the proceeding;

B) acting or has acted as a lawyer in the proceeding;

C) is known to the Commissioner to have more than a de minimis interest in the proceeding that could be substantially affected by the proceeding; or

D) is, to the Commissioner's knowledge, likely to be a material witness in the proceeding.

For purposes of this sub-subsection, "third degree of relationship" is defined as a great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.

b) For purposes of sub-section (a) above, the "matter in controversy" includes but is not limited to the investigation of, prosecution of, defense of or adjudication of the claimant or his case in the underlying criminal investigation and court proceedings. It also includes the investigation of, prosecution of, defense of or adjudication of the claimant or his case in any civil lawsuit directly related to the underlying criminal investigation and court proceedings.

c) A Commissioner recusing himself or herself from a proceeding shall notify the Chair or Executive Director expeditiously after a conflict of interest is recognized so that other administrative arrangements may be made.

d) A Commissioner recusing himself or herself from a vote on a proceeding shall publicly announce his or her recusal prior to the vote. If the recusal occurs in closed session, the recusing Commissioner shall publicly announce the recusal at the first public meeting to consider the matter in controversy. An explanation of the reason for the recusal is encouraged but not required.

(Source: Added at 44 Ill. Reg. 13427, effective July 29, 2020)

Section 3500.350 Waiver of Convicted Person's Procedural Safeguards and Privileges

a) If the Director determines that the Claim Form satisfies the requirements of the initial screening, the Director, or his or her designee, will obtain a properly signed and witnessed Waiver Form (see 20 Ill. Adm. Code 2000.Appendix C) from the convicted person before proceeding further.

b) The *convicted person* must sign *a* written waiver in *which the convicted person waives his or her procedural safeguards and privileges, including but not limited to the right against self-incrimination under the United States Constitution and the Constitution of the State of Illinois*, only as those safeguards and privileges pertain to the offense for which the person was convicted and with respect to which the person is claiming torture. The convicted person must also agree *to cooperate fully with the Commission and agree to provide full disclosure regarding the* torture *inquiry. The waiver does not apply to matters unrelated to a convicted person's claim of torture.* [775 ILCS 40/40(b)]

c) *The convicted person has the right to advice of counsel* before *the execution of the* waiver and, *if a formal inquiry is* initiated, *throughout the* duration of the *formal inquiry. If counsel represents the convicted person, the convicted person's counsel must be present at the signing of the* waiver. [775 ILCS 40/40]

d) If the convicted person is not represented by counsel, *the Commission Chair shall determine if the person is indigent and, if so, enter an order providing for the appointment of counsel for the purpose of advising on the* waiver and representing the convicted person at any waiver or interview session with the Commission~~throughout the remainder of the proceedings upon the claim~~. Appointment may be of a volunteer attorney acting in a pro bono capacity or paid for by TIRC. [775 ILCS 40/40] The determination of indigency shall be made by having the convicted person complete and send to the Director an Application for Appointed Counsel Based Upon Indigency contained in 20 Ill. Adm. Code 2000.Appendix G. The Director shall furnish an Application to the convicted person upon request. The Director shall forward a properly completed Application to the Chair for purpose of making the decision regarding indigency.

e) Appointment of counsel for the claimant shall be only for the purpose of advising the claimant on any waiver forms and representing the claimant during any initial waiver/interview sessions necessary to secure the Waiver Form and initially interview the claimant, as well as for any necessary subsequent communication directly relating to the initial waiver/interview session. However, it is permissible for the appointed counsel to continue, at his or her discretion, to continue to represent the claimant for TIRC and other purposes on an unappointed basis.

f~~e~~) If the convicted person refuses to sign the Waiver Form, the Director shall recommend to the Commission that the claim of torture be dismissed. The Commission shall vote to accept or reject the Director's recommendation by majority vote of the voting members appointed. At least 4 votes are required to accept a recommendation to dismiss a claim.

g~~f~~) If the Director determines that the Waiver Form has been properly signed and witnessed, the claim shall proceed to Informal Inquiry under Section 3500.360.

h) If a claimant is represented by counsel, contact with the claimant by the Commission shall be governed by Illinois Rule of Professional Conduct 4.2. If, after a claimant has signed the Waiver Form, it becomes necessary to re-interview

an unrepresented, indigent claimant about substantive factual matters or to obtain additional waivers, counsel for an indigent claimant shall again be appointed for that purpose. Additional contact between the unrepresented, indigent claimant and the Commission about clerical or insubstantial matters may be conducted without reappointing counsel.

(Source: Amended at 44 Ill. Reg. 13427, effective July 29, 2020)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Local Tourism and Convention Bureau Program

2) Code Citation: 14 Ill. Adm. Code 550

3)

Section Numbers:	Emergency Actions:
550.30	Amendment
550.40	Amendment
550.50	Amendment
550.60	Amendment
550.70	Amendment
550.80	Amendment

4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

5) Effective Date of Rules: July 29, 2020

6) If these emergency rules are 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: July 29, 2020

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: The Department maintains a copy of the adopted rules including any reference materials in its principal office in Springfield, IL and is available for public inspection.

9) Reason for Emergency: Due to the effects of the COVID 19 pandemic on the hotel-motel tax, Convention and Tourism Bureaus across the State of Illinois have been facing an emergency regarding local funding, which required immediate attention to keep these entities operational. The rules involved in this rulemaking govern grants that provide operating expenses for the Convention and Tourism Bureaus.

10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking provides for changes in the cash match requirements for grants to Convention

and Tourism Bureaus. In addition, these proposed changes include updates related to current grant provisions.

11) Are there any other rulemakings pending on this Part? No

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 emergency 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
217/524-3701
jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 550
LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section
550.10 Purpose
550.20 Definitions
550.30 Allocation of Appropriations to Grantees
EMERGENCY
550.40 Certification Process
EMERGENCY
550.50 Grant Application Process
EMERGENCY
550.60 Program Requirements
EMERGENCY
550.70 Administrative Match Requirements
EMERGENCY
550.80 Contractual Requirements
EMERGENCY

AUTHORITY: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605] and Section 8.25 of the State Finance Act [30 ILCS 105] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 6, 1998; emergency amendment at 25 Ill. Reg. 9629, effective July 9, 2001, for a maximum of 150 days; emergency expired November 27, 2001; old Part repealed and new Part adopted at 29 Ill. Reg. 4988, effective March 22, 2005; amended at 38 Ill. Reg. 3359, effective January 15,

2014; emergency amendment at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days.

Section 550.30 Allocation of Appropriations to Grantees
EMERGENCY

a) In accordance with the Act, annual appropriations made by the General Assembly to the Department for the purpose of this program are allocated as follows:

1)~~a)~~ *18% of the annual appropriation shall be used for grants to convention and tourism bureaus located within*~~⅓ of the annual appropriation shall be used for grants to bureaus located within~~ Chicago; and

2~~b)~~ *82% of the annual appropriation shall be used for grants to convention and tourism bureaus in the remainder of the State, in accordance with the formula* in subsection (b). [20 ILCS 605/605-705(b)]~~⅔ of the annual appropriation shall be used for grants to bureaus located throughout the remainder of the State.~~

b) Subject to the *maximum grant amount* ~~cap~~ set forth in subsection (c)~~below~~, the ~~these~~ funds to be distributed under subsection (a)(2) will be distributed based on a formula that will be applied to the available appropriations. The formula will contain ~~containing~~ the following weighted factors, as they apply to the prior calendar year: 5% population of the bureau service area; 30% food/beverage tax collected in the bureau service area; and 65% of the State's hotel/motel tax collected in the bureau service area~~ during the prior calendar year~~.

c) With the exception of bureaus located in Chicago, no bureau shall receive a grant in excess of $720,000 in State fiscal year 2005. Each fiscal year thereafter, the cap shall be raised or lowered by the same percentage change that is made to the Department's appropriation to the Program, using State fiscal year 2005 as the base year.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

Section 550.40 Certification Process
EMERGENCY

a) Notification. Each year, on or about January 1, the Department will~~shall~~ publish three times within a 10-day period, in the official State newspaper, a notification that includes the following:

1) Availability of funds under the LTCB program as of July 1;

2) A statement directing ~~That~~ applicants to ~~must~~ contact the Department to obtain certification criteria and forms; and

3) Instructions directing ~~That~~ applicants to ~~must~~ submit their request for certification by March 31. The Director shall not waive this submittal deadline unless the Director finds that to do so would:

A) Allow the Department to further the purposes of the Program;

B) Allow the Department to consider funding of an applicant that is otherwise eligible under the Program; and

C) Prevent loss of representation and promotional services to a designated geographic area of the State. The Director's waiver must be in writing to be effective.

b) Eligibility Criteria for Previously Certified Applicants. Previously certified applicants must meet all of the following criteria to be re-certified as eligible to receive LTCB funds:

1) Be either a unit of local government or incorporated as a not-for-profit organization in good standing with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of Labor, and the Office of the Illinois Attorney General;

2) Employ a full-time (minimum of 35 hours per week) paid professional Chief Executive Officer; and

3) Have been in legal existence for a minimum of two years, representing one county or contiguous counties or one or more municipalities, and receive hotel-motel tax receipts from one or more municipalities or counties in the applicant's proposed service area.

c) Eligibility Criteria for New Applicants. Applicants requesting certification for the first time must satisfy the criteria described in subsections (b)(1) and (b)(2), as well as the following criteria:

1) Have been in legal existence for a minimum of two years with paid full-time tourism staff whose sole purpose is to promote tourism in the designated service area;

2) Receive local hotel/motel tax receipts from multiple municipalities in the applicant's proposed service area; and

3) Represent more than one municipality or contiguous counties in the applicant's proposed service area.

d) Service Area for New Applicants. A new applicant will be certified to represent an area that is encompassed in an existing grantee's designated service area if:

1) Documentation has been provided showing that the proposed area has provided substantial financial support to the existing grantee and received unsatisfactory representation; or

2) The new applicant and the existing grantee provide a copy of a written mutual agreement supporting the new applicant's proposed service area and demonstrate support from the governing bodies of municipalities or counties in the proposed service area that it is in the best interest of the Program to create a new local tourism and convention bureau.

e) Required Documentation

1) Previously Certified Applicants. Previously certified applicants must submit the following materials to be re-certified:

A) A request for certification;

B) ~~Documentation verifying the applicant is an Illinois not-for-profit entity in good standing on the date of application with applicable State authorities, including, but not limited to, the Illinois Secretary of State, Illinois Department of Revenue, Illinois Department of~~

~~Labor, the Office of the Illinois Attorney General, or, if a unit of local government, a statement/resolution signed by the head of the unit of local government that the bureau represents;C)~~A copy of current by-laws and a listing of names of the members of the board of directors or other governing board;

C~~D~~) A summary of tourism related experience and duties of the chief executive officer;

D~~E~~) A statement listing the municipalities or counties included in the applicant's proposed service area, including a current letter from the governing bodies of each of these entities indicating that the applicant is recognized as their tourism promotion organization;

~~F) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within the applicant's proposed service area, as well as the number of rooms/units in each; and~~

E~~G~~) A statement by the applicant's fiscal officer, accountant, or treasurer of local funds specifying the local hotel/motel tax revenues and/or other funding received/projected by the bureau that can be used for matching funds.

2) New Applicants. Applicants that have not been previously certified must submit the following to be considered for certification:

A) A request for certification;

B) Documentation verifying the applicant is an Illinois not-for-profit entity and has been in good standing on the date of application with either the Illinois Secretary of State or the Office of the Illinois Attorney General for a minimum of two years, under the applicable incorporation laws, or if a unit of local government, a statement/resolution signed by the head of the unit of local government the applicant represents;

C) A copy of current by-laws and a list of board members or governing board representative of the applicant's proposed service area;

D) A description of efforts to further the growth of the State's travel industry as evidenced by previous promotional and marketing activities (e.g., copies of published advertisements, brochures or pamphlets used to promote tourism) used by the convention and visitors bureau during the two years prior to the request for certification;

E) A statement that it has demonstrated its commitment to tourism by operating a convention and visitors bureau with paid full-time staff dedicated solely to promoting tourism within the designated service area for a minimum of two years prior to requesting certification;

F) A statement that it employs a full-time professional paid chief executive officer;

G) A statement listing the municipalities or counties in its service area;

H) A complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each;

I) A statement certified by the applicant's fiscal officer, accountant, or treasurer specifying the local hotel/motel tax revenues and/or other government funding received/projected and/or expended by the bureau in the fiscal year prior to certification that can be used for match for the State grant; and

J) If the proposed area is currently served all or in part by a grantee, documentation must be provided demonstrating that the area has provided financial support to the grantee but received unsatisfactory representation, or the new applicant and grantee must provide a copy of a written agreement stating that it is in the

best interest of tourism to create a new convention and visitors bureau.

f) Certification Determinations/Denials. Prior to May 31, the Department shall send notice to each applicant informing the applicant of its certification status.

1) When a single applicant seeks certification for a designated service area and has submitted all required documentation, and the documentation meets the approval of the Department, the applicant shall be certified by the Department. The Department shall send notification of certification that includes the amount of funds available and a request for application (RFA) for grant funds.

2) When more than one applicant seeks certification for an identical service area, with the exception of the City of Chicago, the Department shall send each applicant a request for proposal (RFP), which must be returned to the Department within 30 days and shall provide the following information:

A) Applicant's background, organization, experience and staff qualifications;

B) A detailed marketing plan that includes a description of activities contemplated by the applicant, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and a projected economic impact and benefit to tourism; and

C) Any marketing or feasibility studies in support of the plan.

3) Within 15 days after receipt of the RFPs, the Department shall notify in writing each applicant as follows:

A) The Department shall send written notification of certification, amount of funds available, and an RFA for grant funds to the certified bureau, and notify all other applicants that their applications have been denied.

B) Denied applicants shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after

the date of the denial notice. The request for review shall be submitted in writing to the Department and shall set forth the reasons for appeal and any additional tourism-related information the applicant chooses to submit in support of its appeal. The Director shall render a decision within 15 days after receipt.

4) A previously certified applicant found to be in substantial noncompliance with the terms and conditions of the grant agreements issued in the prior two years may be considered for certification only if the applicant has submitted a plan for corrective action, satisfactory to the Department, by the earlier of 45 days from notification by the Department of material noncompliance or March 31 (certification request deadline).

g) Denial of New Applicants. The Department shall reserve the right to deny certification to a new applicant if the Department determines that certification is not in the best interest of the Program. In making this determination, the Department shall consider: the size of the proposed service area and whether any portion of the proposed service area is currently serviced by another tourism entity.

h) Denial of Previously Certified Applicants.

1) The Department may deny certification to a previously certified applicant with a new service area if the Department determines that to certify the new service area is not in the best interest of the Program. In making this determination, the Department shall consider such factors as:

A) the size of the proposed service area;

B) the historic tourism promotional relationship between the applicant's previous service area and the new service area; and

C) whether any portion of the new service area is currently serviced by another bureau.

2) The Department may recertify an applicant's previous service area if the Department determines that the tourism objectives of the new service area are not consistent with the tourism objectives of the applicant's previous service area.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

Section 550.50 Grant Application Process
EMERGENCY

~~a)~~Application by Bureaus for Funds Under the Act~~:~~

a~~1~~) All bureaus shall complete an application and any additional Department required forms or assessments for funding. The bureau shall retain one copy and submit one original of the application to the Department's Springfield address. Failure to provide any information requested in the application will result in the application not being processed. A bureau's application for funding under the Local Tourism and Convention Bureau Program shall include, but not be limited to, the following information:

1~~A~~) Standardized application form;

2~~B~~) Name and signature of the bureau's chief executive officer, salary, and length of employment with the bureau;

3~~C~~) A Marketing Plan detailing all activities to be initiated through the LTCB grant during the fiscal year;

4~~D~~) Area to be served, such as municipalities, counties, etc.;

5~~E~~) Project Budget Plan itemizing budget expenditure activities proposed for LTCB grant and eligible match monies;

6~~F~~) Line-item breakout of source of local match funds;

7~~G~~) A certified statement, from the authorized official of the municipalities or counties that support the bureau with local hotel/motel taxes, specifying the amount of local hotel/motel tax that will be provided to the bureau during the fiscal year for the bureau's use and expenditure on eligible program activities and for match for the State grant;

8~~H~~) Name of the financial institution that will serve as the depository for LTCB grant and match funds;

9~~I~~) Fund account number for LTCB grant and match funds; and

10~~J~~) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two signatures required.

b~~2~~) Upon receipt of applications from bureaus, the Department shall review the applications and:

1~~A~~) Grant the full amount requested; or

2~~B~~) Take the following action:

A) Ask for additional information to clarify or document the information contained in the application; and/or

B~~C~~) Reduce the amount of grant funds requested if there are insufficient match funds, or the projects presented in the Marketing Plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable, and the bureau cannot effectively carry out the projects. In the event that funding of a grant request is reduced, the bureau may appeal to the Director of the Department within 10 days after notification. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of its appeal. The Department shall notify the bureau in writing of the Director's decision within 15 days after receipt of the appeal.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

Section 550.60 Program Requirements
EMERGENCY

a) Fiscal Year Marketing Plan and Project Budget Plan Approval

1) A Fiscal Year Marketing Plan and detailed Project Budget Plan identifying proposed tourism promotional activities and associated administrative expenditures utilizing LTCB grant and match funds shall be submitted by the applicant as a part of the application.

2) Salaries and related payroll expenses for the program year paid with LTCB grant funds shall not exceed 50% of the total grant funds awarded, except that, in fiscal year 2021, these expenses may represent up to 60% of the total grant funds awarded.

A) 100% of tourism sales/promotion staff persons'~~persons~~ salary may be applied toward the 50% cap and 60% cap in fiscal year 2021 only.

B) 50% of the Chief Executive Officer's salary may be applied toward the 50% cap, except that in fiscal year 2021, the allotment for this salary may be up to 100% of the 60% cap.

3) Grantees are prohibited from hiring any immediate family member of staff or of a board member who is involved in the hiring decision of staff if grant or match funds are utilized to pay the family member's salary. Immediate family members include the spouse, mother, father, daughter, son, or siblings and their children.

b) Promotional Projects Paid from LTCB Grant Funds

1) Promotional Costs. Promotional costs shall total at least 90% of the grant funds awarded.

2) Bids/Proposals. When the amount paid to any one vendor for a project totals $10,000 or more for commodities, or $20,000 or more for services, a minimum of two bids using identical specifications shall be obtained and the grantee shall select the lowest qualified bidder for commodities and the most qualified proposer for services. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the grantee for review by the Department.

3) All promotional products produced with grant funds shall incorporate the current Department logo, which identifies the Department's participation in the tourism promotional activity. A grantee that fails to include the Department logo shall reimburse the Department for grant funds used in support of the project unless the Department finds that the omission of the logo was beyond the grantee's control.

4) The print date and quantity printed shall appear on all brochures.

5) The grantee shall be responsible for the accuracy of information contained within material produced with grant funds.

6) All printed promotional materials and premium items that are produced with grant funds shall be available free of charge.

7) Within 30 days after completion of a printing project, but only upon the Department's request, up to 10% of the materials printed must be sent to the Department's tourist information centers.

8) Costs identified under this Program shall not be claimed for any other project funded by the Department.

9) Examples of eligible promotional activities include, but are not limited to:

A) Production of printed materials, e.g., brochures, visitor guides, rack cards, and/or maps that promote:

i) the entire destination;

ii) multiple attractions within a destination; or

iii) a festival or event that will attract a minimum of 25% of its visitors from outside a 50-mile radius and that has been advertised, with at least 75% of promotion outside a 50-mile radius. This third provision may be waived at the Department's discretion if documentation is submitted to show that the destination or event attracts more than 50 percent of its overnight stays from within a 50-mile radius;

B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or associated travel expenses (transportation, lodging, per diem at State rate) for a maximum of two bureau staff. Justification is required for additional people to attend;

C) Hosting of familiarization tours;

D) Placement and production costs of Internet, newspaper, magazine, radio, or television advertising to promote travel to the area. Advertising shall be distributed outside a 50-mile radius of the promoted destination or event. Bureaus that provide documentation to the Department that at least 25% of their overnight visitors are from within a 50-mile radius may place that documented percentage of their advertising dollars for distribution within the 50-mile radius of the destination or event. Advertising placed in the cities of Chicago or St. Louis that is circulated to the entire distribution area does not require the above documentation;

E) Membership dues for travel/tourism related associations or organizations;

F) Billboards utilized for tourism promotion, including design/installation of advertising and rental of space;

G) Premiums for tourism promotional purposes bearing the Department logo;

H) Production of tourism promotional videos;

I) Salaries;

J) Postage used in fulfillment and direct mail promotions;

K) Marketing research studies;

L) Telephone charges related to provision of tourism products/services information;

M) Internet sites that are linked to enjoyillinois.com;~~IBOT's web site~~ and~~;~~

N) Sponsorships that are evidenced by a prior written agreement between the grantee~~IBOT~~ and the recipient entity describing the activities to be undertaken with the sponsorship. Sponsorship funds may be used for reasonably necessary event expenses, provided, however, that:

i) No more than 50% of the sponsorship amount comes from grant funds, the balance being paid from matching funds; and

ii) Sponsorship funds are expended on eligible promotional activities.

A sponsorship may be disallowed in whole or in part as an eligible grant promotional or match expenditure if it is determined by the Department that the purpose of entering into the sponsorship was to circumvent the prohibition against "pass-through funds".

10) Bureaus must retain documentation regarding all revenue sources and expenditures from grant or match funds claimed in conjunction with the Program. This documentation shall include, but is not limited to, original invoices, original cancelled checks, proof of performance, bids, schedules of travel expenses, and any other information needed to clarify Program reports. With regard to proof of performance, examples include brochures, the full tear sheet for advertisements (the name and date of the publication appearing on the advertisement or a copy of the publication), samples of promotional items, and photos of billboards and street banners. The Department logo on each proof of performance must be easily readable.

11) Examples of activities ineligible for payment from grant promotional funds include, but are not limited to:

A) Any administrative/operational expenses (copying, insurance, audits, accounting services, rent, office supplies, equipment, normal office postage, and non-promotional telephone expenses);

B) Purchase of any alcoholic beverage;

C) Feasibility studies; and

D) Salaries of administrative or clerical support staff.

12) Grant funds cannot be used by a bureau to complete a promotional project if those funds will allow the bureau to realize a profit on that promotional project (e.g., revenues from all sources exceed the cost of the promotional project). Bureaus must keep records documenting all costs incurred and revenue generated from any promotional project containing paid advertising.

c) Administrative Activities/Expenditures

1) Administrative costs shall be limited to 10% of the grant funds awarded. Examples of projects eligible for payment from grant administrative funding include, but are not limited to:

A) Administrative expenses (copying, normal office postage, insurance, audits, accounting services, phone, rent, office supplies, or equipment lease/rental) associated with tourism promotional activities of the bureau; and

B) Salaries of bureau administrative or clerical support staff.

2) Examples of activities/expenditures ineligible for payment from the grant administrative funds include, but are not limited to:

A) Lease/purchase agreements for any items;

B) Purchase of equipment;

C) Purchase of any alcoholic beverage;

D) Feasibility studies; and

E) Penalties, fines, fees or interest charges assessed as a result of late payment.

d) All project activities shall be subject to prior approval as stated under subsection (a)~~ of this Section~~.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

Section 550.70 Administrative Match Requirements
EMERGENCY

Matching Funds. *Each grantee must provide match for grant funds received under the Program. Match expenditures must be no less than 50% of the*~~equal or exceed~~ *grant funds* expended, as well as any interest earned on grant funds that is also expended, *except that, during fiscal year 2021*~~2013~~*, the Department shall require that any grantee shall provide matching funds equal to no less than 25*~~50~~% of the *grant amount.* [20 ILCS 605/605-705(b)] If a grantee fails to match any portion of the grant award in a given fiscal year, that portion of the grant shall be refunded to the Department in accordance with the terms of the Grant Agreement. In-kind contributions shall not be used to satisfy match requirements.

a) Eligible matching funds must satisfy all of the following criteria:

1) Be provided to the grantee for general tourism promotional purposes in the designated service area;

2) Be identified in the grantee's Project Budget Plan for the applicable fiscal year;

3) Be available for expenditure during the applicable grant term;

4) Be supported by grantee's records of deposit;

5) Be expended by the grantee solely for eligible tourism promotional activities and associated administrative costs; and

6) Not be refunded to the provider of the match.

b) Eligible Sources of Matching Funds. The following sources may be used as match for grant funds:

1) Local hotel/motel tax receipts;

2) Membership dues;

3) Interest on local monies available for expenditure on tourism promotional activities;

4) Cash contributions meeting all requirements of subsection (a); and

5) Federal funds provided directly to the grantee for tourism promotional purposes that do not require match.

c) Ineligible Sources and/or Expenditures of Matching Funds. These include, but are not limited to:

1) In-kind contributions;

2) State or federal funds other than those allowed in subsection (b)(5);

3) Monies used as match for other State or federal grants;

4) Penalties, fines, fees, or interest charges assessed as a result of late payment;

5) Pass-through funds; and

6) Any purchase of alcoholic beverages.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

Section 550.80 Contractual Requirements
EMERGENCY

a) Method of Compensation. Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.

1) The grantee shall receive grant funds, as stipulated in the Grant Agreement, upon approval of its application by the Department and execution of the Grant Agreement by the Chief Executive Officer (CEO) and by the Department.

2) Prior to funds being awarded, a grantee shall employ a full-time, paid, professional CEO. In the event of the resignation of a bureau's CEO, an interim CEO must be named within 30 days. When a new CEO is hired, the bureau must provide the Department with the individual's tourism related experience and qualifications for the position. The interim CEO shall fulfill all duties of the position.

b) Reporting Requirements: The grantee shall submit, within the timeframes specified in the Grant Agreement, reports on the financial status of its Fiscal Year Marketing Plan/Project Budget Plan and reports on the outcomes and results of its grant-related activity. Failure to comply with the timely submission of financial and programmatic reports may result in withholding of subsequent monthly grant checks. The Department reserves the right to request additional information to clarify or document information contained in the reports.

c) Financial Management Standards. A grantee's financial management systems shall be structured under generally accepted accounting standards, which include maintaining effective control and accountability over all funds, property, and other assets acquired with grant and match funds.

d) Travel Expenses. Travel expenses that are paid with grant funds must be in compliance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) and shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by bureau employees who are on travel status for allowable tourism promotional purposes outside the grantee's service area. The grantee shall retain receipts to document travel expenses.

e) Monitoring. The Department shall periodically conduct on-site monitoring of each grantee funded under this Program. The Department will use its best efforts to notify the grantee at least two working days in advance of monitoring visits unless the Department has reason to believe that a monitoring visit must be conducted immediately. The grantee's internal procedures, financial reporting,

and performance shall be evaluated for compliance with terms and conditions of the Grant Agreement. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.

f) Interest on Grant Funds. All interest earned on grant funds shall be accounted for by the grantee and shall be expended on eligible tourism promotional activities or returned to the Department.

g) Obligation of Grant and Match Funds. All grant and match funds shall be legally obligated for expenditure no later than June 30 of the fiscal year and must be paid out no later than the date stated in the Grant Agreement. Any unexpended grant funds, including accrued interest, shall be returned to the Department. In addition, the grantee shall return any funds that are determined by the Department to have been spent in violation of this Part or the Grant Agreement.

h) Audits. The grantee shall be responsible for securing a compliance audit pursuant to 44 Ill. Adm. Code 7000.90 (GATA Auditing Standards)~~if the grant award exceeds $500,000 or a determination is made that an audit is in the best interest of the State. Audits shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois~~. In addition to having to return grant funds spent in violation of this Part or the Grant Agreement, the grantee may be deemed ineligible to apply for and receive funds under this Program for a maximum of two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.

i) Nondiscrimination. Grantees shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; section~~Section~~ 504, and the equal opportunity clause promulgated thereto, of the Rehabilitation Act of 1973, as amended (29 USC 794~~ (1994)~~); the Age Discrimination Act of 1975 (42 USC 6101 et seq.~~ (1994)~~); and Title VI of the Civil Rights Act of 1964, as amended (42 USC 1981 et seq.~~ (1994)~~).

j) Complaint Process. In the case of a grantee complaint, the Department shall follow the procedures outlined in 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).

k) When expending LTCB grant and match funds, two authorizing signatures shall be required on all checks over the amount of $500.

l) Suspension and Termination~~:~~

1) If a grantee fails to comply with this Part or the Grant Agreement, the Department may suspend the grant until the grantee has cured the deficiency. Failure to cure the deficiency within the time frame established by the Department may result in termination of the Grant Agreement and recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705]. The Department will find that a grantee has failed to comply with the Grant Agreement if the grantee has been notified in writing of a deficiency and fails to submit a corrective plan for Department approval within 30 days after the deficiency notice.

2) A Grant Agreement may be terminated for cause notwithstanding availability of appropriated funds and sufficient revenues for the grant.

m) Reallocation of Funds. On or before May 1 of the fiscal year, the grantee shall be required to identify grant funds that will not be fully expended or legally obligated by June 30, including any grant funds for which there will be insufficient match. The Grant Agreement shall be modified to decrease the grant award accordingly and the funds may be reallocated by the Department.

n) Conflict of Interest. The grantee shall comply with all provisions of the Grant Agreement with respect to hiring or awarding contracts to family members of bureau officers, principals and board members.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13435, effective July 29, 2020, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Payment of Unemployment Contributions, Interest and Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3) Section Number: 2765.337 — Emergency Action: New Section

4) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].

5) Effective Date of Rule: July 28, 2020

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: This rule will not expire before the end of the 150 day period.

7) Date Filed with the Index Department: July 28, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: As of July 2020, the number of Illinois unemployment insurance claims filed in 2020 approaches 2 million, compared with approximately 170,000 as of the same time period in 2019. Given the great increase in volume of claims that have been filed due to the COVID-19 pandemic, the quarterly Statements of Benefit Charges and Statements of Amount Due for Benefits Paid which will soon be provided to Illinois employers have increased significantly in both quantity and size. These Statements contain information as to an unprecedented number of weeks of benefit claims. With this rule in place, both Illinois employers and the Department will have an efficient and expeditious way to fulfill the provisions of Section 1502.4 of the Act that waive benefit charging for benefits paid for the weeks of unemployment from March 15, 2020 through January 2, 2021 where the unemployment is directly or indirectly attributable to COVID-19.

10) A Complete Description of the Subjects and Issues Involved: As of July 2020, the number of Illinois unemployment insurance claims filed in 2020 approaches 2 million, compared with approximately 170,000 as of the same time period in 2019. Given the

great increase in volume of claims that have been filed due to the COVID-19 pandemic, the quarterly Statements of Benefit Charges and Statements of Amount Due for Benefits Paid which will soon be provided to Illinois employers have increased significantly in both quantity and size. These Statements contain information as to an unprecedented number of weeks of benefit claims. This rule establishes the presumption that for benefits paid for the weeks of March 15, 2020 through January 2, 2021, the unemployment giving rise to the payment of benefits is attributable to COVID-19. With this rule in place, both Illinois employers and the Department will have an efficient and expeditious way to fulfill the provisions of Section 1502.4 of the Act which waive benefit charging for benefits paid for the weeks of unemployment from March 15, 2020 through January 2, 2021 where the unemployment is directly or indirectly attributable to COVID-19.

11) Are there any rulemakings to this Part Pending? No

12) Statement of Statewide Policy Objective: This rulemaking neither creates nor expands a State mandate.

13) Information and questions regarding this emergency rule shall be directed to:

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 930
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765
PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

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2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.11	Employers Who Employ Household Workers and Pay Contributions on an Annual Basis
2765.15	Liability For The Entire Year
2765.18	Liability of a Third Party Purchaser or Transferee for the Due And Unpaid Contributions, Interest and Penalties of the Seller or Transferor's Seller or Transferor
2765.20	Contributions Of Employer By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments in Lieu of Contributions Are Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
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2765.44	Fee For Not Sufficient Funds (NSF) Checks
2765.45	Application of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.56	Imposition of Late Reporting Penalty for Employers Who Employ Household Workers and Elect to File Reports on an Annual Basis
2765.60	Payment Or Filing By Mail
2765.61	Waiver of Interest and Penalty for Employers Who Employ Household Workers and Who File Reports and Pay Contributions on an Annual Basis (Repealed)
2765.62	Temporary Waivers of Penalty
2765.63	When Payment Due and Consequences of Upward Revision in Employer's Contribution Rate
2765.64	Consequences When an Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions When the Wages Should Have Been Reported and Contributions Paid By Its Client

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

2765.65 Waiver Of Interest Or Penalty
2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State
2765.68 Waiver of Penalty for Certain Employers for 1987 and Thereafter Wage Reports
2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions
2765.70 Waiver of Interest For Certain Nonprofit Organizations or Local Governmental Entities
2765.71 Waiver of Interest Accruing Due to a Delay in the Issuance of a Decision on a Protested Determination and Assessment
2765.73 Waiver of Penalties and Interest for Certain Nonprofit Organizations
2765.74 Time For Paying Or Filing Delayed Payment Or Report
2765.75 Application for Waiver
2765.80 Approval Of Application For Waiver
2765.85 Insufficient or Incomplete Application
2765.90 Disapproval Of Application Conclusive
2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

Section
2765.200 Transfer of Trade or Business Subject to Section 1507.1 of the Act
2765.210 Prohibition on Withdrawal of Joint Application for Partial Transfer of Experience Rating Record
2765.220 Determination of Benefit Ratio
2765.225 Requirement for Privity in Order to Have a Predecessor Successor Relationship
2765.228 No Requirement for Continuous Operation in Order for a Predecessor Successor Relationship to Exist
2765.230 Effect of a Transfer of Physical Assets on a Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

Section
2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
2765.329 Application of "30 Day" Requirement for Determining the Chargeable Employer Pursuant to Section 1502.1 of the Act for Benefit Years Beginning on or After January 1, 1993
2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
2765.333 Effect of Ineligibility Under Section 612 on Chargeability Under Section 1502.1 Of The Act
2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
2765.335 Procedural Requirements And Right Of Appeal
2765.336 Non-Cancellation of Benefit Charges Due to Employer's Pattern of Failing to Respond Timely and Adequately
2765.337 Benefits Paid During the Period Created by Section 1502.4 of the Act Attributable to COVID-19
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 706, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1502.4, 1507, 1507.1, 1508, 1509, 1700, 1701, 2401 and 2600 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days;

emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005; amended at 33 Ill. Reg. 9658, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18968, effective December 17, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2506, effective February 11, 2013 through June 30, 2013; amended at 37 Ill. Reg. 7471, effective May 14, 2013; emergency amendment at 38 Ill. Reg. 22262, effective November 17, 2014, for a maximum of 150 days; emergency expired April 15, 2015; amended at 39 Ill. Reg. 10768, effective July 27, 2015; amended at 43 Ill. Reg. 1585, effective January 15, 2019; expedited correction at 43 Ill. Reg. 11054, effective January 15, 2019; amended at 43 Ill. Reg. 6480, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 6099, effective April 8, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 8234, effective April 28, 2020; amended at 44 Ill. Reg. 13459, effective July 28, 2020; emergency amendment at 44 Ill. Reg. 13457, effective July 28, 2020, for a maximum of 150 days.

SUBPART C: BENEFIT CHARGES

Section 2765.337 Benefits Paid During the Period Created by Section 1502.4 of the Act Attributable to COVID-19
EMERGENCY

For purposes of Section 1502.4 of the Act, due to the unprecedented rate of displacement and employer closings, both temporary and permanent, the vast majority of unemployment giving rise to the payment of benefits from March 15, 2020 through January 2, 2021 is presumed to be directly or indirectly attributable to COVID-19. Contributing employers shall identify, in the Application for Revision of a Statement of Benefit Charges, the benefit charges resulting from reasons other than COVID-19, as well as any basis not related to COVID-19 for seeking the cancellation of benefit charges for weeks of unemployment that do not fall within that period. Employers making payments in lieu of contributions shall identify, in the Application for Revision of a Statement of Amount Due for Benefits Paid, the amounts due resulting from reasons other than COVID-19, as well as any basis not related to COVID-19 for seeking the cancellation of any amounts due for benefits paid for weeks of unemployment that do not fall within that period.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 13457, effective July 28, 2020, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3) Section Number: 1800.1421 Emergency Action: New Section

4) Statutory Authority: Section 5-45 (b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-45 (b)] confers rulemaking authority upon a covered agency if the agency finds that an emergency exists requiring adoption of a rule upon fewer days than is required for general rulemaking under Section 5-40 of the IAPA. Section 5-45 (a) of the IAPA [5 ILCS 100/5-45 (a)] defines an emergency as "any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare."

5) Effective Date of Rule: July 28, 2020

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 emergency amendment will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: July 28, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.

9) Reason for Emergency: The COVID-19 pandemic has brought about a decreased use of currency with a corresponding increase in credit and debit transactions. As a result, there is a national shortage of coinage in general circulation. Lacking sufficient coinage, video gaming redemption devices are becoming unable to redeem patron tickets either fully or partially. This situation threatens to paralyze the operation of video gaming throughout the State of Illinois, depriving the people of the State of the welfare benefits contemplated by the General Assembly when it enacted the Video Gaming Act.

10) A Complete Description of the Subjects and Issues Involved: The amendment will resolve the urgent threat that the national coin shortage poses to the operation of video gaming by authorizing other forms of ticket and voucher redemptions. Specifically, the amendment provides that if, as a result of a coin shortage, a redemption device cannot redeem a patron ticket in the full amount of the ticket's value, the redemption device shall either return the unredeemable ticket in the full amount, or redeem an amount less than

the full value of the ticket and print a voucher for the remaining balance of ticket's value (subsection (a)). The patron may bring the ticket or a voucher printed at the redemption device to the licensed location for redemption (subsection (b)). Alternatively, a patron may submit the ticket or voucher to the terminal operator for redemption by mail under the procedures set forth in the amendment (subsection (c)).

11) Are there any other rulemakings pending to this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1800.110	Amendment	44 Ill. Reg. 4265; March 20, 2020
1800.350	New Section	44 Ill. Reg. 4265; March 20, 2020
1800.140	New Section	44 Ill. Reg. 10061; June 12, 2020
1800.615	Amendment	44 Ill. Reg. 10061; June 12, 2020
1800.690	Amendment	44 Ill. Reg. 10061; June 12, 2020
1800.715	Amendment	44 Ill. Reg. 10061; June 12, 2020
1800.720	Amendment	44 Ill. Reg. 10061; June 12, 2020
1800.790	Amendment	44 Ill. Reg. 10061; June 12, 2020

12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

13) Information and questions regarding this emergency rule shall be directed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

IGB.RuleComments@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

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

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section
1800.110 Definitions
1800.115 Gender
1800.120 Inspection
1800.130 Board Meetings
1800.140 Service via E-mail
EMERGENCY

SUBPART B: DUTIES OF LICENSEES

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

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

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

SUBPART D: LICENSING QUALIFICATIONS

Section
1800.410 Coverage of Subpart

ILLINOIS GAMING BOARD

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1800.420 Qualifications for Licensure
1800.430 Persons with Significant Influence or Control
1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

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

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

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

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

Section
1800.710 Coverage of Subpart
1800.715 Notice of Proposed Disciplinary Action Against Licensees
EMERGENCY
1800.720 Hearings in Disciplinary Actions
EMERGENCY
1800.725 Appearances
1800.730 Appointment of Administrative Law Judge
1800.735 Discovery
1800.740 Subpoenas
1800.745 Motions for Summary Judgment
1800.750 Proceedings
1800.760 Evidence
1800.770 Prohibition on Ex Parte Communication
1800.780 Sanctions and Penalties
1800.790 Transmittal of Record and Recommendation to the Board
EMERGENCY
1800.795 Persons Subject to Proposed Orders of Economic Disassociation

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

Section
1800.810 Location and Placement of Video Gaming Terminals
1800.815 Licensed Video Gaming Locations Within Malls
1800.820 Measurement of Distances from Locations
1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

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

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

Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

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

SUBPART K: STATE-LOCAL RELATIONS

Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

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

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices
1800.1421 Redemption of Video Gaming Tickets During a Coin Shortage
EMERGENCY

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SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section
1800.1710 Conversations About Responsible Gaming
1800.1720 Responsible Gaming Education Programs
1800.1730 Problem Gambling Registry
1800.1740 Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section
1800.1810 Implementation of Technology

SUBPART S: INDEPENDENT TESTING LABORATORIES

Section
1800.1910 Independent Outside Testing Laboratories
1800.1920 Minimum Duties of an Independent Outside Testing Laboratory
1800.1930 Testing of Video Gaming Equipment
1800.1940 Approval of Video Gaming Equipment

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section
1800.2010 In-location Progressive Games
1800.2020 Optional Nature of In-location Progressive Games
1800.2030 Procedures Within Licensed Video Gaming Locations
1800.2040 Payments of Progressive Jackpot Amount
1800.2050 Deductions from Progressive Jackpots

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1800.2060 Progressive Jackpot Coordinator

SUBPART U: UNDERAGE GAMBLING COMPLIANCE

1800.2110 Statement of Purpose
1800.2120 Program Considerations
1800.2130 Utilization of Confidential Sources
1800.2140 Provision of Funds
1800.2150 Operational Procedures
1800.2160 Reporting and Evidence
1800.2170 Cooperation with Local Law Enforcement Agencies

1800.EXHIBIT A Youth Participant Consent Form
1800.EXHIBIT B Underage Gambling Participant Acknowledgment

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

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended

at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 43 Ill. Reg. 14099, effective November 21, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; amended at 44 Ill. Reg. 1961, effective December 31, 2019; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days.

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section 1800.1421 Redemption of Video Gaming Tickets During a Coin Shortage EMERGENCY

a) If, as a result of a coin shortage, a redemption device cannot redeem a patron ticket in the full amount of the ticket's value, the redemption device shall either return the unredeemable ticket in the full amount, or redeem an amount less than the full value of the ticket and print a voucher for the remaining balance of ticket's value.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

b) If a patron cannot redeem a patron ticket at a redemption device because the redemption device is not able to disburse the full value of the ticket, the patron may bring the ticket or a voucher printed at the redemption device to the licensed location for redemption.

c) A patron may submit the ticket or voucher to the terminal operator for redemption by mail. If a patron submits a ticket or voucher for redemption by mail, the following requirements shall apply:

1) The patron shall include his or her name and address with the ticket or voucher redemption request;

2) The terminal operator shall, subject to verifying the ticket or voucher through its internal processes, issue payment within 10 business days for the ticket or voucher by mail.

3) The terminal operator shall reimburse the patron for the cost of mailing the ticket or voucher. The reimbursement shall be included with the payment for the ticket or voucher mailed to the patron.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Control of Communicable Diseases Code

2) Code Citation: 77 Ill. Adm. Code 690

3)

Section Numbers:	Emergency Actions:
690.100	Amendment
690.110	Amendment
690.361	New Section
690.635	Repealed

4) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

5) Effective Date of Rules: August 3, 2020

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: August 3, 2020

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: This emergency rule is adopted in response to the COVID-19 epidemic. Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

10) A Complete Description of the Subjects and Issues Involved: This rulemaking adopts standards for the control of cases and contacts for Coronavirus, Novel, including COVID-19, Severe Acute Respiratory Syndrome (SARS), and Middle Eastern Respiratory Syndrome (MERS). This rule includes reporting requirements for laboratories that provide tests for screening, diagnosis, or monitoring. Additionally, the rule has provisions that require that persons who have tested positive for one of these diseases isolate themselves at home.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

11) Are there any other rulemakings pending on this Part? The Department is proposing identical amendments to this Part in this issue of the *Illinois Register*.

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

13) Information and questions regarding these emergency rules shall be directed to:

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

Section
690.10 Definitions
690.20 Incorporated and Referenced Materials
690.30 General Procedures for the Control of Communicable Diseases

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section
690.100 Diseases and Conditions
EMERGENCY
690.110 Diseases Repealed from This Part
EMERGENCY

SUBPART C: REPORTING

Section
690.200 Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section
690.290 Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295 Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
690.300 Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)

690.320 Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)

690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)

690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)

690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)

690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)

690.340 Chancroid (Repealed)

690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically , within 24 hours)

690.360 Cholera (Toxigenic Vibrio cholerae O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)

690.361 Coronavirus, Novel, including Coronavirus Disease 19 (COVID-19), Severe Acute Respiratory Syndrome (SARS) and Middle Eastern Respiratory Syndrome (MERS). (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)

EMERGENCY

690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)

690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)

690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)

690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)

690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne

	Disease)
690.386	Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
690.390	Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.400	Escherichia coli Infections (E. coli O157:H7 and Other Shiga Toxin Producing E. coli) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.410	Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
690.420	Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
690.430	Gonorrhea (Repealed)
690.440	Granuloma Inguinale (Repealed)
690.441	Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
690.442	Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
690.444	Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
690.450	Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.451	Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
690.452	Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
690.453	Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
690.460	Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.465	Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.468	Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
690.469	Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
690.470	Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.475	Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)

690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)

690.505 Lyme Disease (See Tickborne Disease)

690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)

690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)

690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)

690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)

690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)

690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)

690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)

690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)

690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)

690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)

690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)

690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone

or facsimile, within 24 hours)

690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)

690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)

690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease) (Repealed)

EMERGENCY

690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)

690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)

690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)

690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)

690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)

690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)

690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)

690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)

690.680 Syphilis (Repealed)

690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)

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690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
690.700 Trachoma (Repealed)
690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.720 Tuberculosis (Repealed)
690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
690.745 Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)
690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

Section

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690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

Section
690.1300 General Purpose
690.1305 Department of Public Health Authority
690.1310 Local Health Authority
690.1315 Responsibilities and Duties of the Certified Local Health Department
690.1320 Responsibilities and Duties of Health Care Providers
690.1325 Conditions and Principles for Isolation and Quarantine
690.1330 Order and Procedure for Isolation, Quarantine and Closure
690.1335 Isolation or Quarantine Premises
690.1340 Enforcement
690.1345 Relief from Isolation, Quarantine, or Closure
690.1350 Consolidation
690.1355 Access to Medical or Health Information
690.1360 Right to Counsel
690.1365 Service of Isolation, Quarantine, or Closure Order
690.1370 Documentation
690.1375 Voluntary Isolation, Quarantine, or Closure
690.1380 Physical Examination, Testing and Collection of Laboratory Specimens
690.1385 Vaccinations, Medications, or Other Treatments
690.1390 Observation and Monitoring
690.1400 Transportation of Persons Subject to Public Health or Court Order
690.1405 Information Sharing
690.1410 Amendment and Termination of Orders
690.1415 Penalties

SUBPART J: REGISTRIES

Section

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690.1500 Extensively Drug-Resistant Organism Registry
690.1510 Entities Required to Submit Information
690.1520 Information Required to be Reported
690.1530 Methods of Reporting XDRO Registry Information
690.1540 Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 9282, effective May 15, 2020, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 44 Ill. Reg. 10000, effective May 20, 2020; emergency amendment at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days.

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

DEPARTMENT OF PUBLIC HEALTH

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Section 690.100 Diseases and Conditions
EMERGENCY

The following diseases and conditions are declared to be contagious, infectious or communicable and may be dangerous to the public health. Each suspected or diagnosed case shall be reported to the local health authority, which shall subsequently report each case to the Department. The method of reporting shall be as described in the individual Section for the reportable disease.

a) Class I(a)
The following diseases shall be reported immediately (within three hours) by telephone, upon initial clinical suspicion of the disease, to the local health authority, which shall then report to the Department immediately (within three hours). This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities that are required to report to the Department. The Section number associated with each of the listed diseases indicates the Section under which the diseases are reportable. Laboratory specimens of agents required to be submitted under Subpart D shall be submitted within 24 hours to the Department laboratory.

1)	Any unusual case of a disease or condition caused by an infectious agent not listed in this Part that is of urgent public health significance	690.295
2)	Anthrax*	690.320
3)	Botulism, foodborne	690.327
4)	Brucellosis* (if suspected to be a bioterrorist event or part of an outbreak)	690.330
5)	Coronavirus, Novel, including Coronavirus Disease 19 (COVID-19), Severe Acute Respiratory Syndrome (SARS), and Middle Eastern Respiratory Syndrome (MERS)	690.361
6~~5~~)	Diphtheria	690.380
7~~6~~)	Influenza A, Novel Virus	690.469

8~~7~~)	Plague*	690.570
9~~8~~)	Poliomyelitis	890.580
10~~9~~)	Q-fever* (if suspected to be a bioterrorist event or part of an outbreak)	690.595
~~10)~~	~~Severe Acute Respiratory Syndrome~~	~~690.635~~
11)	Smallpox	690.650
12)	Tularemia* (if suspected to be a bioterrorist event or part of an outbreak)	690.725
13)	Any suspected bioterrorist threat or event	690.800

b) Class I(b)

The following diseases shall be reported as soon as possible during normal business hours, but within 24 hours (i.e., within eight regularly scheduled business hours after identifying the case), to the local health authority, which shall then report to the Department as soon as possible, but within 24 hours. This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities that are required to report to the Department. The Section number associated with each of the listed diseases indicates the Section under which the diseases are reportable. Laboratory specimens of agents required to be submitted under Subpart D shall be submitted within 7 days after identification of the organism to the Department laboratory.

1)	Botulism, intestinal, wound, and other	690.327
2)	Brucellosis* (if not suspected to be a bioterrorist event or part of an outbreak)	690.330
3)	Chickenpox (Varicella)	690.350
4)	Cholera*	690.360
5)	Escherichia coli infections* (E. coli O157:H7 and other Shiga	690.400

	toxin-producing E. coli)	
6)	Haemophilus influenzae, meningitis and other invasive disease*	690.441
7)	Hantavirus pulmonary syndrome*	690.442
8)	Hemolytic uremic syndrome, post-diarrheal	690.444
9)	Hepatitis A	690.450
10)	Influenza admissions into intensive care unit	690.468
11)	Measles	690.520
12)	Mumps	690.520
13)	Neisseria meningitidis, meningitis and invasive disease*	690.555
14)	Outbreaks of public health significance (including, but not limited to, foodborne and waterborne outbreaks)	690.565
15)	Pertussis* (whooping cough)	690.750
16)	Q-fever due to Coxiella burnetii* (if not suspected to be a bioterrorist event or part of an outbreak)	690.595
17)	Rabies, human	690.600
18)	Rabies, potential human exposure and animal rabies	690.601
19)	Rubella	690.620
20)	Smallpox vaccination, complications of	690.655
21)	Staphylococcus aureus infections with intermediate or high level resistance to Vancomycin*	690.661
22)	Streptococcal infections, Group A, invasive and sequelae to	690.670

Group A streptococcal infections

23)	Tularemia* (if not suspected to be a bioterrorist event or part of an outbreak)	690.725
24)	Typhoid fever*	690.730
25)	Typhus	690.740

c) Class II

The following diseases shall be reported as soon as possible during normal business hours, but within seven days, to the local health authority, which shall then report to the Department within seven days. The Section number associated with each of the listed diseases indicates the Section under which the diseases are reportable. Laboratory specimens of agents required to be submitted under Subpart D shall be submitted within seven days after identification of the organism to the Department laboratory.

1)	Arboviral Infection* (including, but not limited to, Chikungunya fever, California encephalitis, Dengue fever, St. Louis encephalitis and West Nile virus)	690.322
2)	Campylobacteriosis	690.335
3)	Cryptosporidiosis	690.365
4)	Cyclosporiasis	690.368
5)	Hepatitis B and Hepatitis D	690.451
6)	Hepatitis C	690.452
7)	Histoplasmosis	690.460
8)	Influenza, deaths in persons less than 18 years of age	690.465
9)	Legionellosis*	690.475

10)	Leptospirosis*	690.490
11)	Listeriosis*	690.495
12)	Malaria*	690.510
13)	Psittacosis due to Chlamydia~~Chalmydia~~ psittaci	690.590
14)	Salmonellosis* (other than typhoid fever)	690.630
15)	Shigellosis*	690.640
16)	Toxic shock syndrome due to Staphylococcus aureus infection	690.695
17)	Streptococcus pneumoniae, invasive disease in children less than five years	690.678
18)	Tetanus	690.690
19)	Tickborne Disease, including Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme disease, and Spotted Fever Rickettsiosis	690.698
20)	Trichinosis	690.710
21)	Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139)	690.745

* Diseases for which laboratories are required to forward clinical materials to the Department's laboratory.

d) When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, the Department shall issue more stringent requirements.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 690.110 Diseases Repealed from This Part
EMERGENCY

a) The following diseases have been repealed from this Part and are no longer reportable.

1) Amebiasis

2) Blastomycosis

3) Creutzfeldt Jakob Disease (CJD)

4) Diarrhea of the newborn

5) Giardiasis

6) Hepatitis, viral, other

7) Leprosy (Hansen's Disease)

8) Meningitis, aseptic

9) Severe Acute Respiratory Syndrome (SARS)

10~~9~~) Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, clusters of two or more laboratory confirmed cases occurring in community settings

11~~10~~) Staphylococcus aureus, Methicillin Resistant (MRSA), any occurrence in an infant less than 61 days of age

12~~11~~) Streptococcal infections, group B, invasive disease, of the newborn

13~~12~~) Yersiniosis

b) The following diseases have been repealed from this Part, but are reportable under the Section specified:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1)	Acquired immunodeficiency syndrome (AIDS)	77 Ill. Adm. Code 693.20
2)	Chancroid	77 Ill. Adm. Code 693.20
3)	Gonorrhea	77 Ill. Adm. Code 693.20
4)	Ophthalmia neonatorum	77 Ill. Adm. Code 693.20
5)	Syphilis	77 Ill. Adm. Code 693.20
6)	Tuberculosis	77 Ill. Adm. Code 696.170

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days)

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL OF COMMUNICABLE DISEASES

Section 690.361 Coronavirus, Novel, including Coronavirus Disease 19 (COVID-19), Severe Acute Respiratory Syndrome (SARS), and Middle Eastern Respiratory Syndrome (MERS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)
EMERGENCY

a) Control of Case.

1) All cases, including suspect cases, should be isolated at home or alternative setting for housing in accordance with Subpart I.

2) Standard Precautions, Contact Precautions, Droplet Precautions including eye protection, and Airborne Infection Isolation Precautions shall be followed for cases or suspect cases in a health care facility.

3) When a case or suspected case is isolated in the home or in any other non-hospital setting, isolation procedures shall comply with Section 690.20(a)(4).

4) Cleaning and disinfection procedures shall comply with the guidelines referenced in Section 690.1010(a)(4).

b) Control of Contacts.

1) Contacts of cases shall be placed under surveillance, with close observation for fever and COVID-like respiratory symptoms in consultation with the Department or local health authority on public health management of contacts. Observation and monitoring procedures shall comply with Section 690.20(a)(4).

2) Close contacts of cases may be quarantined. Quarantine procedures shall comply with Subpart I and Section 690.20(a)(4).

c) Laboratory Reporting.

1) Laboratories and other facilities performing lab services that provide tests for screening, diagnosis, or monitoring of coronavirus disease shall report all laboratory results, including positive, negative, and indeterminate results for coronavirus tests, including, but not limited to, all molecular, antigen, and serological tests, including rapid tests, to the Department via the Department's electronic lab reporting (ELR) system in a manner and on a schedule prescribed by the Department. Laboratories unable to submit results to the Department via the Department's ELR shall contact the Department for instructions on how to submit results.

2) Positive results shall be reported to the Department immediately, within 3 hours.

3) In addition to the ELR submission required in subsection 361(c)(1), laboratories shall submit all test results and corresponding data, including, but not limited to, the test type, specimen source and patient demographic data, including but not limited to race, ethnicity, sex and address information, to the Department via the Illinois National Electronic Disease Surveillance System (I-NEDSS) within 24 hours after testing until the file is ready for production.

4) Laboratories and other facilities performing lab services shall instruct their clients that patient demographic information must be submitted with the order request.

5) Laboratories shall only submit results for tests they have performed. Laboratories shall not submit results on referred specimens.

6) If deemed necessary by the Department or local health authority, laboratories shall forward clinical specimens to the Department's laboratory for further testing.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days)

Section 690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease) (Repealed) EMERGENCY

~~a) Control of Case.~~

~~1) Standard Precautions, Contact Precautions, Droplet Precautions including eye protection, and Airborne Infection Isolation Precautions shall be followed for cases or suspect cases in a health care facility. The local health authority shall be notified immediately if Airborne Infection Isolation rooms are not available. These precautions shall comply with the guidelines referenced in Section 690.1010(a)(4). When a case or suspected case is isolated in the home or in any other non-hospital setting, isolation procedures shall comply with Section 690.1010(a)(4).~~

~~2) Cleaning and disinfection procedures shall comply with the guidelines referenced in Section 690.1010(a)(4).~~

~~b) Control of Contacts.~~

~~1) Contacts of SARS cases shall be placed under surveillance, with close observation for fever and respiratory symptoms for the 10 days following the last exposure. Observation and monitoring procedures shall comply with Section 690.1010(a)(4).~~

~~2) Contacts of cases may be quarantined. Quarantine procedures shall comply with Subpart H and Section 690.1010(a)(4).~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

~~e) Laboratory Reporting. Laboratories shall report all persons with SARS (suspected or confirmed) to the local health authority. Laboratories shall report to the local health authority patients who have a positive result on any laboratory test indicative of and specific for detecting SARS virus.~~

(Source: Repealed by emergency rulemaking at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

1) Heading of the Part: Uniform Partnership Act (1997)

2) Code Citation: 14 Ill. Adm. Code 166

3)

Section Number:	Emergency Action:
166.85	Amendment

4) Statutory Authority: Implementing and authorized by Section 1208 of the Uniform Partnership Act [805 ILCS 206/1208].

5) Effective Date of Emergency Rule: July 31, 2020

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of 150 days or the date on which the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-38 issued on March 9, 2020, as extended by subsequent proclamations, terminates, whichever occurs first.

7) Date Filed with the Index Department: July 31, 2020

8) A statement that a copy of the emergency rule including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: At its May 20, 2020 meeting, the Joint Committee on Administrative Rules objected to and suspended this rule, in part, and the Agency has determined removal of the suspended language immediately will minimize confusion for the citizens of Illinois.

10) A Complete Description of the Subjects and Issues Involved: In an emergency amendment to this emergency rule filed and effective April 27, 2020, the SOS included language that allowed for additional time for SOS to process documents filed under the Uniform partnership Act due to the Gubernatorial disaster proclamation. JCAR objected to this added language and suspended the rulemaking. The SOS has agreed to remove the language at issue.

11) Are there any other rulemakings to this Part pending? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
166.85	New Section	44 Ill. Reg. 5714; April 3, 2020

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

12) Statement of Statewide Policy Objective: None

13) Information and questions regarding this emergency rule shall be directed to:

Terrence McConville
Senior Legal Advisor
100 W. Randolph, #5-400
Chicago IL 60601

tmcconville@ilsos.gov

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 166
UNIFORM PARTNERSHIP ACT (1997)

Section

166.10 Prohibited Terms in Title
166.15 Improper Names
166.20 Definitions
166.25 Applicability
166.30 Filing Location
166.35 Business Hours
166.40 Filing Requirements
166.45 Additional Requirements for Forms
166.50 Renewal Reports
166.55 Payment of Fees
166.60 Sale of Information
166.65 Refunds
166.70 Service of Process
166.75 Interrogatories
166.80 Right to Counsel
166.85 Extension of Filing Deadlines
EMERGENCY

AUTHORITY: Implementing and authorized by Section 1208 of the Uniform Partnership Act [805 ILCS 206/1208].

SOURCE: Adopted at 32 Ill. Reg. 332, effective January 7, 2008; amended at 33 Ill. Reg. 9129, effective July 6, 2009; amended at 35 Ill. Reg. 8226, effective May 13, 2011; amended at 37 Ill. Reg. 12568, effective July 17, 2013; emergency amendment at 44 Ill. Reg. 5796, effective March 20, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6611, effective April 9, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 7956, effective April 27, 2020, for the remainder of the 150 days; emergency amendment to emergency rule effective April 27, 2020 suspended by the Joint Committee on Administrative Rules at 44 Ill. Reg. 10031, effective May 20, 2020; emergency amendment to emergency rule in response to JCAR Suspension at 44 Ill. Reg. 13493, effective July 31, 2020.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

Section 166.85 Extension of Filing Deadlines
EMERGENCY

Filing of organizational documents, annual reports, and other business entity materials.

a) All organizational documents, annual reports, and other business entity materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes shall be filed with the Business Services Department, Howlett Building, Room 350, Springfield, IL, 62756 or 69 West Washington, Suite 1240, Chicago, IL, 60602.

b) Pursuant to the powers vested in him by Section 5(7) of the Secretary of State Act, the Secretary of State hereby extends for the duration of the disaster proclaimed by the Governor in Gubernatorial Proclamation number 2020-038 issued on March 9, 2020, as extended by subsequent proclamations, and for a period of 90 days thereafter, the filing deadlines for materials required to be filed with the Secretary of State pursuant to Chapter 805 of the Illinois Compiled Statutes and which were due to be filed on or after March 17, 2020. This extension period may be rescinded by the Secretary of State through the adoption of an emergency rule. Any fees for late filings of materials shall be waived for materials subject to this rule.

~~c) Certain organizational documents cannot be filed online and must be filed using "paper" forms. After submission of these forms to the Secretary of State, the forms must be approved or disapproved within 10 days and notice of the decision will be given to the person delivering the documents to the Secretary of State. Due to the pandemic and the Governor's disaster proclamations mentioned in subsection (b), the requirement that the Secretary of State approve or disapprove, within 10 days, the documents submitted is hereby "waived" temporarily. The documents will be processed expeditiously, as received, on a "first-in, first-out" basis.~~

c~~d~~) Expedited Services
Under Section 1209 of the Uniform Partnership Act (1997), some "paper" documents can be submitted for filing in an "expedited" manner (i.e., filed within 24 hours after submission to the Secretary of State). Due to the pandemic and the Governor's disaster proclamations, the standard that the "paper" documents will be filed by the Secretary within 24 hours after receipt is waived temporarily and

that standard is changed to "within 24 hours or as soon as possible thereafter". For purposes of filing dates, the date the document was submitted for filing will be the document's filing date.

(Source: Added by emergency amendment at 44 Ill. Reg. 5796, effective March 20, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 6611, effective April 9, 2020, for the remainder of the 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 7956, effective April 27, 2020, for the remainder of the 150 days; emergency amendment to emergency rule effective April 27, 2020 suspended by the Joint Committee on Administrative Rules at 44 Ill. Reg. 10031, effective May 20, 2020; amended by emergency amendment to emergency rule in response to JCAR Suspension at 44 Ill. Reg. 13493, effective July 31, 2020.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Number: 1.780 Emergency Action: Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Emergency Rule: July 31, 2020

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: No

7) Date Filed with the Index Department: July 31, 2020

8) A statement that a copy of the emergency rule including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: For the 2020-2021 school year, ISBE projects that the bilingual educator shortage could be exacerbated due to qualified educators being unable to complete the requisite language test prior to the start of the school year. Testing centers are operating at reduced capacity due to COVID-19 social distancing requirements and stakeholders have expressed concerns that the only testing times that are still available are well into the start of the school year. The agency anticipates that adding this temporary assignability provision to our administrative rules will prevent schools from having increased unfilled positions and will assist with filling the 180 current vacancies.

10) A complete Description of the Subjects and Issues involved: The emergency rule amends Section 1.780(a)(5) to allow, for the 2020-2021 school year only, an individual who holds a valid Illinois educator license and a bachelor’s degree and has demonstrated English and target language proficiency via an interview with the hiring entity to be assigned as a bilingual education teacher in prekindergarten, kindergarten, or any of grades 1-12. The rulemaking also requires a school district that employs an individual who meets those criteria to, no later than 10 days after employing the individual, file on a form provided by the State Board of Education an assurance with its regional office of education indicating that the individual meets the criteria.

11) Are there any other rulemakings to this Part pending? Yes

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1.97	Amendment	44 Ill. Reg. 10322; June 19, 2020
1.30	Amendment	44 Ill. Reg. 12073; July 24, 2020
1.210	Amendment	44 Ill. Reg. 12073; July 24, 2020
1.323	New Section	44 Ill. Reg. 12073; July 24, 2020
1.325	New Section	44 Ill. Reg. 12073; July 24, 2020
1.421	New Section	44 Ill. Reg. 12073; July 24, 2020
1.422	Amendment	44 Ill. Reg. 12073; July 24, 2020
1.425	Amendment	44 Ill. Reg. 12073; July 24, 2020

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

13) Information and questions regarding this emergency rule shall be directed to:

Azita Kakvand
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

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
EMERGENCY
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
EMERGENCY
1.220 Duties of Superintendent (Repealed)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
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, 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
EMERGENCY
1.422 Electronic Learning (E-Learning) Days Pilot Program
1.423 Competency-Based High School Graduation Requirements Pilot Program
1.425 Additional Criteria for Physical Education
EMERGENCY
1.430 Additional Criteria for Elementary Schools
EMERGENCY
1.440 Additional Criteria for High Schools
EMERGENCY
1.442 State Seal of Biliteracy (Repealed)
1.443 Illinois Global Scholar Certificate
1.445 Required Course Substitute
EMERGENCY
1.450 Special Programs (Repealed)
1.460 Credit Earned Through Proficiency Examinations

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
1.465 Ethnic School Foreign Language Credit and Program Approval
EMERGENCY
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 Home and Hospital Instruction
1.530 Health Services
1.540 Undesignated Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT

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

EMERGENCY

1.781	Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782	Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher
1.792	Short-Term Substitute Teacher
1.794	Substitute Teachers; Recruiting Firms

1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
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)
1.APPENDIX H	Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

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, 27-6, 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].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985;

emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 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; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at 44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days.

SUBPART G: STAFF QUALIFICATIONS

Section 1.780 Standards for Teachers in Bilingual Education Programs
EMERGENCY

a) No individual shall be assigned as a bilingual education teacher in prekindergarten, kindergarten or any of grades 1-12 unless he or she:

1) holds a valid professional educator license endorsed for the grade levels of the students to be served and an endorsement for bilingual education that is specific to the language of instruction, issued pursuant to Section 1.781 of this Part; or

2) holds a valid educator license with stipulations endorsed for transitional bilingual educator specific to the language of instruction, issued pursuant to 23 Ill. Adm. Code 25.90; or

3) holds a valid educator license with stipulations endorsed for visiting international educator and the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or

4) was employed in a State-approved bilingual education program prior to September 1, 1985 and continues to hold a valid professional educator

license endorsed for the grade level or levels of the students to be served; or.

5) for the 2020-2021 school year only, holds a valid Illinois educator license and a bachelor's degree and has demonstrated English and target language reading, writing, grammar skills, and speaking proficiency via an interview with the hiring entity. A school district employing an individual who meets the requirements of this subsection (a)(5) must, no later than 10 days after employing the individual, file on a form provided by the State Board of Education an assurance with its regional office of education indicating that the individual meets these criteria. An individual who is assigned as a bilingual education teacher under this subsection (a)(5) may continue to serve in that role until the completion of the 2020-2021 school year.

b) No individual shall be assigned as a teacher of English as a Second Language (ESL) in prekindergarten, kindergarten or any of grades 1-6 unless he or she:

1) holds a valid professional educator license endorsed for the grade levels of the students to be served and an endorsement for ESL or English as a New Language (ENL), issued pursuant to Section 1.782 of this Part; or

2) holds a valid professional educator license endorsed for the grade levels of the students to be served and an endorsement for bilingual education or ENL with a language designation; or

3) holds a valid educator license with stipulations endorsed for transitional bilingual educator issued pursuant to 23 Ill. Adm. Code 25.90; or

4) holds a valid educator license with stipulations endorsed for visiting international educator and the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or

5) was employed in an approved bilingual education program prior to September 1, 1985 and continues to hold a valid professional educator license endorsed for the grade level or levels of the students to be served.

c) No individual shall be assigned as a teacher of English as a Second Language in any of grades 7-12 unless he or she:

1) holds a valid professional educator license endorsed for the grade levels of the students to be served and an endorsement for ESL or ENL, issued pursuant to Section 1.782 of this Part; or

2) holds a valid educator license with stipulations endorsed for visiting international educator and the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

d) Additional requirements for teachers in grades 5 through 8 serving students with home languages other than English shall be as set forth in Section 1.720 of this Part.

e) Additional requirements for teachers in State-supported early childhood programs serving students with home languages other than English shall be as set forth in 23 Ill. Adm. Code 228.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days)

OFFICE OF THE SECRETARY OF STATE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

Heading of the Part: Uniform Partnership Act (1997)

Code Citation: 14 Ill. Adm. Code 166

Section Number: 166.85

Date of JCAR Objection and Suspension: May 20, 2020

Date Notice of Emergency Rules published in the *Illinois Register*: 44 Ill. Reg. 7956; May 8, 2020

Date JCAR Statement of Objection and Suspension published in the *Illinois Register*: 44 Ill. Reg. 10031; June 5, 2020

Summary of Action Taken by the Agency: At its meeting on May 20, 2020, the Joint Committee on Administrative Rules voted to object to and suspend the Emergency Amendment to Emergency Rule filed by the Secretary of State on April 27, 2020. The Committee cited that the Secretary of State could not, by rulemaking alone, set aside statutory requirements the Secretary of State must adhere to in reviewing, approving and effectuating official paper filing of documents by businesses. In response to the Objection and Suspension, the Secretary of State has agreed to amend the Emergency Rule to remove the added language.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 44, Issue 33 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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