

TABLE OF CONTENTS

September 11, 2020 Volume 44, Issue 37

PROPOSED RULES

INSURANCE, DEPARTMENT OF

- Uniform Electronic Prior Authorization Form for Prescription Benefits
50 Ill. Adm. Code 2018.....14406
- Minimum Benefit Standards for Diabetes Coverage
50 Ill. Adm. Code 2019.....14416

REVENUE, DEPARTMENT OF

- Leveling the Playing Field for Illinois Retail Act
86 Ill. Adm. Code 131.....14420
- Municipal Motor Fuel Tax
86 Ill. Adm. Code 696.....14464

SECRETARY OF STATE, OFFICE OF THE

- Cancellation, Revocation or Suspension of License and Permits
92 Ill. Adm. Code 1040.....14477

STATE BOARD OF EDUCATION, ILLINOIS

- Public Schools, Evaluation, Recognition and Supervision
23 Ill. Adm. Code 1.....14484
- Standards for All Illinois Teachers
23 Ill. Adm. Code 24.....14574
- Special Education
23 Ill. Adm. Code 226.....14630

ADOPTED RULES

EMPLOYMENT SECURITY, DEPARTMENT OF

- Claims, Adjudication, Appeals and Hearings
56 Ill. Adm. Code 2720.....14672
- Employment
56 Ill. Adm. Code 2732.....14679
- Recovery of Benefits
56 Ill. Adm. Code 2835.....14684

HUMAN SERVICES, DEPARTMENT OF

- Temporary Assistance for Needy Families
89 Ill. Adm. Code 112.....14692
- Aid to the Aged, Blind or Disabled
89 Ill. Adm. Code 113.....14710

INSURANCE, DEPARTMENT OF

- Construction and Filing of Accident and Health Insurance Policy Forms
50 Ill. Adm. Code 2001.....14721
- Temporary Health Coverage Requirements During an Epidemic or
Public Health Emergency
50 Ill. Adm. Code 2040.....14725

POLLUTION CONTROL BOARD	
Design, Operation and Maintenance Criteria	
35 Ill. Adm. Code 604.....	14736
REVENUE, DEPARTMENT OF	
Use Tax	
86 Ill. Adm. Code 150.....	14744
STATE BOARD OF EDUCATION, ILLINOIS	
Dismissal of Tenured Teachers under Article 24 and Dismissal of	
Tenured Teachers and Principals under Article 34 of the School Code	
23 Ill. Adm. Code 51.....	14763
Agricultural Education Program	
23 Ill. Adm. Code 75.....	14770
Pupil Transportation Reimbursement	
23 Ill. Adm. Code 120.....	14785
Special Education	
23 Ill. Adm. Code 226.....	14792
Registered Apprenticeship Program	
23 Ill. Adm. Code 255.....	14799
EMERGENCY RULES	
PUBLIC HEALTH, DEPARTMENT OF	
Hospital Licensing Requirements	
77 Ill. Adm. Code 250.....	14804
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	14822
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
Executive Order In Response to COVID-19	
(COVID-19 Executive Order No. 49)	
2020-53.....	14823

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Uniform Electronic Prior Authorization Form for Prescription Benefits
- 2) Code Citation: 50 Ill. Adm. Code 2018
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2018.10	New Section
2018.20	New Section
2018.30	New Section
- 4) Statutory Authority: 215 ILCS 5/364.3 and 5/401
- 5) A Complete Description of the Subjects and Issues Involved: Under PA 101-463, the Department of Insurance was directed to develop a uniform electronic prior authorization form for prescription benefits. This form is intended to simplify exchanges of information between prescribing providers and insurers for prior authorization requests. As required by statute, the Department developed this form with input from interested parties, who were present at multiple public meetings.

The proposed rules do not apply to any health insurance coverage that does not require prior authorization for any prescription benefits.

Beginning July 1, 2021, insurers will be required to accept and use this form. They also will be required to ensure that any person performing prior authorization on their behalf accepts and uses this form. Beginning July 1, 2021, the statute will require prescribing providers to use this form when requesting prior authorization for prescriptions covered by a patient's health insurance coverage.

The proposed rules list the information and the prompts that must be included in the form, which the Department will format and post on its website as a PDF. The form will include the following: a title, an explanatory introduction about the purposes and limitations of the form, a selection between a Standard or Expedited Review Request, a Reason for Request, Patient Demographics, Prescribing Provider Information, Pharmacy Information, Requested Prescription Drug Information, Rationale for Prior Authorization, a listing of Failed or Contraindicated Therapies, Other Pertinent Information, Insurer Contact and Submission Information, a Representation clause, and a Health Plan Use Only section where the approval or denial will be reported.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

The Department of Insurance significantly modeled its form after the "Michigan Prior Authorization Request Form for Prescription Drugs", available at <https://insurance.illinois.gov/newsrsls/2020/05/PAWG-Agenda-05-15-2020/Doc-06-MinzerBesler.pdf>.

- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave., Fl. 19
Chicago IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St., Fl. 4
Springfield IL 62767

312/814-5445

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- B) Reporting, bookkeeping or other procedures required for compliance: Replace existing prior authorization forms with the Department's. Ensure that persons conducting prior authorization on the insurer's behalf accept and use this form.
 - C) Types of professional skills necessary for compliance: Administrative/clerical
- 14) Small Business Impact Analysis: The Department determined that the rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2020

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCEPART 2018
UNIFORM ELECTRONIC PRIOR AUTHORIZATION FORM
FOR PRESCRIPTION BENEFITS

Section

2018.10	Purpose and Applicability
2018.20	Definitions
2018.30	Uniform Electronic Prior Authorization Form for Prescription Benefits

AUTHORITY: Implementing Section 364.3 and authorized by Sections 364.3 and 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Former Part repealed at 32 Ill. Reg. 7715, effective May 5, 2008; new Part adopted at 44 Ill. Reg. _____, effective _____.

Section 2018.10 Purpose and Applicability

- a) This Part provides the contents of the electronic form that an insurer imposing prior authorization requirements on prescription benefits is required to utilize and accept for any health insurance coverage beginning July 1, 2021 under Section 364.3 of the Code. This form is intended to simplify exchanges of information between prescribing providers and insurers for prior authorization requests.
- b) This Part does not apply to any health insurance coverage that does not require prior authorization for any prescription benefits.

Section 2018.20 Definitions

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Insurer" means a "health insurance issuer" as defined in Section 5 of the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97].

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

"Health insurance coverage" has the meaning ascribed in Section 5 of the Illinois Health Insurance Portability and Accountability Act.

"Prescribing provider" has the meaning ascribed in Section 364.3(a) of the Code.

"Prescription" has the meaning ascribed in Section 3(e) of the Pharmacy Practice Act [225 ILCS 85].

Section 2018.30 Uniform Electronic Prior Authorization Form for Prescription Benefits

On and after July 1, 2021, an insurer that imposes prior authorization requirements on prescription benefits in any health insurance coverage shall utilize and accept the uniform electronic prior authorization form containing the elements listed in this Section. An insurer shall require any person conducting prior authorization of prescription drug benefits on its behalf to utilize and accept this form. If any prescribing provider fails to use this form to request prior authorization of prescription benefits, the insurer will not be subject to the requirements of Section 364.3 of the Code for that request. Only the version of the PDF that is posted on the Department's website shall satisfy the requirements of this Part. The posted PDF shall consist of the following elements:

- a) The title, which will be: "Illinois Uniform Electronic Prior Authorization Form for Prescription Benefits".
- b) An explanatory introduction, which will contain the following text:

This form is made available for use by prescribing providers to initiate a prior authorization request with a commercial health insurance issuer ("insurer") regulated by the Illinois Department of Insurance.

"Prior authorization request" means a request for pre-approval from an insurer for a specified prescription or quantity of a prescription before the prescription is dispensed.

"Prescribing provider" has the meaning ascribed in Section 364.3 of the Illinois Insurance Code [215 ILCS 5].

"Prescription" has the meaning ascribed in Section 3(e) of the Pharmacy Practice Act [225 ILCS 85].

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

If, upon receipt of a complete and accurate electronic prior authorization request from a prescribing provider pursuant to the submission of this form, an insurer fails to use or accept the uniform electronic prior authorization form or fails to respond within 24 hours for urgent medication needs, or within 72 hours for regular medication needs, then the prior authorization request shall be deemed to have been granted. The prescribing provider should only provide its direct contact number and initials if requesting an Expedited Review Request.

The provisions of this form do not serve as a replacement for the step therapy and formulary exception requests that may require additional information and forms as provided in Sections 25(a)(3) and 45.1 of the Managed Care Reform and Patient Rights Act [215 ILCS 134]. Nothing in this form shall be construed to alter or nullify any provisions of federal or Illinois law that impose obligations on insurers, prescribing providers, or patients related to the responsiveness or adjudication and/or appeals.

Prior authorization is not a guarantee of benefits or payment. Actual availability of benefits is always subject to other requirements of the health plan, such as limitations and exclusions, payment of premium, and eligibility at the time services are provided. The applicable terms of a patient's plan control the benefits that are available. At the time the claims are submitted, they will be reviewed in accordance with the terms of the plan.

PRESCRIBING PROVIDERS: PLEASE SUBMIT THIS FORM TO THE PATIENT'S HEALTH PLAN ONLY. Please do not send forms to the Department of Insurance.

- c) A section to indicate whether the prescribing provider is making a Standard Review Request or an Expedited Review Request. For an Expedited Review Request, the following certification shall appear: "I hereby certify that a standard review period may seriously jeopardize the life or health of the patient or the patient's ability to regain maximum function." The certification shall have spaces for the prescribing provider to add his or her initials and a direct telephone number to contact the prescribing provider.
- d) A section entitled "Reason for Request", which will contain options for an Initial Authorization Request, a Renewal Request, and a Dispense As Written (DAW).

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

The section will also have a note that states: "Note: This form does not apply to requests for medical exceptions under Sections 25(a)(3) or 45.1 of the Managed Care Reform and Patient Rights Act [215 ILCS 134]. Please contact the patient's health plan to obtain the appropriate forms."

- e) A section entitled "Patient Demographics", which will request the following information:
- 1) Whether the patient is hospitalized;
 - 2) Patient Name;
 - 3) Patient Date of Birth;
 - 4) Patient Health Plan ID;
 - 5) Patient Health Plan Group Number (if applicable);
 - 6) Patient Address;
 - 7) Patient Phone; and
 - 8) Patient Sex. The form will provide options for Male or Female.
- f) A section entitled "Prescribing Provider Information", which will request the following information:
- 1) Prescribing Provider Name;
 - 2) NPI;
 - 3) Specialty;
 - 4) DEA Number (required for controlled substance requests only);
 - 5) Contact Name;
 - 6) Contact Phone;

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 7) Contact Fax;
 - 8) Contact Address; and
 - 9) Health Plan Provider ID (if accessible).
- g) A section entitled "Pharmacy Information", which will request the following information:
- 1) Pharmacy Name; and
 - 2) Pharmacy Phone.
- h) A section entitled "Requested Prescription Drug Information", which will request the following information:
- 1) Drug Name;
 - 2) Strength;
 - 3) Dosing Schedule;
 - 4) Duration;
 - 5) Diagnosis (specific with ICD#);
 - 6) Place of infusion/injection (if applicable);
 - 7) Facility Provider ID/NPI;
 - 8) Ingredients within drug; and
 - 9) Whether the patient has already started the medication and, if so, when.
- i) A section entitled "Rationale for Prior Authorization", which will request information such as history of present illness, past medical history, current medications, etc. The section will indicate that the prescribing provider may also attach chart notes to support the request if the provider believes the notes will assist in the review process.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- j) A section entitled "Failed/Contraindicated Therapies", which will request the following information:
- 1) Drug name;
 - 2) Strength;
 - 3) Dosing Schedule;
 - 4) Duration; and
 - 5) Adverse Event/Specific Failure.
- k) A section entitled "Other Pertinent Information", which will contain the following text: "Optional: To be filled out if other information is necessary, such as relevant diagnostic labs, measures, response to treatment, etc. Please refer to the plan's website for additional information that may be necessary for review. Please note that sending this form with insufficient clinical information may result in an extended review period or adverse determination. Insurers may require additional information based on the type of prescription drug being requested that may require follow-up inquiries with the provider." The section will contain blank space for the prescribing provider to provide this information.
- l) A section entitled "Insurer Contact and Submission Information", where an insurer may provide its unique contact information, including any electronic portal it may use for submission of the form. The insertion of this information is the only alteration that an insurer may make to the PDF posted on the Department's website before furnishing it to a prescribing provider.
- m) A section entitled "Representation", which will contain the following text: "I represent to the best of my knowledge and belief that the information provided is true, complete, and fully disclosed. A person may be committing insurance fraud if false or deceptive information with the intent to defraud is provided." The section will include spaces for the prescribing provider to insert the following:
- 1) Prescribing Provider Name;
 - 2) Signature; and

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 3) Date.
- n) A section entitled "For Health Plan Use Only", which will request the following information from the insurer in response to a submitted form:
- 1) Request date;
 - 2) Limitation of Benefits (LOB);
 - 3) Approved;
 - 4) Denied;
 - 5) Approved by;
 - 6) Denied by;
 - 7) Effective date;
 - 8) Reason for denial; and
 - 9) Additional comment, if any.
- o) The month and year of the version of the form.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Minimum Benefit Standards for Diabetes Coverage
- 2) Code Citation: 50 Ill. Adm. Code 2019
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2019.20	Amendment
2019.40	Amendment
- 4) Statutory Authority: Implementing Section 356w and 356z.41 of the Illinois Insurance Code [215 ILCS 5/356w and 5/356z.41], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3], Sections 3009 and 4003 of the Limited Health Service Organization Act [215 ILCS 130/3009 and 130/4003], and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], and authorized by Section 401 of the Illinois Insurance Code.
- 5) A Complete Description of the Subjects and Issues Involved: PA 101-625 enacted a new statute at 215 ILCS 5/356z.41 regarding the coverage of prescription insulin drugs. Section 356w of the Illinois Insurance Code [215 ILCS 5/356w] already required group accident and health insurance that offers prescription coverage to cover insulin at the same deductible, copay and out-of-pocket amounts for insulin and diabetic supplies. The new Public Act establishes a \$100 maximum cap on cost-sharing per 30-day supply of insulin, which will apply to all group and individual policies that cover prescriptions. Part 2019 currently does not address the \$100 cap on insulin per 30-day supply, so the Department is adding language to implement 215 ILCS 5/356z.41.

The Department is also clarifying that Part 2019 applies to group point-of-service plans offered by limited health services organizations, as well as group voluntary health services plans. The mandate at 215 ILCS 5/356w has applied to those products for many years, and 215 ILCS 5/356z.41 applies to them, too, so Part 2019 should reflect the statutes' applicability.
- 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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|---|----|---|
| Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave., Fl. 19
Chicago IL 60603

312/814-5445 | or | Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St., Fl. 4
Springfield IL 62767

217/558-0957 |
|---|----|---|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Department determined that the rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2020

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE

PART 2019

MINIMUM BENEFIT STANDARDS FOR DIABETES COVERAGE

Section	
2019.10	Purpose
2019.20	Applicability and Scope
2019.30	Definitions
2019.40	Minimum Benefit Standards

AUTHORITY: Implementing Section 356w and 356z.41 of the Illinois Insurance Code [215 ILCS 5], Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125], Sections 3009 and 4003 of the Limited Health Service Organization Act [215 ILCS 130], and Section 10 of the Voluntary Health Services Plans Act [215 ILCS 160], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 25 Ill. Reg. 11876, effective August 31, 2001; amended at 44 Ill. Reg. _____, effective _____.

Section 2019.20 Applicability and Scope

This Part ~~applies~~shall apply to all group accident and health insurance policies and health maintenance organization group contracts ~~that~~which are amended, delivered, issued or renewed in this State after the effective date of this Part. This Part also applies to group point-of-service contracts offered by a limited health service organization and group voluntary health services plans. This Part ~~does~~shall not apply to agreements, contracts or policies that provide coverage for a specified diagnosis or other limited benefit coverage.

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

Section 2019.40 Minimum Benefit Standards

- a) Coverage for durable medical equipment shall be subject to the same deductible, copayment, and coinsurance provisions provided for other durable medical equipment, depending on whether ~~the~~sueh coverage is provided under the policy or a durable medical equipment rider to the policy. ~~The~~Sueh minimum benefit shall not apply to a group policy of accident and health insurance that does not

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

provide durable medical equipment.

- b) Except as otherwise provided in Section 356z.41 of the Illinois Insurance Code [215 ILCS 5], coverage~~Coverage~~ for pharmaceuticals and supplies shall be subject to the same coverage, deductible, co-payment, and co-insurance provisions provided for other pharmaceuticals, depending on whether ~~that such~~ coverage is provided under the policy or a drug rider to the policy. ~~The such~~ minimum benefit shall not apply to a group policy of accident and health insurance that does not provide drug coverage.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Leveling the Playing Field for Illinois Retail Act
- 2) Code Citation: 86 Ill. Adm. Code 131
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
131.101	New Section
131.105	New Section
131.107	New Section
131.110	New Section
131.115	New Section
131.120	New Section
131.125	New Section
131.130	New Section
131.135	New Section
131.140	New Section
131.145	New Section
131.150	New Section
131.155	New Section
131.160	New Section
131.165	New Section
131.170	New Section
131.175	New Section
131.180	New Section
131. ILLUSTRATION A	New Section
- 4) Statutory Authority: 35 ILCS 185/1; 35 ILCS 120/12; 20 ILCS 2505/2505-795
- 5) A Complete Description of the Subjects and Issues Involved: PAs 101-31 and 101-604 amended the Retailers' Occupation Tax to implement a series of structural changes to the Illinois sales tax laws to require "remote retailers" to collect and remit State and local retailers' occupation taxes. This legislation provides that remote retailers may contract with certified service providers to perform their tax remittance functions. Remote retailers may also use certified automated systems to calculate and remit their own taxes. In addition to these changes, the legislation also modified the liability and role of marketplace facilitators. Beginning January 1, 2021, marketplace facilitators are required to remit State and local retailers' occupation taxes on sales made over the marketplace on their own sales and sales made on behalf of marketplace sellers. The legislation provides that State and local retailers' occupation taxes on sales made by remote retailers and marketplace facilitators on behalf of marketplace sellers are incurred based on the rate in

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

effect at the location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing"). State and local retailers' occupation taxes for a marketplace facilitator's own marketplace sales are incurred, depending on the nature of the transaction, either at the rate in effect at the location of Illinois inventory from which a sale is fulfilled or the Illinois location where selling activities otherwise occur ("origin sourcing"), or by using destination sourcing. Section 131.155 of this Part explains the sourcing rules for different types of retailers. The changes made by PAs 101-31 and 101-604 are intended to "level the playing field" between Illinois-based retailers and remote retailers by imposing State and local retailers' occupation taxes on Illinois retailers, remote retailers and marketplace facilitators alike. These regulations implement the new requirements for remote retailers and marketplace facilitators, and explain the requirements for certified service providers and for the certified automated systems used by remote retailers.

- 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: These rules do 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: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Jerilynn Gorden
Illinois Department of Revenue
Legal Services Office, 5-500
101 West Jefferson
Springfield IL 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Remote retailers and marketplace facilitators that meet the economic nexus thresholds in the rule are required to register and remit tax on their sales.
 - B) Reporting, bookkeeping or other procedures required for compliance: Persons required to remit tax will be required to register with the Department and remit taxes and maintain books and records currently required by law.
 - C) Types of professional skills necessary for compliance: Bookkeeping; tax compliance skills
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
44-45 Retail Trade
 - 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: July 2020

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 131
LEVELING THE PLAYING FIELD FOR ILLINOIS RETAIL ACT

Section	
131.101	Purpose and Scope of Regulations
131.105	Definitions
131.107	Description of Different Types of Retailers On and After January 1, 2021
131.110	Remote Retailers – General Provisions
131.115	Remote Retailers – Determination of Status as a Remote Retailer
131.120	Factors Used by Remote Retailers in Determining if the Thresholds in Section 131.115(a) of this Part are Met
131.125	Remote Retailers – Obligations – Procedures – Hold Harmless Provisions
131.130	Marketplace Facilitators – General Provisions
131.135	Marketplace Facilitators – Determination of Obligation to Remit Tax
131.140	Factors Used by Marketplace Facilitators in Determining if Thresholds in Section 131.135 of this Part are Met
131.145	Marketplace Facilitators – Obligations – Procedures – Hold Harmless Provisions
131.150	Marketplace Sellers – Obligations – Procedures – Hold Harmless Provisions
131.155	Tax Sourcing Provisions
131.160	Certified Service Providers – Obligations – Procedures – Hold Harmless Provisions
131.165	Certified Automated Systems – Obligations – Procedures – Hold Harmless Provisions
131.170	Department Responsibilities
131.175	Local Taxing Jurisdiction Responsibilities
131.180	Application of Other Rules

131 ILLUSTRATION A Leveling the Playing Field Retailer Flowchart

AUTHORITY: Implementing Article 5 of the Leveling the Playing Field for Illinois Retail Act [35 ILCS 185] and authorized by Section 12 of the Retailers' Occupation Tax Act [35 ILCS 120] and Section 2505-795 of the Department of Revenue Law [20 ILCS 2505].

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

Section 131.101 Purpose and Scope of Regulations

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Public Acts 101-0031 and 101-0604 implemented a series of structural changes to the Illinois sales tax law that are intended to "level the playing field" between Illinois-based retailers and remote retailers by imposing State and local retailers' occupation taxes on Illinois retailers, remote retailers and marketplace facilitators alike. These regulations implement the new requirements for remote retailers and marketplace facilitators, and explain the requirements for certified service providers and for the certified automated systems used by remote retailers. Public Acts 101-0031 and 101-0604 require "remote retailers" to collect and remit State and local retailers' occupation taxes. They also provide that remote retailers may contract with certified service providers to perform their tax remittance functions. Remote retailers may also use certified automated systems to calculate and remit their own taxes. In addition to these changes, the legislation also modified the liability and role of marketplace facilitators. Beginning January 1, 2021, marketplace facilitators are required to remit State and local retailers' occupation taxes on sales made over the marketplace on their own sales and sales made on behalf of marketplace sellers. The legislation provides that State and local retailers' occupation taxes on sales made by remote retailers and marketplace facilitators on behalf of marketplace sellers are incurred based on the rate in effect at the location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing"). State and local retailers' occupation taxes for a marketplace facilitator's own marketplace sales are incurred, depending on the nature of the transaction, either at the rate in effect at the location of Illinois inventory from which a sale is fulfilled or the Illinois location where selling activities otherwise occur ("origin sourcing"), or by using destination sourcing. Section 131.155 of this Part explains the sourcing rules for different types of retailers.

Section 131.105 Definitions

As used in this Part:

"Affiliate" means a person that, with respect to another person:

has a direct or indirect ownership interest of more than 5% in the other person; or

is related to the other person because a third person, or a group of third persons who are affiliated with each other (under this definition), holds a direct or indirect ownership interest of more than 5% in the related person.

"Certified Service Provider" or "CSP" means an agent certified by the Department to perform the remote retailer's use and occupation tax functions, as

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

outlined in the contract between the State and the certified service provider. [35 ILCS 185/5-10]

"Certified Automated System" or "CAS" means an automated software system that is certified by the State as meeting all performance and tax calculation standards required by Department rules. References throughout this Part to a CAS mean the person that owns or provides the certified automated software system used by a remote retailer. [35 ILCS 185/5-10]

"Department" means the Department of Revenue. [35 ILCS 185/5-10]

"Marketplace" means a physical or electronic place, forum, platform, application, or other method by which a marketplace seller sells or offers to sell items. [35 ILCS 120/1]

"Marketplace Facilitator" means a person who, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates, facilitates a retail sale by an unrelated third-party marketplace seller by:

listing or advertising for sale, by the marketplace seller in a marketplace, tangible personal property that is subject to tax under the Retailers' Occupation Tax Act [35 ILCS 120]; and

either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services.

A person who provides advertising services, including listing products for sale, is not considered a marketplace facilitator, so long as the advertising service platform or forum does not engage, directly or indirectly through one or more affiliated persons, in the activities described in the second indented paragraph of this definition. [35 ILCS 120/1]

"Marketplace Seller" means a person that makes sales through a marketplace operated by an unrelated third-party marketplace facilitator and who has obtained a certification from the marketplace facilitator as provided in Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

131.145. A person that is an affiliate, as defined in this Section, of a marketplace facilitator is not a marketplace seller. [35 ILCS 120/1]

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court. [35 ILCS 120/1]

"Remote Retailer" means a retailer that does not maintain within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether that place of business or agent is located in Illinois permanently or temporarily or whether the retailer or subsidiary is licensed to do business in this State. A retailer that fulfills any orders from its inventory in Illinois is not a "remote retailer". [35 ILCS 120/1]

"Retailers' Occupation Tax" means the tax levied under the Retailers' Occupation Tax Act (ROTA) and all applicable local retailers' occupation taxes collected by the Department in conjunction with the State retailers' occupation tax.

"Unrelated Third Party" means a person that, with respect to another person, has a direct or indirect ownership of 5% or less in the other person. A person is also considered to be an unrelated third party when a third person, or group of third persons who are affiliated with each other as defined in this Section, hold a direct or indirect ownership interest of 5% or less in the other person.

Section 131.107 Description of Different Types of Retailers On and After January 1, 2021

- a) Different Types of Retailers On and After January 1, 2021. Public Acts 101-0031 and 101-0604 added several new types of retailers with different tax liabilities to the State's existing sales tax structure. As a result, retailers now include the following:
 - 1) Remote retailers incurring State and local retailers' occupation tax using destination sourcing for sales made to Illinois purchasers;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 2) Marketplace facilitators incurring State and local retailers' occupation tax using destination sourcing for sales made over the marketplace on behalf of marketplace sellers to Illinois purchasers;
 - 3) Marketplace facilitators incurring State and local retailers' occupation tax using origin sourcing for their own sales that are fulfilled from inventory located in Illinois and incurring State and local retailers' occupation tax using destination sourcing for all other sales of its own;
 - 4) Out-of-State retailers with a physical presence in Illinois incurring a Use Tax collection obligation for sales made outside Illinois and shipped or delivered to Illinois purchasers; such retailers also incur State and local retailers' occupation taxes using origin sourcing for any sales made in Illinois;
 - 5) Illinois retailers, including brick and mortar retailers, incurring no State or local retailers' occupation taxes for sales made over a marketplace (the marketplace facilitator will now incur State and local retailers' occupation tax liability based on destination sourcing for these sales); and
 - 6) Illinois retailers, including brick and mortar retailers, incurring State and local retailers' occupation taxes based on origin sourcing for sales made in Illinois.
- b) As a result of these differing tax obligations, it is critical that retailers examine their selling activities to determine their specific tax liabilities. This is especially important for retailers that engage in multichannel retailing (for example, retailers that engage in selling through their own website, as well as through a marketplace, or Illinois brick and mortar retailers that also sell over a marketplace).

Section 131.110 Remote Retailers – General Provisions

- a) On and after January 1, 2021, a remote retailer that meets either of the thresholds in Section 131.115(a) is considered a retailer engaged in the occupation of selling at retail in Illinois for purposes of ROTA and is liable for all applicable State and local retailers' occupation taxes administered by the Department on all retail sales shipped or delivered to Illinois purchasers.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- b) Remote retailers are deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation taxes are incurred at the rate in effect at this location. (See Section 131.155.)
- c) Sales of tangible personal property that is required to be titled or registered with an agency of the State of Illinois, including motor vehicles, watercraft, aircraft, and trailers, that are made by remote retailers to Illinois purchasers are not subject to the provisions of this Part. State and local use taxes shall continue to be paid by purchasers as required by law as a condition of titling or registering these items.
- d) Remote retailers are often multichannel retailers. That is, they may also sell their products through a marketplace and so are considered marketplace sellers. Marketplace facilitators required to register with the Department, as provided in Section 131.135, incur State and local retailers' occupation taxes on sales made to Illinois purchasers on behalf of remote retailers making sales over the marketplace. Remote retailers do not incur tax on these sales. (See Section 131.150.)
- e) Examples. All facts set forth in EXAMPLE 1 and in each subsequent example apply to each following example.

EXAMPLE 1: Ponchos for Pooches.com is a retailer of rain gear for dogs. Its sales are made exclusively from its manufacturing facility in Portland, Oregon. It has no physical presence in Illinois. Its annual gross receipts from sales to Illinois purchasers exceed \$100,000. Ponchos for Pooches.com is a remote retailer and is required to register with the Department and remit State and local retailers' occupation taxes in effect at the address to which its products are shipped or delivered or at which possession is taken by the purchaser ("destination sourcing").

EXAMPLE 2: Rain gear sold to Illinois purchasers by Ponchos for Pooches.com has skyrocketed. As a result, the company has begun sending sales representatives to Illinois to market its products through local pet stores. As a result of these activities, Ponchos for Pooches.com is no longer considered a remote retailer because it has a physical presence in Illinois due to the presence of its sales reps. At this point, its tax liability changes. It no longer incurs State and local retailers' occupation taxes on its sales. It instead incurs an obligation to

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

collect and remit only the use tax (6.25%) on its sales. It no longer incurs any local retailers' occupation taxes.

EXAMPLE 3: Ponchos for Pooches.com has become so popular with Illinois purchasers that the company decides to open up a manufacturing facility in Illinois. Sales to Illinois purchasers are sometimes fulfilled from this facility. For all sales to Illinois purchasers that are fulfilled from its Illinois manufacturing facility, Ponchos for Pooches.com incurs State and local retailers' occupation taxes in effect at the location of the manufacturing facility ("origin sourcing"). In addition, Ponchos for Pooches.com incurs only a use tax collection obligation (6.25%) on sales made from its Oregon manufacturing facility. As illustrated in Example 2, Ponchos for Pooches.com is not considered a remote retailer because it has a physical presence in Illinois (its manufacturing facility).

EXAMPLE 4: Ponchos for Pooches.com decides to sell its products over a marketplace. The marketplace meets the tax remittance requirements of Section 131.135(a) and so is required to remit State and local retailers' occupation taxes to the Department on all sales made to Illinois purchasers by its marketplace sellers. Ponchos for Pooches.com is not responsible for reporting and remitting tax on sales made over the marketplace. As provided in Example 3, Ponchos for Pooches.com maintains a physical presence in Illinois due to its manufacturing facility. Ponchos for Pooches.com incurs State and local retailers' occupation taxes for all sales it makes to Illinois purchasers outside the marketplace that are fulfilled from its Illinois manufacturing facility ("origin sourcing"). In addition, Ponchos for Pooches.com incurs only a use tax collection obligation (6.25%) on sales it makes outside the marketplace to Illinois purchasers that are fulfilled from its Oregon manufacturing facility.

Section 131.115 Remote Retailers – Determination of Status as a Remote Retailer

- a) Application of ROTA
 - 1) *Beginning January 1, 2021, a remote retailer is a retailer engaged in the occupation of selling at retail in Illinois for purposes of ROTA if either of the following thresholds is met:*
 - A) *The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois are \$100,000 or more; or*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- B) *The remote retailer enters into 200 or more separate transactions for the sale of tangible personal property to purchasers in Illinois.*
[35 ILCS 120/2(b)]
- 2) Remote retailers that meet or exceed the thresholds in either subsection (a)(1)(A) or (B) shall be liable for all applicable State and locally imposed retailers' occupation taxes administered by the Department on all retail sales to Illinois purchasers.
- b) *A remote retailer shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether it meets the threshold of either subsection (a)(1)(A) or (B) for the preceding 12-month period. If the remote retailer meets the criteria of either subsection (a)(1)(A) or (B) for a 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit the retailers' occupation tax and all retailers' occupation taxes imposed by local taxing jurisdictions in Illinois, provided the local taxes are administered by the Department, and to file all applicable returns for one year. A remote retailer shall remit taxes for sales beginning on the first day of the quarter immediately following the end of the 12-month lookback period.* [35 ILCS 120/2(b)]
- c) *At the end of that one-year period, during which the remote retailer was remitting taxes, the remote retailer shall determine whether it met the threshold of either subsection (a)(1)(A) or (B) for the preceding 12-month period. If the remote retailer met the threshold in either subsection (a)(1)(A) or (B) for the preceding 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit all applicable State and local retailers' occupation taxes and file returns for the subsequent year.*
- d) If, at the end of the one-year collection period described in subsection (c), the remote retailer determines that its sales to Illinois purchasers did not meet either of the thresholds in subsection (a)(1) during that year, it must discontinue remitting State and local retailers' occupation taxes. If a remote retailer is no longer required to remit State and local retailers' occupation taxes, it must notify the Department. However, it may alternatively notify the Department that it wishes to change its registration status to voluntarily collect and remit use tax as a courtesy to its Illinois purchasers, since those purchasers will still incur a use tax liability that they must otherwise self-assess and remit directly to the Department. (See 86 Ill. Adm. Code 150.805 for additional information.) All notifications

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

made under this subsection (d) shall be made electronically as required by the Department.

- e) If a remote retailer is no longer required to remit State and local retailers' occupation taxes, it must redetermine, on a rolling quarterly basis, whether it is obligated to once more begin remitting State and local retailers' occupation taxes. For each quarter ending on the last day of March, June, September, and December, the remote retailer must examine its sales for the immediately preceding 12-month period to determine whether it met either of the thresholds in subsection (a)(1). If it met either of those thresholds during that 12-month lookback period, it must remit State and local retailers' occupation taxes for the following 12-month period. At the end of that 12-month period, it must examine its sales, as provided in subsection (a), to determine if it must continue to remit tax.

Section 131.120 Factors Used by Remote Retailers in Determining if the Thresholds in Section 131.115 (a) of this Part are Met

- a) "Gross Receipts" and "Separate Transactions" Defined. The following definitions must be applied by a remote retailer when determining if it meets either of the thresholds establishing tax remittance obligations:
- 1) "Gross Receipts" means *all the consideration actually received for a sale.* (See 86 Ill. Adm. Code 130.401 for additional information regarding gross receipts.) *Subsection (b) of this Section describes what kinds of transactions must be included or excluded when determining whether the threshold based on gross receipts is met.*
 - 2) "Illinois Purchaser" means *a person in Illinois who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration.*
 - 3) "Entering into a Sale" occurs when a remote retailer has taken action that binds it to a sale. This may occur even though the tangible personal property that has been sold has not yet shipped to the purchaser.

EXAMPLE: On December 15, 2020, a remote retailer takes actions binding it to a sale that is scheduled for shipment on January 15, 2021. This sale must be included in the calculation used to determine the remote

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

retailer's sales transactions for its initial lookback period under Section 131.115(b) (i.e., the lookback period of January 1, 2020 through December 31, 2020).

- 4) "Separate Transactions" means sales transactions which are documented on separate invoices, regardless of the manner in which the tangible personal property is delivered to the purchaser.

EXAMPLE 1: A purchaser orders 12 items of clothing from a remote retailer. He receives an invoice confirming his order of 12 items. However, due to a back order, 3 of the clothing items are shipped separately from the other 9 items. Shipment of the 3 back-ordered items, even with a separate shipping invoice, is not considered a separate transaction because the original transaction was invoiced as one sale.

EXAMPLE 2: A purchaser places an order of home repair tools at 8:00 a.m. from a remote retailer. She receives an invoice confirming her order at 8:15 a.m. At 2:00 p.m., the purchaser realizes she needs 5 other tools to complete the job, and orders these tools from the same remote retailer. The remote retailer confirms this order with a separate invoice. In this example, two different transactions have occurred. This is the case, even if the remote retailer sends all the ordered tools to the purchaser in one package.

EXAMPLE 3: A mother places an order with a remote retailer for care packages to be delivered to her son's dormitory at 8 scheduled intervals during the school year. Each delivery is separately invoiced. These are counted as 8 separate transactions.

- b) Transactions that are included or excluded in determining if either of the thresholds establishing tax remittance obligations are met. A remote retailer must apply the following provisions in determining whether a transaction should be included or excluded for purposes of determining if it meets either of the thresholds establishing tax remittance obligations:
- 1) Sales for resale must be excluded. (See 86 Ill. Adm. Code 130.210.)

EXAMPLE: A remote retailer makes a sale of seedlings to Company B. Company B provides a resale certificate indicating that 60% of the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

seedlings will be sold to customers at retail (a purchase for resale) and that it will use 40% of the seedlings in its landscaping business (a purchase for use). When calculating its threshold using gross receipts, it should include only 40% of the gross receipts from this sale. When calculating its threshold using transactions, however, the remote retailer must include the entire transaction with Company B.

- 2) *Neither the gross receipts from nor the number of separate transactions for sales of tangible personal property to purchasers in Illinois that a remote retailer makes through a marketplace facilitator shall be included for the purposes of determining whether he or she has met either of the thresholds of Section 131.115(a) so long as the remote retailer has received certification from the marketplace facilitator as provided in Section 131.145, that the marketplace facilitator is legally responsible for payment of tax on such sales. [35 ILCS 120/2(b-5)]*
- 3) Sales of tangible personal property that is required to be titled or registered with an agency of this State, including motor vehicles, watercraft, aircraft, and trailers, that are made by remote retailers to Illinois purchasers must be excluded. State and local use taxes shall continue to be paid by purchasers as required by law as a condition of titling or registering these items.
- 4) All sales of tangible personal property, other than those excluded by this subsection (b), even if they are exempt from tax, must be included for purposes of calculating the thresholds.

Section 131.125 Remote Retailers – Obligations – Procedures – Hold Harmless Provisions

- a) Remote retailers meeting either of the thresholds in Section 131.115(a) are required to register with the Department to file returns and remit tax for all sales made to Illinois purchasers. However, a remote retailer that has entered into a Tax Remittance Agreement with a CSP is not required to register with the Department. The CSP shall instead register, as agent, for the remote retailer and file returns and make payment of tax as provided in Section 131.160. A remote retailer that no longer has a Tax Remittance Agreement with a CSP as provided in Section 131.161 is required to register and file returns to remit tax as otherwise provided in this Part.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- b) A remote retailer may, but is not required to, use a CSP to file returns and remit taxes, as provided in Section 131.160.
- c) A remote retailer may file its own returns, and may, but is not required to, utilize a CAS in filing its own returns and making payment of taxes. A remote retailer using a CAS shall maintain in its books and records the name of the owner or provider of the CAS it is using. A remote retailer shall also maintain this information in its books and records for any subsequent uses of a different CAS. This information shall be made available to the Department upon demand.
- d) If a remote retailer uses a CSP, the CSP is considered the agent of the remote retailer as provided in Section 131.160. All notices, assessments and other communications shall be sent by the Department to the CSP, not the remote retailer. (See Section 131.160 for additional information.)
- e) Remote retailers that are "marketplace sellers" as defined in Section 131.105 are not required to file returns or make payment of tax for sales made to Illinois purchasers over a marketplace that meets the thresholds in Section 131.135, provided that the remote retailer has received certification from the marketplace facilitator that the marketplace facilitator is legally responsible for payment of tax on those sales as provided in Section 131.145. The sales are considered to be sales made by the marketplace facilitator.
- f) *A remote retailer is subject to audit on all its sales, other than those which are made on a marketplace and for which a marketplace facilitator remitted the applicable State and local retailers' occupation taxes, unless the marketplace facilitator seeks relief as a result of incorrect information provided to the marketplace facilitator by the remote retailer as provided in Section 131.145. [35 ILCS 120/2(c)]*
- g) A remote retailer shall maintain books and records for its sales, including all sales made over a marketplace, in accordance with the requirements of Section 7 of ROTA.
- h) A remote retailer that files its own returns and makes payment of tax shall be entitled to the retailers' discount for all sales for which it timely files returns and makes payment of tax as required by Section 3 of ROTA. However, a remote retailer is not entitled to the retailers' discount for sales reported on returns filed by a CSP with whom it has a Tax Remittance Agreement. Similarly, a remote

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

retailer is not entitled to the retailers' discount for sales made over a marketplace as provided in subsection (e).

- i) *Remote retailers using a certified service provider or a certified automated system provider are relieved from liability to the State for having remitted the incorrect amount of use or occupation tax resulting from a certified service provider or certified automated system relying, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries, or taxing jurisdictions, or erroneous data provided by the Department in database files concerning the taxability of products and services. [35 ILCS 185/5-30]*
- j) *Remote retailers using a certified automated system shall be liable for any tax resulting from errors caused by use of an updated or upgraded certified automated system prior to recertification of the updated or upgraded certified automated system by the Department as provided in Section 131.165. [35 ILCS 185/5-25(c)]*
- k) Unless otherwise provided to the contrary in this Part, a remote retailer is subject to all the rights and duties, and is subject to the same modes of procedure, as all other retailers under ROTA.
- l) *Nothing in this Section affects the obligation of any consumer to remit use tax for any taxable transaction for which a remote retailer does not collect and remit the appropriate tax. [35 ILCS 120/2(j)]*

Section 131.130 Marketplace Facilitators – General Provisions

- a) Activities of Marketplace Facilitators
 - 1) *Beginning January 1, 2021, a marketplace facilitator means a person who, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates facilitates a retail sale by an unrelated third-party marketplace seller by:*
 - A) *Listing or advertising for sale by the marketplace seller in a marketplace, tangible personal property that is subject to tax under ROTA; and*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- B) *Either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services.*
- 2) *A person who provides advertising services, including listing products for sale, is not considered a marketplace facilitator, so long as the advertising service platform or forum does not engage, directly or indirectly through one or more affiliated persons, in the activities described in subsection (a).* [35 ILCS 120/1]
- b) A marketplace facilitator must indicate to purchasers on its marketplace that the tangible personal property is being sold on behalf of an identified marketplace seller. If the marketplace seller is not identified to the purchaser on the marketplace, then for tax remittance purposes, the marketplace facilitator is considered the seller of the tangible personal property. If none of the tangible personal property sold over a marketplace is identified to purchasers on the marketplace as tangible personal property sold on behalf of an identified marketplace seller, the requirements of subsection (a)(1)(A) are not met. (See EXAMPLE 4 at the end of this Section.)
- c) Sales of tangible personal property that is required to be titled or registered with an agency of the State of Illinois, including motor vehicles, watercraft, aircraft, and trailers, that are made over a marketplace to Illinois purchasers are not subject to the provisions of this Part. State and local uses taxes shall continue to be paid by purchasers as required by law as a condition of titling or registering these items.
- d) On and after January 1, 2021, a marketplace facilitator that meets either of the thresholds in Section 131.135(a) is considered a retailer engaged in the occupation of selling at retail in Illinois and is liable for all applicable State and local retailers' occupation taxes administered by the Department on all sales to Illinois purchasers made over the marketplace, including its own sales and sales made over the marketplace on behalf of marketplace sellers.
- e) Affiliates of a Marketplace Facilitator Are Not "Marketplace Sellers". As a result, a marketplace facilitator is not considered to be the retailer and is not liable for tax on sales made to Illinois purchasers by affiliates selling over its marketplace.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

An affiliate must consider several factors in determining its tax liability. First, it must determine if it is a "remote retailer" under Section 131.110. (See also Illustration A.) If it is a remote retailer, it must calculate whether its sales meet either of the tax remittance thresholds in Section 131.115(a). If it is not a remote retailer, it must examine its selling activities to determine if it has any other type of tax liability. (See Section 131.155.) An affiliate of a marketplace facilitator that is a remote retailer and is liable for ROTA must register with the Department to file returns and make payment of the tax separately from any returns remitted to the Department by a marketplace facilitator. However, if a marketplace facilitator has obtained certification as a CSP or a CAS, it may assist affiliates in filing their returns and performing other tax functions as provided in Section 131.160 or 131.165.

- f) Marketplace facilitators that meet either of the thresholds in Section 131.135(a) are deemed to be engaged in the business of selling on behalf of their marketplace sellers at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation taxes are incurred at the rate in effect at this location for all sales made on behalf of marketplace sellers over the marketplace. (See Section 131.155 and 35 ILCS 120/2-12(7).)
- g) Marketplace facilitators that meet either of the thresholds in Section 131.135(a) and that make sales of their own over their marketplace are subject to State and local retailers' occupation tax. For sales of their own that are fulfilled from inventory located in Illinois, the marketplace facilitator is deemed to be engaged in the business of selling at the location of the inventory. State and local retailers' occupation tax is incurred at the rate in effect at the location of the inventory. For their own sales that are not fulfilled from inventory in Illinois or for which selling is not engaged in at any location in Illinois (see 86 Ill. Adm. Code 270.115), the marketplace facilitator is deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation tax is incurred at the rate in effect at this location for all such sales. (See Section 131.155.)

EXAMPLE 1: Carabibi, a social media network, provides a forum in which persons using the network can buy and sell used tangible personal property. Carabibi functions solely as an advertising platform bringing buyers and sellers together. Once the buyer and seller have contacted each other over the network,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

they must negotiate the sale and make payment arrangements themselves. While the forum provided by Carabibi constitutes a marketplace as defined in Section 131.101, Carabibi is not considered a marketplace facilitator because it does not engage in the activities described in subsection (a)(2).

EXAMPLE 2: Paymate is a payment processing business appointed by merchants to handle payment transactions from various channels, such as credit cards and debit cards. Its sole activity with respect to marketplace sales is to handle financial transactions between two parties on the marketplace. Paymate is not a marketplace facilitator because it does not engage in the activities described in subsection (a)(1).

EXAMPLE 3: CouponCrowd operates an online platform that sells coupons that can be redeemed by purchasers at various retail stores that have contracted with CouponCrowd to promote their businesses. CouponCrowd lists the coupons for sale, sells the coupons to purchasers, and processes payment for the purchase of the coupons. CouponCrowd is not a marketplace facilitator. The sale of a coupon is the sale of an intangible, not the sale of tangible personal property. Marketplace facilitators must engage in facilitating sales of tangible personal property.

EXAMPLE 4: Visualey This operates a specialized online marketplace that sells various brands of contact lenses to purchasers. Visualey This makes purchases for resale from various suppliers of the contact lenses offered for sale on its marketplace. Its marketplace does not indicate to purchasers using the marketplace that the sales are made on behalf of any identified marketplace sellers. In this example, Visualey This is not a marketplace facilitator. It is simply an online retailer making its own sales of contact lenses. Its tax liability will depend on its activities. (See Illustration A.)

EXAMPLE 5: Mandameal.com is an online and mobile food-ordering and delivery service that enters into over 200 transactions with Illinois purchasers. It contracts with a variety of partner restaurants by advertising meals available for purchase from partner restaurants; it also offers delivery service for the food orders. Customers place food orders using the Mandameal app or through its online website. Mandameal.com accepts payments from customers, completes the orders with the restaurants, and transmits payment on a regular basis to the restaurants. Mandameal.com engages in activities that make it a marketplace facilitator. Mandameal.com is required to register with the Department and remit

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

retailers' occupation tax, including applicable local taxes, on sales made on its marketplace on behalf of partner restaurants. State and local retailers' occupation taxes are incurred at the rate in effect at the delivery location of the purchaser. For example, if the food order is delivered to a customer address, Mandameal.com incurs State and local retailers' occupation taxes in effect at the location where the order is delivered. If the order is picked up at the restaurant, however, Mandameal.com incurs State and local retailers' occupation taxes in effect at the restaurant location.

EXAMPLE 6: CanineCorner.com is a marketplace that sells dog gear. Its gross receipts from sales to Illinois purchasers are over \$100,000. Ponchos for Pooches.com decides to sell its rain gear over this marketplace. Some of the inventory Ponchos for Pooches.com sells over the marketplace is fulfilled from its manufacturing plant in Portland, Oregon, while other sales are fulfilled from its warehouse in Kankakee, Illinois. CanineCorner.com incurs Retailers' Occupation Tax, including all applicable local retailers' occupation taxes, for all sales of rain gear made over the marketplace on behalf of Ponchos for Pooches.com. Tax on all sales, both those fulfilled from Portland, Oregon and from the Kankakee, Illinois warehouse, is incurred at the rate in effect at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser.

EXAMPLE 7: Antiquities, Inc. is an auction house located in Edwardsville, Illinois. It enters into agreements with individuals wanting to sell items at a weekly, in-person auction. A week before the auction, Antiquities, Inc. advertises the items that will be sold in an online posting. Once an item is sold, Antiquities, Inc. collects payment from the purchaser and pays the original owner of the item sold, minus an agreed-upon commission. Antiquities, Inc. is a marketplace facilitator operating a marketplace. Provided that it meets either of the thresholds in Section 131.135(a), it is required to remit State and local retailers' occupation taxes on all sales made through the marketplace. If purchasers take possession of the items sold in the auction house in Edwardsville, State and local retailers' occupation taxes are incurred at the rate in effect at the location of the auction house in Edwardsville. If the items sold are shipped to a purchaser in Chicago, State and local retailers' occupation taxes are imposed at the rate in effect at the location to which the items are shipped or delivered in Chicago. If the items sold are shipped to purchasers in California by Antiquities, Inc. and meet all the other requirements of Section 130.605, no State and local retailers' occupation taxes are incurred, because this is an exempt sale into interstate commerce.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

EXAMPLE 8: Seconds for Less is an upscale resale shop in Evanston, Illinois. It buys and sells gently used clothing for children and adults. After inspecting the clothing offered by an individual for sale, it pays the individual, either in cash or with store credit, for the clothing it wishes to purchase. The clothing is then cleaned, pressed, and displayed for sale. In this example, Seconds for Less is not operating a marketplace and is not a marketplace facilitator because it owns the clothing it offers for sale.

Section 131.135 Marketplace Facilitators – Determination of Obligation to Remit Tax

- a) *Beginning January 1, 2021, a marketplace facilitator, as defined in Section 131.101, is considered a retailer engaged in the occupation of selling at retail in Illinois for purposes of ROTA if either of following thresholds is met:*
 - 1) *The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois made through the marketplace by the marketplace facilitator and by marketplace sellers are \$100,000 or more; or*
 - 2) *The marketplace facilitator and marketplace sellers selling through the marketplace cumulatively enter into 200 or more separate transactions for the sale of tangible personal property to purchasers in Illinois.*
- b) *Marketplace facilitators that meet or exceed either of the thresholds in subsection (a) shall be liable for all applicable State and local retailers' occupation taxes administered by the Department on all retail sales to Illinois purchasers.*
- c) *The marketplace facilitator shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether it meets either of the thresholds in subsection (a) for the preceding 12-month period. If the marketplace facilitator meets the either threshold for a 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit the retailers' occupation tax and all retailers' occupation taxes imposed by local taxing jurisdictions in Illinois, provided those local taxes are administered by the Department, and to file all applicable returns for one year. A marketplace facilitator shall remit taxes for sales beginning on the first day of the quarter immediately following the end of the 12-month lookback period.*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- d) *At the end of that one-year period, the marketplace facilitator shall determine whether it met either of the thresholds in subsection (a) for the preceding 12-month period. If the marketplace facilitator met either threshold for the preceding 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit all applicable State and local retailers' occupation taxes and file returns for the subsequent year. [35 ILCS 120/2(c)]*
- e) If, at the end of the one-year collection period in subsection (d), the marketplace facilitator determines that its sales to Illinois purchasers did not meet either of the thresholds in subsection (a) during that year, it must discontinue remitting State and local retailers' occupation taxes.
- f) If a marketplace facilitator is no longer required to remit State and local retailers' occupation taxes, it must notify the Department and its marketplace sellers of this change. It must also provide the Department with the name, address and FEIN of all marketplace sellers making sales to Illinois purchasers during the previous one-year period. Notification to the Department and provision of the information required by this subsection (f) shall be made electronically as required by the Department.
- g) *If a marketplace facilitator is no longer required to remit State and local retailers' occupation taxes and has discontinued tax remittance, it must redetermine, on a rolling quarterly basis, whether it is obligated to once more begin remitting State and local retailers' occupation taxes. For each quarter ending on the last day of March, June, September, and December, the marketplace facilitator must examine its sales for the immediately preceding 12-month period to determine whether it met either of the thresholds in subsection (a). If it met either of those thresholds during that 12-month lookback period, it must remit State and local retailers' occupation taxes for the following 12-month period. At the end of that 12-month period, it must examine its sales as provided in subsection (a) to determine if it must continue to remit tax. [35 ILCS 120/2]*

Section 131.140 Factors Used by Marketplace Facilitators in Determining if Thresholds in Section 131.135 of this Part are Met

- a) "Gross Receipts" and "Separate Transactions" Defined. The following definitions must be applied by a marketplace facilitator when determining if it meets either of the thresholds establishing tax remittance obligations:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) "Gross Receipts" means all the consideration actually received for a sale. (See 86 Ill. Adm. Code 130.401 for additional information regarding gross receipts.) Subsection (b) describes what kinds of transactions must be included or excluded when determining whether the threshold based on gross receipts is met.
- 2) "Illinois Purchaser" means *a person in Illinois who, through a sale made over a marketplace, acquires the ownership of tangible personal property for a valuable consideration.* [35 ILCS 120/1]
- 3) "Entering into a Sale" occurs when a marketplace seller has taken action that binds it to a sale. This may occur, even though the tangible personal property that has been sold has not yet shipped to the purchaser.

EXAMPLE: On December 15, 2020, a marketplace seller takes actions binding it to a sale that is scheduled for shipment on January 15, 2021. This sale must be included in the calculation used to determine the marketplace facilitator's sales transactions for its initial lookback period under Section 131.135(b) (i.e., the lookback period of January 1, 2020 through December 31, 2020).

- 4) "Separate Transactions" means sales transactions that are documented on separate invoices, regardless of the manner in which the tangible personal property is delivered to the purchaser.

EXAMPLE 1: A purchaser orders 12 items of clothing from a marketplace seller. He receives an invoice confirming his order of 12 items. However, due to a back order, 3 of the clothing items are shipped separately from the other 9 items. Shipment of the 3 back-ordered items, even with a separate shipping invoice, is not considered a separate transaction because the original transaction was invoiced as one sale.

EXAMPLE 2: A purchaser places an order of home repair tools at 8:00 a.m. from a marketplace seller. She receives an invoice confirming her order at 8:15 a.m. At 2:00 p.m., the purchaser realizes she needs 5 other tools to complete the job, and orders these tools from the same marketplace seller. The marketplace seller confirms this order with a separate invoice. In this example, two different transactions have

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

occurred. This is the case, even if the marketplace seller sends all the ordered tools to the purchaser in one package.

EXAMPLE 3: A mother places an order with a marketplace seller for care packages to be delivered to her son's dormitory at 8 scheduled intervals during the school year. Each delivery is separately invoiced. These are counted as 8 separate transactions.

- b) Transactions that are included or excluded in determining if either of the tax remittance thresholds in Section 131.135(a) are met. A marketplace facilitator must apply the following provisions in determining whether a transaction should be included or excluded for purposes of determining if it meets either of the thresholds establishing tax remittance obligations:

- 1) Sales for resale must be excluded. (See 86 Ill. Adm. Code 130.201.)

EXAMPLE: Marketplace seller A makes a sale of seedlings to Company B over a marketplace. Company B provides a resale certificate indicating that 60% of the seedlings will be sold to customers at retail (a purchase for resale) and that it will use 40% of the seedlings in its landscaping business (a purchase for use). If the marketplace facilitator calculates its threshold using gross receipts, it should include only 40% of the gross receipts from this sale. If it calculates its threshold using transactions, however, the entire transaction with Company B must be included.

- 2) Sales of tangible personal property to Illinois purchasers that is required to be titled or registered with an agency of this State, including motor vehicles, watercraft, aircraft, and trailers, must be excluded.
- 3) All sales of tangible personal property, other than those excluded by this subsection (b), even if they are exempt from tax, must be included for purposes of calculating the thresholds.

Section 131.145 Marketplace Facilitators – Obligations – Procedures – Hold Harmless Provisions

- a) Marketplace facilitators meeting either of the thresholds in Section 131.135(a) are required to register with the Department, file returns and remit tax for all sales

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

made over the marketplace to Illinois purchasers, including their own sales and sales made on behalf of marketplace sellers.

- b) *A marketplace facilitator shall certify to each marketplace seller:*
- 1) *That the marketplace facilitator assumes the rights and duties of a retailer under ROTA and all applicable local retailers' occupation taxes administered by the Department with respect to sales made by the marketplace seller through the marketplace; and*
 - 2) *That the marketplace facilitator will remit taxes imposed by the retailers' occupation tax and all applicable local retailers' occupation taxes administered by the Department for sales made through the marketplace. [35 ILCS 120/2(d)]*
- c) *A marketplace facilitator is liable for the remittance of all applicable State and local retailers' occupation taxes administered by the Department on sales made on behalf of marketplace sellers on the marketplace, as well as its own sales made over the marketplace, and is subject to audit on all such sales. A marketplace facilitator is not liable for tax on any sales made by a marketplace seller that take place outside of the marketplace and that are not a part of an agreement between a marketplace facilitator and a marketplace seller for the facilitation of sales by the marketplace seller over the marketplace. [35 ILCS 120/2(f)]*
- d) *Marketplace facilitators shall not be liable to State and local governments of Illinois for having charged and remitted an incorrect amount of State and local retailers' occupation tax if, at the time of the sale, the tax is computed based on erroneous data provided by the Department in database files on tax rates, boundaries, or taxing jurisdictions or on incorrect information provided to the marketplace facilitator by a marketplace seller. [35 ILCS 120/2(c)] (See also Section 131.150(b) and (c) for further information.)*
- e) *A marketplace facilitator shall maintain books and records for sales made over the marketplace to Illinois purchasers on behalf of marketplace sellers in accordance with the requirements of Section 7 of ROTA.*
- f) *Marketplace facilitators shall file returns and remit tax on sales made over the marketplace to Illinois purchasers on behalf of marketplace sellers separately*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

from any sales made directly by the marketplace facilitator itself. [35 ILCS 120/2(c)]

- g) Marketplace facilitators are not authorized to file returns and remit tax on sales made by affiliates over the marketplace to Illinois purchasers unless the marketplace facilitator is acting as a certified CSP or CAS for the affiliate.
- h) *A marketplace facilitator shall be entitled to any credits, deductions, or adjustments to the sales price otherwise provided to the marketplace seller, in addition to any such adjustments provided directly to the marketplace facilitator, such as discounts, coupons, and rebates.* [35 ILCS 120/2(c)] (See 86 Ill. Adm. Code 130.2125.)
- i) *A marketplace facilitator shall be entitled to the retailers' discount as provided in Section 3 of ROTA on all marketplace sales made to Illinois purchasers on behalf of marketplace sellers.* [35 ILCS 120/2(c)]
- j) A marketplace is a location held out to the public as being habitually engaged in the selling of tangible personal property. As such, no sales made on a marketplace are considered to be occasional sales (see 86 Ill. Adm. Code 130.110).
- k) *The Department is prohibited from collecting State and local retailers' occupation taxes from both the marketplace facilitator and the marketplace seller on the same transaction.* [35 ILCS 120/2(h)]
- l) *Nothing in this Part affects the obligation of any consumer to remit use tax for any taxable transaction for which a marketplace facilitator does not collect and remit the appropriate tax.* [35 ILCS 120/2(j)]
- m) Unless otherwise provided to the contrary in this Part, a marketplace facilitator is subject to all the rights and duties, and is subject to the same modes of procedure, as all other retailers under ROTA with respect to sales made over the marketplace.

Section 131.150 Marketplace Sellers – Obligations – Procedures – Hold Harmless Provisions

- a) Except as otherwise provided in this Section, a marketplace seller is not liable for State and local retailers' occupation taxes for sales of tangible personal property

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

sold to Illinois purchasers through a marketplace, provided that, prior to its sales, it has obtained a certification from the marketplace facilitator as established in Section 131.145(b).

- b) A marketplace seller shall furnish to the marketplace facilitator information that is necessary for the marketplace facilitator to correctly remit tax on each sale made on its behalf over the marketplace. The information may include a certification that an item being sold is taxable, not taxable, exempt from taxation, or taxable at a specified rate (for example, at either the general merchandise rate or the preferential low rate of tax).
- c) A marketplace facilitator that relies in good faith on the information provided in subsection (b) by a marketplace seller shall be relieved of liability for the tax on that transaction. In this case, a marketplace seller is subject to audit on that transaction and shall be liable for any resulting State and local retailers' occupation taxes due.
- d) Books and Records. *A marketplace seller shall maintain books and records for all sales made through a marketplace in accordance with Section 7 of ROTA.* [35 ILCS 120/2(e)]
- e) A marketplace seller that makes sales to Illinois purchasers outside of a marketplace must examine its selling activities to determine its tax liabilities (i.e., determine if it is a remote retailer; retailer with a physical presence required to collect and remit use tax; or an Illinois retailer required to remit State and local retailers' occupation tax). (See Section 131.115 and Illustration A.) It must separately register with the Department to report and pay taxes incurred on these sales.
- f) A marketplace seller that incurs tax liability on sales made outside of a marketplace shall not include sales made through a marketplace on the separate returns filed with the Department, and shall not include any of its sales made through a marketplace when computing any retailers' discount on its separately filed returns.
- g) *If for any reason, the Department is prohibited from enforcing the marketplace facilitator's duty to remit taxes, the duty to remit those taxes remains with the marketplace seller, provided it is otherwise required to remit taxes under ROTA or the Use Tax Act.* [35 ILCS 120/2(i)]

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- h) *The Department is prohibited from collecting State and local retailers' occupation taxes from both the marketplace seller and the marketplace facilitator on the same transaction.* [35 ILCS 120/2(h)]

Section 131.155 Tax Sourcing Provisions

- a) Under P.A. 101-0031 and P.A. 101-604, the type of tax liability incurred by a retailer and the manner in which that liability is sourced depends upon the manner in which a retailer conducts its selling activities, as well as the type of nexus (or lack thereof) that a retailer has with the State. Retailers may incur State and local retailers' occupation taxes based either upon the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing") or upon the location in Illinois at which the selling activities occur ("origin sourcing"; see 86 Ill. Adm. Code 270.115). Some retailers, in contrast, may incur only a use tax collection obligation. Still other retailers may incur no tax obligations at all. Multichannel retailers may incur a combination of any of these liabilities. Because of these distinctions, it is critical that retailers evaluate their selling activities carefully to determine their proper tax liability.
- b) Marketplace facilitators required to remit State and local retailers' occupation tax on sales to Illinois purchasers for sales made on behalf of marketplace sellers. On and after January 1, 2021, marketplace facilitators meeting either of the thresholds in Section 131.135(a)(1) or (a)(2) are deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser for sales made over the marketplace on behalf of a marketplace seller. (See 35 ILCS 120/2-12(7).)
- c) Marketplace facilitators required to remit State and local retailers' occupation tax for their own sales to Illinois purchasers. On and after January 1, 2021, marketplace facilitators meeting either of the thresholds in Section 131.135(a)(1) or (a)(2) may incur either destination sourcing or origin sourcing on a sale to an Illinois purchaser. When a marketplace facilitator makes a sale to an Illinois purchaser that is fulfilled from inventory located in Illinois (or for which selling activities otherwise occur at a location in Illinois; see 86 Ill. Adm. Code 270.115), it is deemed to be engaged in the business of selling at the Illinois location at which the inventory is located or at which the selling activities otherwise occur ("origin sourcing"). When a marketplace facilitator makes a sale to an Illinois

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

purchaser that is fulfilled from inventory located outside Illinois and for which selling activities otherwise occur at a location outside Illinois (see 86 Ill. Adm. Code 270.115), it is deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing").

EXAMPLE 1: World of Spices operates a marketplace selling various spices on behalf of marketplace sellers. It meets the thresholds for tax remittance in Section 131.135(a)(1). Purchaser A places an order for Ceylon Cinnamon, Asafetida and Ajwain from Marketplace seller A. She requests delivery to her residence in Chicago, Cook County. World of Spices incurs State and local retailers' occupation taxes in effect at the location in Chicago to which the spices are shipped or delivered. Local occupation taxes would include the Regional Transportation Authority Retailers' Occupation Tax at the 1.25% rate, but would not include any additional local occupation taxes. (See subsection (f).)

EXAMPLE 2: A purchaser that resides in Chatham, Illinois, orders an espresso machine from a marketplace seller over a marketplace that meets the tax remittance threshold in Section 131.135(a)(2). The purchaser chooses an option to pick up the item at a Springfield, Illinois brick and mortar store that has partnered with the marketplace seller. The marketplace facilitator incurs State and local retailers' occupation taxes in effect at the Springfield store location.

EXAMPLE 3: Home Appliances is a brick and mortar store in Bloomington, Illinois that sells appliances. It recently became a marketplace seller on a large multinational marketplace that meets the threshold for tax remittance in Section 131.135(a). Home Appliances fills all orders made over the marketplace from its store warehouse in Bloomington. Purchaser A orders a grilled cheese sandwich toaster over the marketplace and chooses delivery to his residence in Kankakee, Illinois. The marketplace facilitator incurs State and local retailers' occupation taxes in effect at the Kankakee location to which the grilled cheese sandwich maker was shipped or delivered.

EXAMPLE 4: Conkle's Auctioneers operates an auction house in Carbondale, Illinois. It engages in activities qualifying it as a marketplace, and meets the tax remittance threshold in Section 131.135(a)(2). It holds a weekly, in-person auction. Most purchasers take possession of their purchased items at the time of sale. However, some request that Conkle's directly ship their items to a different location. When purchasers take possession of their purchases at the auction

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

house, State and local retailers' occupation taxes are incurred at the tax rate in effect at the location of the auction house in Carbondale. For items that are delivered to Illinois purchasers, Conkle's incurs State and local retailers' occupation taxes in effect at the location to which the purchased items are shipped or delivered.

EXAMPLE 5: Marketplace facilitator A operates a marketplace. It meets the tax remittance threshold of Section 131.135(a)(1). It makes sales of its own tangible personal property, as well as tangible personal property sold on behalf of marketplace sellers. It offers purchasers that pay it a yearly membership fee free and speedy delivery on selected items. Customer A in Champaign, Illinois, shops for a coffee grinder on the marketplace and compares similar products sold by Marketplace facilitator A and Marketplace seller B. He decides to purchase the product sold by Marketplace facilitator A because he has paid membership fees and receives faster delivery. Marketplace facilitator A does not engage in any selling activities in Illinois and fulfills the sale from a warehouse located in Missouri. The marketplace facilitator incurs State and local retailers' occupation taxes in effect at the location in Champaign where the coffee grinder is shipped or delivered.

EXAMPLE 6: The facts for this example are the same as for EXAMPLE 5. However, the marketplace facilitator fulfills the order from a warehouse located in Kankakee, Illinois. In this example, Marketplace facilitator A incurs State and local retailers' occupation taxes in effect at the location of the warehouse in Kankakee from which the order was fulfilled.

- d) Remote retailers required to remit State and local retailers' occupation tax on sales made to Illinois purchasers. *On and after January 1, 2021, remote retailers meeting the either of the tax remittance thresholds in Section 131.115(a) of this Part are deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser.* [35 ILCS 120/2-12(6)]

EXAMPLE 1: Vichy Vines is a vintner in the Columbia River Valley that sells wine to purchasers over its website. It has no physical presence in Illinois and meets the tax remittance threshold of Section 131.115(a)(1). Consequently, it is deemed to be engaged in the business of selling at the Illinois location to which its wine is shipped or delivered or at which possession is taken by the purchaser. Vichy Vines sells a case of its best Grenache to an Illinois purchaser and delivers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

it to an address in Chicago, Cook County. Vichy Vines incurs all State, municipal, county, and special district retailers' occupation taxes in effect at the location to which the wine is shipped or delivered.

EXAMPLE 2: Katy is an artist in Los Angeles that sells her jewelry through the Etc.com. marketplace, as well as through her own website. Etc.com is a marketplace facilitator that meets the tax remittance threshold of Section 131.135(a)(2). Tax on all sales Katy makes over Etc.com must be reported and remitted by Etc.com. as required in subsection (b). Katy must next determine if she has tax liability for sales made through her own website. In making this determination, Katy should not include either the gross receipts from, or transactions made to, Illinois purchasers over Etc.com. Katy has no physical presence in Illinois, so she is considered a remote retailer. If she determines that she meets either of the tax remittance thresholds of Section 131.115(a), she is considered to be a retailer engaged in the business of selling at the Illinois location to which her jewelry is shipped or delivered or at which possession is taken by purchaser. She incurs State and local retailers' occupation taxes in effect at the different locations to which her jewelry is shipped or delivered or at which possession is taken by the purchaser. Alternatively, if Katy determines that she does not meet either of the thresholds in Section 131.115(a), she is not required to register and remit taxes. She may, however, voluntarily register to collect and remit use tax as a courtesy to her Illinois purchasers, since those purchasers will still incur a use tax liability that they must otherwise self-assess and remit directly to the Department. (See 86 Ill. Adm. Code 150.805 for additional information.)

- e) Out-of-State Retailers with a Physical Presence in Illinois. Out-of-State retailers with a physical presence in Illinois are not remote retailers. However, they are "retailers maintaining a place of business in Illinois" under Section 2 of the Use Tax Act. As a result, they incur only a use tax collection obligation (6.25%) on sales made to Illinois purchasers from locations outside Illinois. If sales are made to Illinois purchasers from locations in Illinois, State and local retailers' occupation tax is incurred at the rate in effect where the sales are made ("origin sourcing"; see 86 Ill. Adm. Code 270.115). This selling frequently occurs when sales made to Illinois purchasers are filled from inventory located in Illinois.

EXAMPLE 1: Company A is a sushi restaurant supply company headquartered in San Francisco. It routinely sends representatives to Illinois to market supplies to sushi restaurants. All of its sales to Illinois purchasers are filled from inventory in Oakland, California. The representatives make no sales from locations in Illinois.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Company A is not a remote retailer because it has a physical presence in Illinois due the activities of its sales representatives. It is required to register to collect and remit Use Tax (6.25%) on its sales to Illinois purchasers.

EXAMPLE 2: DanubeDeliveries.com is an affiliate of a large multinational marketplace facilitator. The facilitator meets either of the tax remittance thresholds of Section 131.135(a) and so is required to remit State and local retailers' occupation tax for sales made on behalf of marketplace sellers on the marketplace. DanubeDeliveries.com sells 35% of its products over the marketplace, and these sales are fulfilled from a warehouse of the marketplace facilitator located in Monee, Illinois. The remaining 65% of its sales to Illinois purchasers are made outside Illinois. Because DanubeDeliveries.com is an affiliate of the marketplace facilitator, it is not considered a marketplace seller. As a result, the marketplace facilitator is not authorized to remit tax on sales made over the marketplace on behalf of DanubeDeliveries.com. as it does for all its marketplace sellers. DanubeDeliveries must next determine its tax obligations. In making this determination, it must first consider whether it is a remote retailer. It is not considered a remote retailer because it has a physical presence in Illinois due to inventory in Monee, Illinois, from which Illinois purchases are fulfilled. As a result, it incurs two different types of tax liability on its sales. It incurs State and local retailers' occupation tax at the rate in effect in Monee, Illinois for sales made to Illinois purchasers that are fulfilled from inventory in Monee ("origin sourcing"). For all sales made to Illinois purchasers from outside Illinois, DanubeDeliveries.com is required to collect and remit Illinois Use Tax (6.25%). DanubeDeliveries.com must register to report and remit tax on all its sales, including those made over the marketplace.

- f) Retailers that are required to remit State and local retailers' occupation taxes on their sales to Illinois purchasers generally incur no local retailers' occupation taxes on sales of tangible personal property subject to the preferential low 1% rate, since most local taxing jurisdictions lack authority to impose tax on those items. (See 86 Ill. Adm. Code 270.101.) However, certain units of local government (i.e., transportation districts) are authorized to impose tax on these items. (See 86 Ill. Adm. Code 320.101. For detailed information, see the Illinois Tax Rate Finder on the Department's website.)

Section 131.160 Certified Service Providers – Obligations – Procedures – Hold Harmless Provisions

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- a) A certified service provider (CSP) is an agent of a remote retailer that performs all of a remote retailer's sales tax functions, as outlined in the contract between the Department and the CSP. These functions include the preparation and filing of all required tax returns or amended returns, payment of tax, and resolution of any notices or audits of the remote retailer. These functions do not include remittance of use tax by the remote retailer on its own purchases.
- b) The software of a CSP interfaces with a remote retailer's accounting system to:
 - 1) Identify which products are taxable;
 - 2) Apply the appropriate tax rate; and
 - 3) Maintain a record of the transaction
- c) A CSP will provide services necessary to:
 - 1) Set up and integrate the CSP's software with the remote retailer's system;
 - 2) As agent for the remote retailer, prepare and file all required returns or amended returns;
 - 3) As agent for the remote retailer, remit tax to the Department;
 - 4) As agent for the remote retailer, resolve any notices or audits by the Department; and
 - 5) Provide for the protection and confidentiality of tax information consistent with the requirements of Section 11 of ROTA.
- d) The Department shall send all notices, assessments and other communications regarding the remote retailer's tax functions to the CSP, as agent for the remote retailer. The Department shall not, except as otherwise provided in this subsection, send these communications to the remote retailer. A remote retailer must contact the CSP with whom it has contracted in order to receive copies of the notices, assessment and other communications. In the event that an assessment has been issued to a CSP, and the CSP demonstrates to the satisfaction of the Department that its failure to correctly remit tax on a retail sale resulted from its good faith reliance on incorrect or insufficient information provided by a

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

remote retailer, the Department shall withdraw the assessment of the CSP and issue the assessment to the remote retailer, who shall be liable for any resulting tax, penalties and interest due.

- e) A CSP, or the remote retailer that has contracted with the CSP, shall be subject to all the same conditions, restrictions, limitations, penalties and modes of procedure as other retailers under ROTA in cases in which assessments have been issued as provided in subsection (d).
- f) Before acting as a CSP for a remote retailer, a CSP must be certified by the Department. Certification requires that a CSP applicant meet all established evaluation criteria. In addition, the systems of a CSP must have been tested and approved by the Department for properly determining the taxability of items to be sold, the correct rate of tax to apply to a transaction, and the appropriate jurisdictions to which the tax must be remitted.
- g) A CSP that has been certified by the Department shall enter into a contractual relationship with the Department. The contract shall, at a minimum:
 - 1) *Provide that the CSP shall be held liable for State and local retailers' occupation taxes administered by the Department if the CSP fails to correctly remit the tax after having been provided with the tax and information by a remote retailer to correctly remit those taxes. However, if the CSP demonstrates to the satisfaction of the Department that its failure to correctly remit tax on a retail sale resulted from the CSP's good faith reliance on incorrect or insufficient information provided by the remote retailer, the CSP shall be relieved of liability for the tax on that retail sale, and the remote retailer shall be liable for any resulting tax, penalties and interest due;*
 - 2) *Provide for the responsibilities of the CSP and the remote retailers that contract with the CSP with respect to record keeping and auditing consistent with the requirements imposed under ROTA;*
 - 3) *Provide for the protection and confidentiality of tax information consistent with the requirements of Section 11 of ROTA;*
 - 4) *Provide that the CSP is entitled to compensation equal to 1.75% of the tax dollars remitted to the State by a CSP on a timely basis on a return that*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

has been properly and timely filed by the CSP on behalf of a remote retailer, and that a remote retailer using a CSP may not claim the vendor's discount allowed under Section 3 of ROTA;

- 5) Provide that a CSP shall enter into a Tax Remittance Agreement with a remote retailer prior to acting as a CSP for that remote retailer, under which the CSP agrees to remit all State and local retailers' occupation taxes administered by the Department for sales made by the remote retailer. The agreement shall be retained by the CSP in its books and records and shall be provided to the Department upon demand;
 - 6) Provide that a CSP shall obtain and provide to the Department, upon request, a Power of Attorney, in the form and manner required by the Department, for each remote retailer with whom it has a Tax Remittance Agreement;
 - 7) Provide that a CSP shall obtain and maintain updated information for each remote retailer with which it has a Tax Remittance Agreement. This information shall include the name, post office address, email address, phone number, and FEIN or SSN of the remote retailer. It shall also include the name and address of the person or persons identified by the remote retailer who are responsible for filing returns and payment of taxes due under ROTA.
 - 8) *Provide that a CSP shall file a separate return for each remote retailer with which it has a tax remittance agreement and make payment by electronic means as required by the Department. [35 ILCS 185/5-25]*
- h) A CSP that has been certified must electronically register with the Department. Registration shall include an acceptance of responsibility signed by the person or persons of the CSP who will be responsible for filing returns and payment of the taxes due under ROTA. As part of its registration, a CSP must also certify that it has obtained from each remote retailer for whom it acts as agent an acceptance of responsibility signed by the person or persons of the remote retailer who are responsible for filing returns and making payment of taxes under ROTA, that it will keep the information current, and that it will provide the information to the Department upon request.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- i) Once certified, a CSP must notify the Department that it has entered into a Tax Remittance Agreement with a remote retailer within 30 days after execution of the Tax Remittance Agreement. A CSP cannot file returns or pay tax on behalf of a remote retailer until it has notified the Department that it has entered into a Tax Remittance Agreement with a remote retailer. Returns and payment of tax made on behalf of a remote retailer may then be filed by the CSP only for periods beginning with the current reporting period of the remote retailer (monthly, quarterly or annual). The CSP is not authorized to file returns, including amended returns, for any periods prior to the commencement of the current reporting period. Only one CSP is authorized to file a return for a remote retailer for any given reporting period (e.g., if the remote retailer terminates its contract with a CSP and enters into a contract with a new CSP before the end of its current reporting period, only one of those CSPs can file the return for the remote retailer). A CSP shall notify the Department of the termination of a Tax Remittance Agreement within 30 days after the termination of the Tax Remittance Agreement. Notification shall be made electronically as required by the Department.
- j) *A CSP shall file a separate return for each remote retailer with whom it has a Tax Remittance Agreement. [35 ILCS 185/5-25]*
- k) *A CSP shall be entitled to compensation equal to 1.75% of the tax that is remitted with a return that is timely and properly filed on behalf of a remote retailer. [35 ILCS 185/5-25]*
- l) *A CSP shall not be held liable for any State and local retailers' occupation taxes administered by the Department if the remote retailer does not provide the CSP with the tax and information to correctly remit all taxes due. A CSP that demonstrates that it relied in good faith on incorrect or insufficient information provided by the remote retailer shall be relieved of liability for the tax on that transaction. [35 ILCS 185/5-25] Incorrect or insufficient information includes, but is not limited to, incorrect information that an item being sold is taxable or not taxable, exempt from tax, or taxed at a specified rate (e.g., the rate applicable to either general merchandise or the low preferential 1% rate). Incorrect or insufficient information also includes failure of the remote retailer to report sales or to obtain properly executed documentation of an exemption as required by statute or regulations promulgated thereunder.*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- m) *A CSP is relieved of liability to the Department for having remitted the incorrect amount of tax resulting from reliance, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries or taxing jurisdictions, or erroneous data provided by the Department concerning the taxability of products and services (Illinois Sales Tax Matrix). [35 ILCS 185/5-30]*
- n) *When the systems of a CSP are updated or upgraded, they must be recertified by the Department. The CSP must notify the Department 60 days before any changes. Upon receipt of that notification, the Department shall review and test the changes to assess whether the updated system of the CSP can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. The Department shall recertify updated systems that meet these requirements. A CSP shall be liable for any tax resulting from errors caused by use of an updated or upgraded system prior to recertification by the Department. [35 ILCS 185/5-25(c)]*
- o) The Department shall provide each CSP with a test deck two times per year, in December and June, as a check to ensure that the CSP's system can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. (See 35 ILCS 185/5-25.)
- p) A CSP must be recertified every three years. At least 6 months prior to expiration of a CSP's certification status, the Department shall contact the CSP to initiate the recertification process. Once recertified, the Department's contract with the CSP shall be amended or renewed.

Section 131.165 Certified Automated Systems – Obligations – Procedures – Hold Harmless Provisions

- a) A certified automated system (CAS) is software that is designed for or by a remote retailer that wants to use certified tax calculation software but keep the responsibility for filing returns and remitting tax in-house.
- b) The software system of a CAS interfaces with a remote retailer's accounting system to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Identify which products are taxable;
 - 2) Apply the appropriate tax rate;
 - 3) Maintain a record of the transaction; and
 - 4) Determine the amount of tax the remote retailer must report and pay to the Department.
- c) Before a CAS can be utilized by a remote retailer, the CAS must be certified by the Department. Certification requires that a CAS applicant meet all established evaluation criteria. In addition, the systems of a CAS must have been tested and approved by the Department or properly determining the taxability of items to be sold, the correct rate of tax to apply to a transaction, and the appropriate jurisdictions to which the tax must be remitted.
- d) A remote retailer that uses a CAS shall, as a condition of its registration with the Department, agree to:
- 1) *Comply with all record keeping and auditing requirements consistent with the requirements imposed under ROTA;*
 - 2) *Provide for the protection and confidentiality of tax information consistent with the requirements of Section 11 of ROTA, including the protection and confidentiality of tax information provided to or shared with a CAS; and [35 ILCS 185/5-25(a)(4)]*
 - 3) Electronically file all returns and make payment by electronic means as required by the Department.
- e) A remote retailer using a CAS shall maintain in its books and records the name of the owner or provider of the CAS it is using. A remote retailer shall also maintain this information in its books and records for any subsequent uses of a different CAS. This information shall be made available to the Department upon demand.
- f) A remote retailer using a CAS shall file its own returns and make payment of tax by electronic means, and perform all other sales and use tax functions.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- g) A remote retailer using a CAS shall be entitled to a retailers' discount of 1.75% of the tax that is remitted with a return that is timely and properly filed.
- h) *Remote retailers using certified automated systems and their certified automated systems providers are relieved of liability to the Department for having remitted the incorrect amount of tax resulting from reliance, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries or taxing jurisdictions, or erroneous data provided by the Department concerning the taxability of products and services (Illinois Sales Tax Matrix). [35 ILCS 185/5-30]*
- i) *When the systems of a certified automated system are updated or upgraded, they must be recertified by the Department. The CAS must notify the Department 60 days before any changes. Upon receipt of the notification, the Department shall review and test the changes to assess whether the updated system of the CAS can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. The Department shall recertify updated systems that meet these requirements. A remote retailer using a CAS shall be liable for any tax resulting from errors caused by use of an updated or upgraded system prior to recertification by the Department. [35 ILCS 185/5-25(c)]*
- j) The Department will provide each CAS with a test deck two times per year, in December and June, as a check to ensure that the CAS's system can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted.
- k) A CAS must be recertified every three years. At least 6 months prior to expiration of a CAS's certification status, the Department shall contact the CAS to initiate the recertification process.

Section 131.170 Department Responsibilities

- a) Provision of Databases. No later than July 1, 2020, the Department will:
- 1) Provide and maintain an electronic database of defined product categories that identifies the taxability of each category. The Department will meet this requirement by the provision and maintenance of the Illinois Sales Tax Matrix on the Department's website. The Department will provide

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

persons subject to this Part with as much advance notice as practicable of changes in the Sales Tax Matrix. Failure of the Department to provide notice or failure of a person to receive notice shall not relieve the person of its obligation to remit tax as required by law. However, persons may petition the Department for abatement of penalties on reasonable cause shown;

- 2) Provide and maintain an electronic database of all retailers' occupation tax rates for the jurisdictions in Illinois that levy a retailers' occupation tax administered by the Department. The Department will meet this requirement by the provision and maintenance of the Tax Rate Finder Tax Rate Database on the Department's website. Local retailers' occupation taxes for jurisdictions in Illinois are generally subject to change twice a year, effective July 1 and January 1, and prior to these dates, any such changes are reflected on the Department's Tax Rate Finder Tax Rate Database. The Department will, as much as practicable, provide a CSP or CAS with notice of the changes by publishing updated tax rates on the Tax Rate Finder Tax Rate Database on the Department's website at least one month prior to the effective date of any tax rate changes. However, failure of the Department to provide notice or failure of a person to receive notice shall not relieve the person of its obligation to remit tax as required by law. Persons subject to this Part may petition the Department for abatement of penalties on reasonable cause shown; and
 - 3) Provide and maintain an electronic database that assigns delivery addresses in Illinois to the applicable taxing jurisdictions. The Department will provide a CSP or CAS with notice of any changes to this database on January 1 and July 1 of each year. Until that notification, the CSP or CAS may rely upon the information in the database to correctly remit taxes as required in this Part. (See 35 ILCS 185/5-20.)
- b) Certification of CSP and CAS. No later than July 1, 2020, the Department will:
- 1) Establish uniform minimum standards that companies wishing to be designated as certified service providers in Illinois must meet;
 - 2) Establish uniform minimum standards that certified automated systems must meet; and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 3) Establish a certification process to review the systems of companies wishing to be designated as certified service providers in Illinois or of companies wishing to provide certified automated systems to remote retailers.
- c) The Department will enter into a contractual relationship with each company that qualifies as a CSP. (See Section 131.160.) As a condition of its registration, a remote retailer using a CAS must agree to comply with the requirements set forth in Section 131.165(d).

Section 131.175 Local Taxing Jurisdiction Responsibilities

- a) *Beginning February 1, 2022 and on or before February 1 of each year thereafter, the Department will make available to each local taxing jurisdiction the taxing jurisdiction's boundaries, determined by the Department, for its verification. Jurisdictions shall verify these taxing jurisdiction boundaries and notify the Department of any changes, additions, or deletions by April 1 of each year in the form and manner required by the Department. The Department will use its best judgment and information to confirm the information provided by the taxing jurisdictions and update its database. The Department will administer and enforce the changes on the first day of the next following July. [35 ILCS 185/5-30(c)]*
- b) *The clerk of any municipality or county from which territory has been annexed or disconnected shall notify the Department of that annexation or disconnection in the form and manner required by the Department. Required documentation shall include a certified copy of the plat of annexation or, in the case of disconnection, the ordinance, final judgment, or resolution of disconnection together with an accurate depiction of the territory disconnected. Notification shall be provided to the Department either:*
 - 1) *On or before the first day of April, whereupon the Department will confirm the information provided by the municipality or county and update its database and proceed to administer and enforce the confirmed changes on the first day of July next following proper notification; or*
 - 2) *On or before the first day of October, whereupon the Department will confirm the information provided by the municipality or county and update its database and proceed to administer and enforce the confirmed*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

changes on the first day of January next following proper notification. [35
ILCS 185/5-30(d)]

Section 131.180 Application of Other Rules

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) shall apply to entities regulated by this Part, to the extent not in conflict with the provisions of this Part.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Definitions

"Marketplace" means a physical or electronic place, forum, platform, application, or other method by which a marketplace seller sells or offers to sell items. [35 ILCS 120/1]

"Marketplace facilitator" means a person who, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates facilitates a retail sale by an unrelated third-party marketplace seller by:

1. Listing or advertising for sale by the marketplace seller in a marketplace, tangible personal property that is subject to tax under this Retailers' Occupation Tax Act; and
2. Either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services.

A person who provides advertising services, including listing products for sale, is not considered a marketplace facilitator, so long as the advertising service platform or forum does not engage, directly or indirectly through one or more affiliated persons, in the activities described in paragraph (2) of this definition of "marketplace facilitator". [35 ILCS 120/1]

Marketplace facilitators meeting either of the thresholds in the Wayfair nexus standards are required to register with IDOR, file returns, and remit tax for all sales made through the marketplace to Illinois purchasers, including their own sales and sales made on behalf of marketplace sellers. A marketplace facilitator shall certify to each marketplace seller that the marketplace facilitator will assume the rights and duties of a retailer under the ROT Act and all applicable local retailers' occupation taxes administered by IDOR with respect to sales made by the marketplace seller through the marketplace. [86 Ill. Adm. Code 131.145]

"Marketplace Seller" means a person that makes sales through a marketplace operated by an unrelated third party marketplace facilitator. A person that is an affiliate of a marketplace facilitator is not a marketplace seller. [35 ILCS 120/1]

"Affiliate" means a person that, with respect to another person: (i) has a direct or indirect ownership interest of more than 5 percent in the other person; or (ii) is related to the other person because a third person, or a group of third persons who are affiliated with each other as herein defined, holds a direct or indirect ownership interest of more than 5% in the related person. [86 Ill. Adm. Code 131.105]

"ROT" or **"Retailers' Occupation Tax"** means the tax levied under the Retailers' Occupation Tax Act and all applicable local retailers' occupation taxes collected by the Illinois Department of Revenue in conjunction with the state retailers' occupation tax. [35 ILCS 185/5-10]

"Destination Rate" means the total state and local retailers' occupation tax rate calculated for a sale using the rate in effect at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. [35 ILCS 120/2-12]

"Origin Rate" means the total state and local retailers' occupation tax rate calculated for a sale using the rate in effect at the Illinois location at which the sales are determined to occur. [e.g. 86 Ill. Adm. Code 270.115]

"Physical Presence" in Illinois means having or maintaining within IL, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within IL under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in IL. [35 ILCS 105/2 (1)] For other forms of physical presence, see 35 ILCS 105/2 (1.1) and (1.2).

"Wayfair nexus standards" means the standards established by the Supreme Court case, *South Dakota v. Wayfair, Inc.*, No. 17-494 (U.S. June 21, 2018) and used to determine tax collection obligations for remote retailers that meet specific selling thresholds but have no physical presence in the state. Illinois P.A. 100-587 enacted nexus standards that are virtually identical to those upheld in Wayfair decision. Beginning January 1, 2021, remote retailers that meet or exceed either of the following thresholds shall be liable for all applicable state and locally imposed retailers' occupation taxes administered by IDOR on all retail sales to Illinois purchasers. [P.A. 101-0031 and 101-0604] The thresholds are:

1. The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois are \$100,000 or more; or
2. The remote retailer enters into 200 or more separate transactions for the sale of tangible personal property to purchasers in Illinois.

**For further information and examples,
see 86 Ill. Adm. Code 131.**

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Municipal Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 696
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
696.101	New Section
696.105	New Section
696.110	New Section
696.115	New Section
696.120	New Section
696.125	New Section
696.130	New Section
- 4) Statutory Authority: 65 ILCS 5/11-8-11-2.3
- 5) A Complete Description of the Subjects and Issues Involved: Implements the provisions of PA 101-604 which authorizes municipalities in Cook County to impose, beginning on July 1, 2020, a tax upon all persons engaged in the municipality in the business of selling motor fuel at retail at a rate not to exceed \$0.03 per gallon.
- 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: These rules do 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: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None directly. If a municipality imposes or increase its motor fuel tax under the authority of the Municipal Motor Fuel Tax Law, motor fuel retailers, including those that are small businesses, and purchasers of motor fuel in the municipality, including small businesses and not for profit corporations, would be subject to the tax.
- B) Reporting, bookkeeping or other procedures required for compliance: Municipal Motor Fuel Tax returns would be required to be filed by motor fuel retailers in the municipality who are small businesses.
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule: Those businesses impacted by the rulemaking are small businesses that sell motor fuel at retail in counties that impose a County Motor Fuel Tax.

44-45 Retail Trade

- B) Categories that the agency reasonably believes the rulemaking will impact, including:

record keeping;

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

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 696
MUNICIPAL MOTOR FUEL TAX

Section

696.101	Nature of the Municipal Motor Fuel Tax (Cook County)
696.105	Registration and Returns
696.110	Claims to Recover Erroneously Paid Tax
696.115	Jurisdictional Questions
696.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
696.125	Penalties, Interest and Procedures
695.130	Effective Date

AUTHORITY: Implementing the Municipal Motor Fuel Tax Law [65 ILCS 5/8-11-2.3].

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

Section 696.101 Nature of the Municipal Motor Fuel Tax (Cook County)

- a) Authority to Impose Tax
Under the Municipal Motor Fuel Tax Law [65 ILCS 5/8-11-2.3] (Law), *in addition to any other tax that may be imposed, a municipality in a county with a population of over 3,000,000 inhabitants may also impose, by ordinance, a tax upon all persons engaged in the municipality in the business of selling motor fuel, as defined in the Motor Fuel Tax Law [35 ILCS 505], at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. The tax may be imposed, in one cent increments, at a rate not to exceed \$0.03 per gallon of motor fuel sold at retail within the municipality for the purpose of use or consumption and not for the purpose of resale. The tax may not be imposed under this Section on aviation fuel, as defined in Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120].* The Municipal Motor Fuel Tax imposed under the Municipal Motor Fuel Tax Law is an occupation tax upon retailers of motor fuel and is administered by the Illinois Department of Revenue (Department) in the same manner as the Retailers' Occupation Tax. The tax imposed by a municipality under the Municipal Motor Fuel Tax Law and this Part, and all civil penalties that may be assessed as an

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

incident of the Law and this Part, shall be collected and enforced by the Department.

- b) **Passing on the Tax**
The legal incidence of the Municipal Motor Fuel Tax Law is on the seller. The General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Law to *reimburse themselves for their Municipal Motor Fuel Tax liability by separately stating that tax as an additional charge. The charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to such bracket schedules as the Department has prescribed* (see 86 Ill. Adm. Code 150.Table A). [65 ILCS 5/8-11-2.3]
- c) **Exclusion from "Gross Receipts"**
Any amount added to the selling price of motor fuel by the seller because of a Municipal Motor Fuel Tax shall not be regarded as a part of the seller's gross receipts that are subject to Illinois Retailers' Occupation Tax or any local occupation tax administered by the Department.

Section 696.105 Registration and Returns

- a) **Separate Registration Not Required**
A retailer's registration under the Illinois Retailers' Occupation Tax Act is sufficient for the Municipal Motor Fuel Tax Law. No special registration for the Law is required.
- b) **Requirements as to Returns**
- 1) The information required for the Law shall be furnished on the return form prescribed by the Department.
 - 2) On or before the twentieth day of each calendar month, every person engaged in the business of selling motor fuel, as defined in the Motor Fuel Tax Law, at retail in a municipality in Cook County that has adopted an ordinance imposing the tax under this Part for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways during the preceding calendar month shall file a return with the Department for that preceding month, stating the name of the seller; the seller's address; the address of the principal place of

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

business (if that is a different address) from which he or she is engaged in the business of selling that motor fuel at retail; total gallons of motor fuel sold; deductions allowed by law; and amount of tax due.

- 3) If the retailer files his or her Illinois Retailers' Occupation Tax returns on the gross receipts basis, he or she must report Municipal Motor Fuel Tax information in his or her returns on the same basis. If the retailer files his or her Illinois Retailers' Occupation Tax returns on the gross sales basis, he or she must report Municipal Motor Fuel Tax information in his or her returns on the gross sales basis.

Section 696.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction that was subject to State and local taxes administered by the Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited, heard, or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued that may be used by the claimant or his or her authorized assignee to pay State or local tax liability as authorized by 86 Ill. Adm. Code 130.1505(b)(1).

Section 696.115 Jurisdictional Questions

- a) Definitions. When used in this Part, the following terms have the meanings ascribed in this Section:

"Municipality" includes all territory located within a municipality, and refers to all cities, villages or incorporated towns, including an incorporated town that has superseded a civil township, that are in Cook County and, therefore, authorized under the Municipal Motor Fuel Tax Law to impose a Municipal Motor Fuel Tax.

"Selling Activities" means those activities that comprise "an occupation, the business of which is to sell tangible personal property at retail". "Selling Activities" includes "the composite of many activities extending from the preparation for, and the obtaining of, orders for goods to the final consummation of the sale by the passing of title and payment of the purchase price". (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 321 (1943).)

- b) Retailer's Selling Activities Determine Taxing Jurisdiction

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Occupation of Selling. The Law authorizes the corporate authorities of a municipality in Cook County to impose a tax on those engaged in the municipality in the business of selling motor fuel at retail within the municipality. Because the statute imposes a tax on the retail business of selling, and not on specific sales, the jurisdiction in which the sale takes place is not necessarily the jurisdiction where the Municipal Motor Fuel Tax is owed. Rather, it is the jurisdiction where the seller is engaged in the business of selling that can impose the tax. (See *Automatic Voting Machs. v. Daley*, 409 Ill. 438, 447 (1951).) ("In short, the tax is imposed on the "occupation" of the retailer and not upon the "sales" as such." See *Mahon v. Nudelman*, 377 Ill. 331 (1941) and *Standard Oil Co. v. Dep't of Finance*, 383 Ill. 136 (1943). See also *Young v. Hulman*, 39 Ill. 2d 219, 225 (1968) stating "the retailers occupational tax...imposes liability upon the occupation of selling at retail and not on the sale itself".)
- 2) Composite of Selling Activities. The occupation of selling is comprised of "the composite of many activities extending from the preparation for, and the obtaining of, orders for goods to the final consummation of the sale by the passing of title and payment of the purchase price". (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 321 (1943).) Thus, establishing where "the taxable business of selling is being carried on" requires a fact-specific inquiry into the composite of activities that comprise the retailer's business. (See *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 32, citing *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 321-22 (1943).)
- 3) Multijurisdictional Retailers. Some retailers are engaged in retail operations with selling activities in multiple jurisdictions within the State, or in jurisdictions located in more than one state. The selling activities that comprise these businesses "are as varied as the methods which men select to carry on retail business". (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 321 (1943).) Consequently, "it is...not possible to prescribe by definition which of the many activities must take place in a jurisdiction to constitute it an occupation conducted in that jurisdiction.... It is necessary to determine each case according to the facts which reveal the method by which the business was conducted." (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 321-22 (1943). See also *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 36.)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 4) **Statutory Intent.** It is the intent of the Law that retailers will incur Municipal Motor Fuel Tax in a jurisdiction in Illinois if they "enjoyed the greater part of governmental services and protection" in that jurisdiction. (See *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 34 (quoting *Svithiod Singing Club v. McKibbin*, 381 Ill. 194, 197 (1942)).) By allowing municipalities in Cook County to impose tax on retailers who conduct business in the municipality, the Law links the retailer's tax liability to where it principally enjoys the benefits of government services. (See *Svithiod Singing Club v. McKibbin*, 381 Ill. 194, 199 (1942).)
- 5) **Determination of Taxing Jurisdiction.** Applying the provisions in subsections (b)(1) and (b)(4), a seller incurs Municipal Motor Fuel Tax in the municipality if its predominant and most important selling activities take place in the municipality. Isolated or limited business activities within a jurisdiction do not constitute engaging in the business of selling in that jurisdiction when other more significant selling activities occur outside the jurisdiction, and the business predominantly takes advantage of government services provided by other jurisdictions. (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316, 322-23 (1943) and *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraphs 30 through 35.)
- 6) **Substance over Form.** The Department "may look through the form of a putatively multijurisdictional transaction to its substance" to determine where "enough of the business of selling took place" and, thus, where the seller is subject to local retailers' occupation tax. (See *Marshall & Huschart Mach. Co. v. Dep't of Revenue*, 18 Ill. 2d 496, 501 (1960); *Fed. Bryant Mach. Co. v. Dep't of Revenue*, 41 Ill. 2d 64, 67 (1968); *Int'l-Stanley Corp. v. Dep't of Revenue*, 40 Ill. App. 3d 397, 406 (1st Dist. 1976); *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 31.) For example, the Department will not look to the location of a party that is owned by or has common ownership with a supplier or a purchaser if that party does not, in substance, conduct the selling activities related to the sales.
- 7) **Same Standard Applies to Intrastate and Interstate Retailers.** For purposes of determining where a retailer is engaged in the business of selling, it does not matter whether the retailer is engaged in selling activities in taxing jurisdictions in multiple states, or in multiple jurisdictions in

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Illinois. The legal standard is the same. The retailer is engaged in the business of selling in the taxing jurisdiction where its predominant and most important selling activities take place. (See *Ex-Cell-O Corp. v. McKibbin*, 383 Ill. 316 (1943); *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 30 ("the location of the business of selling inside or outside the State controls...").) If a retailer engages in some selling activities in a taxing jurisdiction in this State, but that retailer's predominant selling activities are outside the State, the retailer's obligation to collect and remit taxes on Illinois sales is governed by the Illinois Use Tax Act [35 ILCS 105] (defining "retailer maintaining a place of business in the State"). (See *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, paragraph 31, stating "some combination of activities within the State are insufficient for the retail occupation tax to apply", citing *Automatic Voting Machs. v. Daley*, 409 Ill. 438, 447 (1951).)

- 8) Because it is not practicable for retailers to divide Municipal Motor Fuel Tax among competing jurisdictions, a retailer subject to the Municipal Motor Fuel Tax is engaged in the business of selling in only one location in Illinois for each sale.
- c) **Application of Composite of Selling Activities Test to Retailers Conducting Selling Activities in Multiple Taxing Jurisdictions.** Every retailer maintaining a place of business in this State shall determine the taxing jurisdictions in which it is engaged in the business of selling with respect to each of its sales by applying the standards set forth in this subsection (c), except when a retailer is engaged in particular selling activities identified by a statute that specifies the taxing jurisdiction where retailers engaged in those activities shall remit Municipal Motor Fuel Tax. These retailers shall remit Municipal Motor Fuel Tax as directed by statute, notwithstanding anything in this Part to the contrary.
- 1) **Primary Selling Activities.** Without attempting to anticipate every kind of fact situation that may arise, taxpayers that divide selling activities among personnel located in multiple jurisdictions shall consider selling activities listed in subsections (c)(1)(A) through (E) to determine where they are engaged in the business of selling with respect to each sale. A retailer is engaged in the business of selling in only one location for each sale, but may be engaged in the business of selling in different locations for different sales.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- A) Location of sales personnel exercising discretion and authority to solicit customers on behalf of a seller and to bind the seller to the sale;
 - B) Location where the seller takes action that binds it to the sale, which may be acceptance of purchase orders, submission of offers subject to unilateral acceptance by the buyer, or other actions that bind the seller to that sale;
 - C) The location where payment is tendered and received, or from which invoices are issued, with respect to each sale;
 - D) Location of inventory, if tangible personal property that is sold is in the retailer's inventory at the time of its sale or delivery; and
 - E) The location of the retailer's headquarters, which is the principal place from which the business of selling tangible personal property is directed or managed. In general, this is the place at which the offices of the principal executives are located. When executive authority is located in multiple jurisdictions, the place of daily operational decision making is the headquarters.
- 2) A retailer engaging in three or more primary selling activities in one location in the State for a particular sale shall remit the Municipal Motor Fuel Tax imposed by the taxing bodies with authority to impose Municipal Motor Fuel Tax on those engaged in the business of selling in that location for that sale. A retailer engaging in three or more primary selling activities for a particular sale outside the State shall collect and remit tax to the State to the extent required by the Illinois Use Tax Act for that sale, except as provided in subsection (d).
 - 3) Application of Primary Selling Activities to Common Selling Operations. Retailers engaged in selling operations with a single location where the primary selling activities predominate constitute the vast majority of retailers in the State. Subsections (c)(3)(A) and (B) apply the primary selling activities to certain common selling operations and identify the location where the Department will presume the seller is engaged in the business of selling with respect to each sale.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- A) Over the Counter Sales. If a purchaser is present at a place of business owned or leased by a retailer and there enters into an agreement with the retailer's sales personnel to purchase tangible personal property, and makes payment for that property at the same place of business, then the Municipal Motor Fuel Tax for that sale is incurred at the retailer's place of business where the sale occurred, regardless of whether the purchaser takes immediate possession of the tangible personal property or the retailer delivers or arranges for the property to be delivered to the purchaser.
 - B) Sales from Vehicles Carrying Uncommitted Stock of Goods. The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously completed sales, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which the sales and deliveries actually are made. The vehicle carrying the stock of goods for sale is regarded as a portable place of business.
- 4) Secondary Selling Activities. If the primary selling activities listed in subsection (c)(1) occur in multiple jurisdictions, but no individual jurisdiction has more than two primary selling activities, the following additional selling activities shall be considered to determine the jurisdiction in which the retailer is engaged in the business of selling:
- A) Location where marketing and solicitation occur;
 - B) Location where the seller engages in activities necessary to procure goods for sale;
 - C) Location of the retailer's officers, executives or employees with authority to set prices or determine other terms of sale if determinations are made in a location different than that identified in subsection (c)(1)(A);
 - D) Location where purchase orders or other contractual documents are received when purchase orders are accepted, processed, or fulfilled in a location or locations different from where they are received;
 - E) Location where title passes; and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- F) Location where the retailer displays goods to prospective customers, such as a showroom.
- 5) Except as provided in subsection (d), a retailer that is not engaged in the business of selling in a jurisdiction under subsection (c)(2) is engaged in the business of selling in the jurisdiction where its inventory is located under subsection (c)(1)(D), or where its headquarters is located under subsection (c)(1)(E), whichever jurisdiction is the location where more selling activities occur, considering both primary and secondary selling activities.
- 6) A retailer that is not engaged in the business of selling in a jurisdiction under subsection (c)(2) or (c)(5) is presumed to be engaged in the business of selling at the location of its headquarters, absent clear and convincing evidence to the contrary.
- d) Presumptions Applying to Certain Selling Operations
 - 1) For certain classes of retailers with unique, complicated or widely dispersed selling activities, determining appropriate tax situs in every situation presents substantial administrative difficulties for both retailers and tax enforcement personnel. Subsection (d)(2) provides an administrative "short cut" that balances the administrative difficulties presented by certain selling operations against the need for accurate tax assessment.
 - 2) In-State Inventory/Out-of-State Selling Activity. If a retailer's selling activities take place in taxing jurisdictions outside this State, except that the tangible personal property that is sold is in an inventory in the possession of the retailer located within a jurisdiction in Illinois at the time of its sale (or is subsequently produced by the retailer in the jurisdiction), then delivered in Illinois to the purchaser, the jurisdiction where the property is located at the time of the sale or when it is subsequently produced by the retailer will determine where the retailer is engaged in business with respect to that sale. (See *Chemed Corp., Inc. v. Department of Revenue*, 186 Ill. App. 3d 402 (4th Dist. 1989).)
- e) Examples

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

EXAMPLE 1: A customer makes a purchase of gasoline at a retail gasoline station located in a municipality that has imposed a Municipal Motor Fuel Tax. The sale is deemed to be an over the counter sale sourced to the location of the gas station. Municipal Motor Fuel Tax applies.

EXAMPLE 2: A motor fuel retailer's business model consists of selling motor fuel at retail and delivering it in bulk to commercial customers. Municipality A does not impose a Municipal Motor Fuel Tax. Municipality B imposes a Municipal Motor Fuel Tax. Primary Selling Activities in Municipality A: the motor fuel retailer's headquarters are located in municipality A; the motor fuel retailer receives payment at and issues invoices from municipality A; and the motor fuel retailer accepts purchase orders that bind it to the sale in municipality A. Primary Selling Activities in Municipality B: the motor fuel retailer delivers fuel to a customer in municipality B and the motor fuel retailer's inventory is located in municipality B. The sale is deemed to take place in municipality A because 3 of the 5 primary selling activities listed in subsection (c)(1) are met. No Municipal Motor Fuel Tax is imposed because municipality A does not impose a Municipal Motor Fuel Tax.

Section 696.120 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax regulations (86 Ill. Adm. Code 130) that are not incompatible with the Municipal Motor Fuel Tax Law or any special regulations that may be promulgated by the Department under the Law shall apply to the tax imposed pursuant to this Part.

Section 695.125 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest, and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review, and other procedural subjects), together with statutes of limitation, are the same under the Municipal Motor Fuel Tax Law as under the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and the Uniform Penalty and Interest Act [35 ILCS 735].

Section 696.130 Effective Date

- a) *An ordinance or resolution imposing or discontinuing the Municipal Motor Fuel Tax or effecting a change in the rate of that tax shall either:*

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) *be adopted and a certified copy of the resolution filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Part as of the first day of July next following the adoption and filing; or*
 - 2) *be adopted and a certified copy of the resolution filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Part as of the first day of January next following the adoption and filing. [65 ILCS 5/8-11-2.3]*
- b) *An ordinance adopted in accordance with the provisions of Section 8-11-2.3 of the Illinois Municipal Code in effect under P.A. 101-32 shall be deemed to impose the tax in accordance with the provisions of Section 8-11-2.3, as amended by P.A. 101-604, and shall be administered by the Department of Revenue in accordance with the provisions of Section 8-11-2.3, as amended by P.A. 101-604; provided that, on or before October 1, 2020, the municipality adopts and files a certified copy of a superseding ordinance that imposes the tax in accordance with the provisions of Section 8-11-2.3 of the Illinois Municipal Code, as amended by P.A. 101-604. If a superseding ordinance is not so adopted and filed, then the tax shall be discontinued on January 1, 2021. [65 ILCS 5/8-11-2.3] P.A. 101-32, effective June 28, 2019, authorized municipalities in Cook County to impose a motor fuel tax in a way that more closely follows the manner in which State Motor Fuel Tax is imposed (i.e., collected at the wholesale level). P.A. 101-604, effective December 13, 2019, amended this provision to instead authorize municipalities in Cook County to impose a tax on the retail sale of motor fuel in the same manner as the County Motor Fuel Tax is imposed (see 86 Ill. Adm. Code 695). In the interests of a smooth implementation of the tax, the Municipal Motor Fuel Tax Law deems municipal motor fuel tax ordinances adopted under the P.A. 101-32 wholesale structure to meet the P.A. 101-604 retail structure to allow for implementation on July 1, 2020. If, however, the municipality does not thereafter adopt and file a superseding ordinance that imposes the tax in accordance with the Law, as amended by P.A. 101-604, on or before October 1, 2020, then the Department shall discontinue collection of the tax on January 1, 2021.*
- c) For purposes of determining which tax rate applies, the date of the sale is deemed to be the date of the delivery of the property.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses and Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1040.34	Amendment
1040.105	Repealed
- 4) Statutory Authority: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed changes to the administrative rule are pursuant to PA 101-623, the License to Work Act. Clarification is made in 1040.34 regarding requirements needing to be met in order for the SOS to impose a suspension or revocation based on a guilty finding of Section 6-20(a), (d) or (e) of the Liquor Control Act of 1934. Additionally, 1040.105, suspension for failure to pay toll violations, is being repealed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1040.32	Amendment	44 Ill. Reg. 13023; August 7, 2020
1040.44	Amendment	44 Ill. Reg. 13023; August 7, 2020
1040.115	Repealed	44 Ill. Reg. 13023; August 7, 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:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.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 impact on small businesses.
- 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 Amendments begins on the next page:

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for Personal Injury Suspensions or Revocations

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person
Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay, Returned Check
and Dishonored Electronic Payment Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions (Repealed)
- 1040.107 Suspension for Violation of Improperly Approaching a
Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance
Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting
False/Fraudulent Documents; Notification by Department of Administrative
Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law
Enforcement

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1,

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016; amended at 41 Ill. Reg. 13705, effective October 30, 2017; amended at 42 Ill. Reg. 235, effective December 19, 2017; amended at 42 Ill. Reg. 7963, effective April 30, 2018; amended at 43 Ill. Reg. 14699, effective December 6, 2019; amended at 44 Ill. Reg. 14321, effective August 19, 2020; amended at 44 Ill. Reg. _____, effective _____.

Section 1040.34 Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21

If any person has been convicted of violating Section 6-20(a), (d) or (e) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(a), (d) or (e)], and the person was an occupant of a motor vehicle when the offense occurred, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

ACTION TABLE

Convictions	Action
1 st Conviction	6-month Suspension
1st Conviction (with open or pending revocation)	Revocation
2 nd Conviction	12-month Suspension
2 nd Conviction (with open or pending revocation)	Revocation
3 rd or Subsequent Conviction	Revocation

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

Section 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
(Repealed)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- a) ~~The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of five or more unsatisfied tollway violations, tollway evasions or any combination thereof.~~
- b) ~~The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or reissuance of a driver's license the person is required to pay a reinstatement fee pursuant to IVC Section 6-118(b).~~
- e) ~~The Department shall rescind the suspension:~~
 - 1) ~~upon receipt of certified evidence from the Authority indicating the certified report was in error; or~~
 - 2) ~~upon receipt of certified evidence indicating that the fines and penalties were satisfied prior to the effective date of the suspension; or~~
 - 3) ~~upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.~~
- d) ~~The Authority shall reimburse the Secretary of State in the amount of \$20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Department.~~
- e) ~~The Authority shall reimburse the Secretary of State in the amount of \$5 per certification from the Authority to suspend the vehicle registration, in order to cover reasonable costs incurred by the Department of Vehicle Services.~~
- f) ~~The Authority shall reimburse the Secretary of State in the amount of \$50 dollars for each administrative hearing conducted by the Secretary in connection with the suspension of the driver's license and/or driving privileges or vehicle registration, in order to cover reasonable costs incurred by the Department of Administrative Hearings.~~

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1.20	Amendment
1.77	Amendment
1.245	Amendment
1.465	Amendment
1.705	Amendment
1.710	Amendment
1.720	Amendment
1.730	Amendment
1.735	Repealed
1.736	Repealed
1.737	Amendment
1.740	Repealed
1.745	Amendment
1.750	Repealed
1.755	Repealed
1.780	Amendment
1.781	Amendment
1.790	Amendment
1.APPENDIX A	Amendment
1.APPENDIX I	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: The most significant amendments to this Part 1 focus on updating requirements to earn a bilingual education endorsement and standardizing previous qualification requirements and reporting for teachers first assigned to positions prior to the current endorsement structure. These new requirements will better align with the current endorsement requirements and enable Regional Offices of Education and ISBE to collect and report out-of-field teacher data that is required by the U.S. Department of Education.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
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

- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Azita Kakvand
 Illinois State Board of Education
 100 North First Street
 Springfield IL 62777-0001

217/782-6510
 rules@isbe.net

- 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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 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
- 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
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy (Repealed)
- 1.443 Illinois Global Scholar Certificate
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School ~~World~~Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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 ~~9-126 and Above~~ through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004 ([Repealed](#))
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004 ([Repealed](#))
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004 ([Repealed](#))
- 1.745 [Assignment of 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 ([Repealed](#))
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004 ([Repealed](#))
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783 Requirements for Administrators 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
[1.APPENDIX I Career and Technical Education Course Assignability by Teaching Endorsement and Program Area](#)

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code [\[105 ILCS 5\]](#) and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the ~~School~~ Code and Section 1.100 of this Part or Section 22-60 of the ~~School~~ Code and Section 1.110 of this Part.
 - 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the ~~School~~ Code ~~[105 ILCS 5/Art. 34]~~ shall submit its application directly to the State Superintendent. For the purposes of this Part, references to "regional superintendent of schools" shall be understood to include the chief administrator of the Intermediate Service Centers established in that portion of Cook County located outside of the City of Chicago. (See 105 ILCS 5/3-0.01.)
 - 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

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

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

Section 1.77 Educator Licensure Information System (ELIS)

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports and collect data for the school report card required by Section 10-17a of the ~~School~~ Code ~~[105 ILCS 5]~~. (See Section 1.79 of this Part.) ~~A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.~~ Regional Offices of Education and Intermediate Service Centers, as agents of the State Board, may access ELIS to ensure an educator is qualified to receive or hold a particular license and/or endorsement or to ensure the educator is qualified for a particular teaching assignment.

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

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of the ~~School~~ Code under which each school district is required to adopt a written policy for the waiver of school fees as required by

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Sections 10-20.13 and 34-21.6 of the ~~School Code [105 ILCS 5/10-20.13 and 34-21.6]~~.

- a) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.
 - 1) "School fees" include, but are not limited to, the following:
 - A) All charges for required textbooks and instructional materials.
 - B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).
 - C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/~~vocational~~ and technical education or the sciences).
 - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
 - E) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).
 - F) Graduation fees (e.g., caps, gowns).
 - G) School records fees.
 - H) School health services fees.
 - I) Driver's education fees assessed pursuant to Section 27-24.2 of the ~~School Code [105 ILCS 5/27-24.2]~~.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) "School fees" do not include:
 - A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
 - B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
 - C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
 - D) Charges for admission to school dances, athletic events or other social events.
 - E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
- c) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:
 - 1) Eligibility Criteria
 - A) Eligibility criteria must include a waiver of fees for all students who qualify for free lunches or breakfasts under the School Breakfast and Lunch Program Act [105 ILCS 125]. Students must meet the income requirements of the program but need not participate in order to receive a waiver of school fees.
 - B) Eligibility criteria must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include students who are eligible to receive reduced-price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

- 2) Notification of Parents~~parents~~
 - A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, e.g., other students or neighbors). The notice shall at least describe:
 - i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
 - ii) the fees subject to waiver under the district's policy;
 - iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d) ~~of this Section~~; and
 - iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
 - B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:
 - i) the district waives fees for persons unable to afford them in accordance with its policy; and
 - ii) the procedure for applying for a fee waiver, or the name,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

address and telephone number of the person to contact for information concerning a fee waiver.

- 3) Procedures for the ~~Resolution~~resolution of ~~Disputes~~disputes
- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within 30 calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.
 - B) An appeal shall be decided within 30 calendar days after the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.
 - C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.
- d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in accordance with the restrictions set forth in Sections 10-20.13 and 34-21.6 of the ~~School~~ Code. If a student receiving a waiver of school fees is found to be no longer eligible during the school year, then the district shall charge the student a prorated amount based upon the number of school days remaining in the school year. The process for proration shall be set forth in the district's fee waiver policy adopted in accordance with subsection (c) of this Section.
- e) If the fee waiver policy and/or procedures are substantively amended, then parents

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

of students enrolled in the district must be notified in writing within 30 calendar days following the adoption of the amendments.

- f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in ~~that~~the Act.
- g) *No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [105 ILCS 5/28-19.2(a)].*

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.465 Ethnic School ~~WorldForeign~~ Language Credit and Program Approval

- a) School boards of unit and secondary school districts may award high school credit for the study of a ~~worldforeign~~ language in an ethnic school, provided that the amount of credit to be awarded is determined in accordance with Section 10-22.43a of the ~~School Code [105 ILCS 5/10-22.43a]~~ and that the credit is awarded for the study of a ~~worldforeign~~ language in an ethnic school program that has been approved by the State Board ~~of Education~~ in accordance with this Section.
- b) "Ethnic school" means *a part time private school ~~that~~which teaches the ~~worldforeign~~ language of a particular ethnic group as well as the culture, geography, history and other aspects of a particular ethnic group [105 ILCS 5/2-3.44].*
- c) The State Superintendent ~~of Education~~ shall approve ethnic schools' ~~worldforeign~~ language programs if they meet the following standards:
 - 1) Each teacher shall possess at least a baccalaureate degree and have completed at least 20 semester hours of credit in the ~~worldforeign~~ language taught, both of which shall have been awarded by a regionally accredited college or university.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Each program shall contain at least 120 clock hours of instruction plus outside preparation for each unit of credit issued upon successful completion of the instruction, although less than a full unit of credit may also be awarded in proportion to the amount of instruction received.
- d) Each school shall maintain and make available upon request by the State Superintendent ~~of Education~~ or by officials of school districts to which students seek to transfer ~~worldforeign~~ language credit, documentation that verifies compliance with the requirements of subsection (c) ~~of this Section~~, including but not limited to informational brochures, course syllabi, class schedules, and teachers' official transcripts.
- e) Annual application by an ethnic school for approval of its ~~worldforeign~~ language program shall be made on forms provided by the State Superintendent ~~of Education~~.
- f) Approval shall be granted on an annual basis provided that a previously approved ethnic school continues to comply with the minimum standards set forth in subsection (c) ~~of this Section~~.

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

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff

Requirements for the receipt of the endorsements specified in this Section shall be as set forth in 23 Ill. Adm. Code 25 (Educator Licensure).

- a) Each district superintendent shall hold a professional educator license with a superintendent endorsement.
- b) Each principal or assistant principal shall hold a professional educator license with a general administrative, principal or superintendent endorsement, except that a head teacher serving for more than 50% full-time employment in place of a principal as permitted by Section 10-21.4a of the School Code ~~[105 ILCS 5]~~ shall hold a professional educator license endorsed for supervision.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) Each assistant superintendent shall hold a professional educator license with a general administrative, principal, director of special education or superintendent endorsement.
- d) Each general administrator (e.g., director, assistant director, coordinator or general supervisor) in general education shall hold a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement.
- e) Each head of a general education department or supervisor for a specific subject shall hold either:
- 1) a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement); or
 - 2) a professional educator license endorsed for supervision in the area supervised (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).
- f) Each supervisory dean shall hold a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement, or teacher leader endorsement issued pursuant to 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).
- g) Each dean of students shall hold:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement;~~or~~
 - 2) a professional educator license endorsed in a teaching field (and for supervision or administration if the holder suspends students pursuant to Section 10-22.6 of the ~~School~~ Code); or
 - 3) a professional educator license endorsed in a school support personnel field other than school nursing (and for supervision or administration if the holder disciplines or suspends students).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- h) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified) and hold a professional educator license endorsed for director of special education in accordance with 23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education).
- i) Each special education supervisor shall hold either:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement and teaching qualifications in each area supervised; or
 - 2) a professional educator license endorsed for each area supervised and for supervision (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).
- j) Each supervisor of more than one school support personnel area shall hold either:
- 1) a professional educator license and a general administrative, principal or superintendent endorsement; or
 - 2) a professional educator license endorsed for school support personnel and supervision in each field supervised.
- k) Each supervisor of one school support personnel area shall hold:
- 1) a professional educator license with a general supervisory, general administrative, director of special education, principal or superintendent endorsement; ~~or~~
 - 2) a professional educator license endorsed for school support personnel in the field supervised and for supervision; or
 - 3) a professional educator license endorsed for speech-language pathology teaching and for supervision (if applicable).
- l) Each director of an area vocational [career center](#) [shall hold](#):

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) a professional educator license with a general administrative, principal or superintendent endorsement and an endorsement in career and technical education; or
 - 2) an educator license with stipulations endorsed for career and technical education.~~and~~
- m) Each~~each~~ director or supervisor of more than one field in career and technical education (including regional system directors) shall hold a professional educator license ~~with a general administrative, principal or superintendent endorsement and an endorsement in career and technical education.~~ have teaching qualifications in one of the five occupational areas and 2,000 hours of work experience outside the field of education.
- ~~m) Each supervisor of one field in career and technical education shall hold either:~~
- ~~1) a professional educator license with a general supervisory, general administrative, principal or superintendent endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or~~
 - ~~2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a professional educator license with a supervisory endorsement.~~
- n) Each administrator in a bilingual education program shall hold a valid professional educator license with a general administrative, principal, superintendent or supervisory endorsement issued in accordance with the applicable provisions of 23 Ill. Adm. Code 25 and this Part and meet the applicable requirements of Section 1.783.
- o) Each chief school business official shall hold a professional educator license with a chief school business official endorsement or an educator license with stipulations with a chief school business official endorsement.

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

Section 1.710 Requirements for Elementary Teachers

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) Except as otherwise allowed in this Section, each elementary teacher shall hold a valid professional educator license endorsed in a teaching field for the grade level or levels to be taught.
- b) Each elementary teacher first assigned to an elementary position on or after September 1, 1978 shall have formal training in each basic instructional area to be taught.
- e) ~~The endorsement for self-contained general education shall be issued when an individual whose application is received on or before June 30, 2005 demonstrates that he or she has completed the coursework listed in this subsection (e) and passed the content area test and, if he or she has not already passed the test of basic skills and received an educator license based on it, that test as well. For applications received on or after July 1, 2013, the requirements of 23 Ill. Adm. Code 25.37(b) shall apply.~~
- ~~1) Language Arts~~
 - ~~2) Mathematics~~
 - ~~3) Science~~
 - ~~4) Social Science~~
 - ~~5) Physical Education~~
 - ~~6) Health~~
 - ~~7) Fine Arts~~
 - ~~8) General Elementary Teaching Methods~~
 - ~~9) Elementary Reading Teaching Methods~~
- cd) No teacher may be assigned to teach self-contained general education at the elementary level unless he or she holds a professional educator license and:
- 1) holds the applicable endorsement;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~if first assigned prior to July 1, 2004, possesses 16 semester hours of coursework in the following areas: met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications;~~
- A) Language Arts;
 - B) Mathematics;
 - C) Science;
 - D) Social Science;
 - E) Physical Education;
 - F) Health;
 - G) Fine Arts;
 - H) General Elementary Teaching Methods; and
 - I) Elementary Reading Teaching Methods; or
- 3) ~~beginning no later than September 1, 2017, meets the requirements of 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1-6)); or~~
- 34) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels).
- e) ~~Assignments in reading at the elementary level shall be subject to the provisions of Section 1.745.~~
- d) Additional requirements may apply to holders of elementary education endorsements on professional educator licenses issued pursuant to 23 Ill. Adm. Code 26 (Standards for Endorsements in Early Childhood Education and in Elementary Education) who teach in grades 5 through 8; see Section 1.720.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

Section 1.720 Requirements for Teachers of Middle Grades

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

- a) ~~The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 6 through 8 ("middle-grade teachers"). Teachers first employed in grades 6 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 6 through 8 and who hold a K-9 kindergarten through grade 9 elementary education endorsement issued by September 1, 2019, are subject to the requirements of Section 1.710.~~
- b) ~~Requirements for Assignability Until February 1, 2018, to qualify as a middle-grade teacher, the teacher must have completed either the coursework identified in subsection (b)(1) prior to July 1, 1997 or completed the coursework identified in subsection (b)(2). The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading and for library information specialists, specific coursework must be included among the 18 semester hours to be earned; see subsections (b)(3), (4) and (5).~~
 - 1) The requirements of this subsection (b)(1) apply to teachers licensed prior to July 1, 1997.
 - A) Teachers must hold a junior high endorsement 18 semester hours in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music);
 - B) Teachers must have completed 16 semester hours of coursework in the content area taught; or unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure (23 Ill. Adm. Code 25) applies. When a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~shall meet the requirements of this subsection (b)(1) for the major teaching assignment and have no fewer than 5 semester hours in each other subject taught.~~

C) Career and Technical Educators must have met the requirements of Section 1.730(b).

2) The requirements of this subsection (b)(2) apply to teachers licensed between July 1, 1997 and December 31, 2017.

A) Teachers must hold a content-specific junior high endorsement issued pursuant to subsection (b)(1)(A);

B) Teachers must hold a content-specific middle school endorsement ~~18 semester hours~~ in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music) and the following coursework; ~~unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure applies. When a middle grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (b)(2) for the major teaching assignment and have no fewer than 6 semester hours in each other subject taught. In addition:~~

iA) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction; and-

iiB) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services; ~~or-~~

C) Career and Technical Educators must have met the requirements of Section 1.730(b).

3) When a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., language arts and social science or mathematics and science), the teacher shall meet the requirements of subsection (b)(1) or (b)(2) for the major teaching assignment and shall have no fewer than 5 semester hours in each other subject taught. The "major teaching assignment" is the subject taught for more time than any other subject.

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

~~A) Math content courses for elementary teachers;~~

~~B) Calculus;~~

~~C) Modern algebra or number theory;~~

~~D) Geometry;~~

~~E) Computer science;~~

~~F) Probability and statistics; and~~

~~G) History of mathematics.~~

~~4) Reading
For major assignments in reading in any of departmentalized grades 6 through 8:~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) ~~persons first employed on or after September 1, 1978 but before July 1, 2004 are required to have completed the 18 semester hours described in Section 1.740;~~
- B) ~~persons first employed on or after July 1, 2004 shall be required to have completed either the 18 semester hours described in Section 1.740 or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(g), provided that:~~
- ~~i) the individual completes all the required coursework on or before June 30, 2006; or~~
 - ~~ii) the individual applies for the reading endorsement on or before June 30, 2006 and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and~~
- C) ~~new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (b)(4)(A) or (B); see also 23 Ill. Adm. Code 25.100(g) and Section 1.745 of this Part.~~
- 5) ~~Library Information Specialist
Persons first employed on or after September 1, 1978 as media professionals or library information specialists serving any of grades 6 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755. The provisions of subsection (b)(2) notwithstanding, no individual who has completed only 9 semester hours in the field may serve in this capacity.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) The requirements of this subsection (c) apply to individuals licensed on or after February 1, 2018. On or after February 1, 2018, any individual first assigned to teach in grade 7 or 8, whether departmentalized or self-contained, or in departmentalized grade 6 shall meet the requirements of 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5 through 8)) for the major teaching assignment and have no fewer than 6 semester hours in each other subject taught, subject to the exception stated in subsection (a) for assignment in self-contained grades 6 through 8. The requirements of this subsection (c) do not apply to individuals who are first endorsed in agricultural education; business, marketing, and computer education; business, marketing, and computer education (computer programming); computer applications; computer science; family and consumer sciences; health science technology; and technology education on or after February 1, 2018.
- 1d) On or after February 1, 2018, no individual may be assigned to teach in departmentalized grades 6- through 8 unless he or she holds a professional educator license and:
- A1) holds a middle-grades endorsement applicable to the content area;
- B2) meets the relevant requirements of subsection (a), (b) or (c)~~this Section~~;
- 3) ~~met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications;~~
- 4) ~~is assigned pursuant to Section 1.745(b)(3) or 1.755(c);~~
- C5) has received an elementary endorsement issued pursuant to 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6)) and has met the relevant requirements of this subsection ~~(c) of this Section~~ on or before January 31, 2018; ~~or~~
- D6) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels); ~~or~~;
- E) meets the requirements of Section 1.737(a)(1) and (c).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) By July 1, 2023, any teacher who is teaching by virtue of meeting the qualifications set forth in subsection (b)(1)(B) or (C) shall have a designation for the specific content area and grade range added to his or her ELIS accounts by the regional office of education. Previous qualifications shall no longer be issued beginning July 1, 2024 and educators must meet the requirements of subsection (1)(A), (1)(C), (1)(D,) or (1)(E) if assigned to a new content area on or after this date.
- e) ~~A school district may also assign certain other teachers to departmentalized positions in any of grades 6 through 8 for the 2009-10 school year and thereafter as described in this subsection (e). The provisions of this subsection (e) are no longer applicable starting February 1, 2018; however, any teachers assigned to departmentalized positions in grades 6 through 8 under the provisions of this subsection (e) before that date shall not be affected.~~
- 1) ~~A teacher who was employed in the district during the school year immediately preceding the year when the instructional format in that teacher's school is changed to a departmentalized configuration and who was appropriately licensed for his or her position but does not meet the requirements of subsection (b) or (c) may be assigned to a departmentalized position in any of grades 6 through 8 for a period not to exceed three school years, provided that he or she has already completed at least 9 semester hours of coursework in the content area of the major teaching assignment. If specific coursework is required for the major teaching assignment under subsection (b), the teacher shall have completed 9 semester hours that will count toward an endorsement in that content area.~~
- 2) ~~The school district shall notify the responsible regional superintendent of schools of all assignments made pursuant to this subsection (e) no more than 30 days after they occur. Further, the school district shall maintain on file for each teacher assigned in accordance with this subsection (e) a plan that:~~
- A) ~~includes a statement of intent signed by the individual, stipulating that he or she will complete all requirements for the middle grades endorsement in the content area of his or her major teaching assignment;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) ~~provides a list of the coursework and experiences that the individual will complete in order to qualify; and~~
- C) ~~identifies the institution of higher education where the individual will complete the requirements.~~
- 3) ~~No individual may be assigned for more than three school years without attaining the relevant endorsement, and no individual may be assigned for a third school year unless he or she has completed the six semester hours required under subsection (b)(2).~~
- 4) ~~If an individual is assigned to deliver instruction in two or more content areas, he or she shall have completed no fewer than 9 semester hours in each content area. If subsection (b) requires specific coursework for any of the content areas taught, the teacher shall have completed 9 semester hours that will count toward an endorsement in that content area.~~
- f) ~~New Requirements Applicable in 2012~~
~~All coursework that forms part of an application for a middle grades endorsement received on or after February 1, 2012 or that is used in determining the eligibility of an individual to be first assigned to teach a particular subject in the middle grades on or after that date, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.~~

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

Section 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 9-12 and Above through June 30, 2004

This Section is applicable to educators licensed to teach in any of grades 9-12 prior to July 1, 2004. All coursework requirements must be completed through a regionally accredited institution. The provisions of this Section not already superseded by Section 1.735 or 1.736 are replaced by Section 1.737 as the minimum requirements for assignments beginning July 1, 2004. Each subsection of this Section applies only to secondary teachers in the respective content area, unless specific requirements for teachers in grades 6 through 8 are set forth.

- a) 16 semester hours of coursework in the applicable of the following content areas is required:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Agriculture, Food, and Natural Resources; (~~Grades 9 through 12~~)
- 2) Art;
- 3) Business, Marketing, and Computer Education;
- 4) Business, Marketing, and Computer Education – Business Computer Programming;
- 5) Computer Applications;
- 6) Computer Science;
- 7) Dance;
- 8) Drama/Theatre Arts;
- 9) English Language Arts;
- 10) Family and Consumer Science;
- 11) Health Education;
- 12) Health Science;
- 13) Library Information Specialist;
- 14) Mathematics;
- 15) Music;
- 16) Physical Education;
- 17) Reading Teacher (also see Section 1.745);
- 18) Safety and Driver's Education;
- 19) Science

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Biology;
 - B) Chemistry;
 - C) Earth and Space;
 - D) Environmental;
 - E) Physics;
- 20) Social Science
- A) Economics;
 - B) Geography;
 - C) History;
 - D) Political Science;
 - E) Psychology;
 - F) Sociology and Anthropology;
- 21) Technology Education;
- 22) Technology Specialist; or
- 23)4) World Language (language specific)

~~The requirements set forth in this subsection (a) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(a) shall take effect.~~

- ~~4) 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught:~~
- ~~A) Agricultural Production;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) ~~Agricultural Mechanics;~~
 - C) ~~Agricultural Supplies, Services and Products;~~
 - D) ~~Horticulture; and~~
 - E) ~~Agricultural Resources and Forestry.~~
- 2) ~~If special courses are taught in this field, 8 semester hours are required for each course taught.~~
- b) ~~Art (Grades 9 through 12)~~
~~24 semester hours in the field, including an appropriate distribution in:~~
- 1) ~~Painting, drawing, printmaking;~~
 - 2) ~~Sketching, lettering, jewelry, design, silkscreen;~~
 - 3) ~~Pottery and sculpture;~~
 - 4) ~~Constructional design;~~
 - 5) ~~Art education; and~~
 - 6) ~~History and appreciation of art.~~
- e) ~~Aviation Aerospace Education (Grades 9 through 12)~~
- 1) ~~General Aviation and/or Aerospace Education~~
 - A) ~~Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.~~
 - B) ~~If the material that is being taught is strictly sociological in nature, the flight orientation requirement may be minimal. If the material that is being taught emphasizes astroscience, the teacher should~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~have at least one college course in astronomy.~~

2) ~~Aviation Science Course~~

A) ~~(Based upon a preflight course leading to completion of the FAA private pilot's written examination.)~~

B) ~~A valid FAA private pilot license or higher, or a valid FAA ground instructor certificate and 10 hours of flight orientation or familiarization in the general aviation category aircraft within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.~~

d) ~~Business Education (Grades 9 through 12)~~

1) ~~The requirements set forth in this subsection (d) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(b) shall take effect.~~

2) ~~24 semester hours in the field, which shall include a specialized methods course with the following minimum qualifications for the subject matter areas or course taught:~~

A) ~~Typing
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the typewriting sequence.~~

B) ~~Shorthand and Transcription
6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the shorthand transcription sequence.~~

C) ~~Bookkeeping, accounting, record keeping
6 semester hours in accounting and a course in data processing, or a statement of equivalency from the institution granting the degree.~~

D) ~~Business law
3 semester hours of business law.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) ~~Distributive subjects; i.e., marketing, retailing, distributive education~~
~~8 semester hours covering at least two of the following: sales, retailing, advertising, principles of marketing.~~
 - F) ~~Business arithmetic~~
~~2 semester hours in business mathematics or 6 semester hours in accounting.~~
 - G) ~~Office practice, secretarial practice, clerical practice or office machines~~
~~2 semester hours in coursework that includes the operation of the office machines taught in the secondary school course and qualifications for teaching whichever of the following is part of the course: typewriting, shorthand and bookkeeping (see subsections (d)(2)(A), (B) and (C)).~~
 - H) ~~Basic business, general business, introduction to business, business principles~~
~~3 semester hours of consumer education; 3 semester hours of economics and at least 4 semester hours in any two of the following areas: business law, introduction to business marketing, management, or methods of teaching basic business.~~
 - I) ~~Business English~~
~~2 semester hours in business English, business correspondence, business communications or business writing.~~
 - J) ~~Business economics~~
~~8 semester hours in the area of economics, finance, financial management, or marketing, including at least one course in principles of economics.~~
 - K) ~~Data processing~~
~~5 semester hours in data processing, or the equivalent.~~
- e) ~~Language Arts – English (Grades 9 through 12)~~
~~24 semester hours in the field, including 6 semester hours in rhetoric and~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading or dramatics, the English teacher must have one course in the subject.~~

- f) ~~Journalism (Grades 9 through 12)
8 semester hours in journalism and 16 semester hours in English, or 18 semester hours in journalism and 6 semester hours in rhetoric and composition.~~
- g) ~~Speech (Grades 9 through 12)
8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.~~
- h) ~~Foreign Language (Grades 9 through 12)
20 semester hours in the language.
No credit may be allowed for high school language, unless this credit is approved by an institution of higher learning, and it is noted on the official transcript, in which case 1 semester hour may be allowed for each unit of high school language, not to exceed 4 semester hours.~~
- i) ~~Health Education (Grades 9 through 12)
The requirements described in this subsection (i) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(a) shall take effect.~~
 - 1) ~~20 semester hours in the field~~
 - 2) ~~Required Health Education Component — One course from each of the following areas to total 10-14 semester hours:~~
 - A) ~~Advanced Concepts of Health;~~
 - B) ~~Programs in School Health;~~
 - C) ~~Programs in Community Health; and~~
 - D) ~~Curriculum Development and Evaluation in Health Education.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~Additional Health Education Components – One course from at least three of the following areas to total 6-10 semester hours:~~
- ~~A) The Growing and Developing Organism;~~
 - ~~B) Ecological Relationships;~~
 - ~~C) Disease Control;~~
 - ~~D) Human Sexuality and Family Life;~~
 - ~~E) Food Practices and Eating Patterns;~~
 - ~~F) Consumer Health Sources and Resources;~~
 - ~~G) Safety;~~
 - ~~H) Mood Modifying Substances;~~
 - ~~I) Personal Health Practices; and~~
 - ~~J) Mental Emotional Health.~~
- j) ~~Health Occupations (Grades 9 through 12)~~
~~The requirements set forth in this subsection (j) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(c) shall take effect.~~
- ~~1) 24 semester hours in a health occupations specialty (e.g., medical laboratory, nursing, radiologic technology, inhalation therapy).~~
 - ~~2) Graduation from an approved technical level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.~~
 - ~~3) Shall be certified, licensed or registered in the health occupations specialty.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- k) ~~Home Economics Education (Grades 9 through 12)~~
~~The requirements set forth in this subsection (k) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(d) shall take effect.~~
- 1) ~~24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area:~~
- A) ~~Human Development (includes prenatal, child, adolescent and adult development and care);~~
- B) ~~Interpersonal and Family Relationships;~~
- C) ~~Consumer Education and Home Management;~~
- D) ~~Nutrition and Food;~~
- E) ~~Housing, Home Furnishings and Equipment; and~~
- F) ~~Clothing and Textiles.~~
- 2) ~~To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.~~
- l) ~~Industrial Arts (Grades 9 through 12)~~
~~The requirements set forth in this subsection (l) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(e) shall take effect.~~
- 1) ~~24 semester hours in the field, including work in each shop subject to be taught.~~
- 2) ~~To teach a unit of shop, the teacher shall have 8 semester hours in the subject taught.~~
- m) ~~Mathematics~~
- 1) ~~In grades 9-12~~
~~25 semester hours in the field, including:~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) ~~a minimum of 8 semester hours from calculus;~~
 - B) ~~3 semester hours of coursework in the teaching of secondary school mathematics; and~~
 - C) ~~14 semester hours of work from at least four of the following areas:~~
 - i) ~~Computer Science;~~
 - ii) ~~Linear Algebra;~~
 - iii) ~~Modern Algebra;~~
 - iv) ~~Geometry;~~
 - v) ~~Applied mathematics;~~
 - vi) ~~Probability and statistics; and~~
 - vii) ~~History of mathematics.~~
- 2) ~~In grades 6-8~~
~~18 semester hours in the field including:~~
- A) ~~3 semester hours in the methods of teaching mathematics in grades 6-8; and~~
 - B) ~~15 semester hours to be selected from four of the following areas:~~
 - i) ~~Math content courses for elementary teachers;~~
 - ii) ~~Calculus;~~
 - iii) ~~Modern algebra or number theory;~~
 - iv) ~~Geometry;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- v) ~~Computer Science;~~
 - vi) ~~Probability and statistics; and~~
 - vii) ~~History of mathematics.~~
- 3) ~~The requirements of Section 1.730(m) are not applicable to personnel employed prior to September 1, 1985.~~
- n) ~~Music (Grades 9 through 12)~~
- 1) ~~Vocal
24 semester hours in the field, including:~~
 - A) ~~Applied vocal music;~~
 - B) ~~Music theory;~~
 - C) ~~Conducting;~~
 - D) ~~History of music; and~~
 - E) ~~Methods and materials for general school vocal music.~~
 - 2) ~~Music—Instrumental
24 semester hours in the field, including:~~
 - A) ~~Applied instrumental music;~~
 - B) ~~Music theory;~~
 - C) ~~Conducting; and~~
 - D) ~~Methods and materials for general school instrumental music.~~
 - 3) ~~These standards do not apply to those individuals employed prior to September 1, 1978.~~
- o) ~~Physical Education (Grades 9 through 12)~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~The requirements described in this subsection (o) shall remain in force through June 30, 1994. Thereafter, the requirements set forth in Section 1.736(b) shall take effect.~~

- 1) ~~20 semester hours in the field that shall include the following:~~
 - A) ~~5 semester hours to be selected from at least two of these areas:~~
 - i) ~~Anatomy;~~
 - ii) ~~Physiology;~~
 - iii) ~~Kinesiology; and~~
 - iv) ~~Physiology of exercise.~~
 - B) ~~One course from each of the three areas below to total 5 semester hours:~~
 - i) ~~Dance and/or rhythmic activities;~~
 - ii) ~~Individual dual activities; and~~
 - iii) ~~Team sports.~~
 - C) ~~10 semester hours to be selected from at least three of the four areas listed below:~~
 - i) ~~Instructional methods for physical education;~~
 - ii) ~~Curriculum design for physical education;~~
 - iii) ~~Physical Education for the atypical child (optional, but strongly recommended); and~~
 - iv) ~~Physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school).~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~This standard does not apply to those individuals employed prior to September 1, 1978.~~
- p) ~~Psychology (Grades 9 through 12)
20 semester hours in the field.~~
- q) ~~Safety and Driver Education (Grades 9 through 12)~~
- 1) ~~16 semester hours in the field, including preparation as follows:~~
- A) ~~3 semester hours in general safety;~~
- B) ~~5 semester hours in driver education and advanced traffic safety;
and~~
- C) ~~8 semester hours chosen from two or more of the following areas:~~
- i) ~~General safety, including traffic and industrial safety;~~
- ii) ~~Advanced psychology and sociology;~~
- iii) ~~First aid and health education; and~~
- iv) ~~Instructional materials.~~
- 2) ~~Teachers assigned to either simulation or multiple car programs shall have preparation in the use of these methods that shall consist of a minimum of 1 semester hour or its equivalent in each area.~~
- r) ~~Science, Biological (Grades 9 through 12)
24 semester hours in the field, including the semester hours indicated in the subject to be taught:~~
- 1) ~~Biology
8 semester hours in botany including 5 semester hours in laboratory work,
8 semester hours in zoology including 5 semester hours in laboratory
work. 10 semester hours laboratory work in biology satisfies the
laboratory requirement.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Botany
~~8 semester hours including 5 semester hours in laboratory work.~~
- 3) Physiology
~~8 semester hours.~~
- 4) Zoology
~~8 semester hours in zoology including 5 semester hours in laboratory work.~~
- s) Science, Physical (Grades 9 through 12)
 - 1) 24 semester hours in the field, including the semester hours indicated in the subject to be taught:
 - A) Astronomy
5 semester hours.
 - B) Chemistry
10 semester hours including 4 semester hours in laboratory work.
 - C) Geology
8 semester hours.
 - D) Physics
10 semester hours including 4 semester hours in laboratory work.
 - E) Physiography
5 semester hours.
 - F) Aerospace
5 semester hours.
 - G) Earth science
8 semester hours.
 - 2) ~~In astronomy, geology, and earth science, it is recommended that field experiences be included as part of the hourly requirements. In addition, it is recommended that a teacher of astronomy, chemistry, or physics have~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~the minimum preparation required of a mathematics teacher.~~

- t) ~~Science, General (Grades 9 through 12)
24 semester hours in the field including:~~
 - 1) ~~Physical science
8 semester hours.~~
 - 2) ~~Biological science
8 semester hours.~~

- u) ~~Social Studies (Grades 9 through 12)~~
 - 1) ~~24 semester hours in the field, including the semester hours indicated in each subject to be taught:~~
 - A) ~~United States History
8 semester hours.~~
 - B) ~~Civics, Political Science
8 semester hours.~~
 - C) ~~Economics
8 semester hours.~~
 - D) ~~Geography
8 semester hours.~~
 - E) ~~Sociology
8 semester hours.~~
 - F) ~~World History
8 semester hours in World History, 5 semester hours in U.S. History.~~
 - G) ~~Anthropology
5 semester hours.~~
 - 2) ~~Every history teacher shall have 16 semester hours in history.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

bv) Career and Technical Vocational Education (Reimbursable Training Programs, Grades 9 through 12)

All instructional personnel and coordinators shall hold a valid professional educator license endorsed in a teaching field or an educator license with stipulations endorsed for career and technical education. ~~The requirements set forth in this subsection (v) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(f) shall take effect.~~

- 1) Instructional Personnel – The requirements for instructional personnel ~~in reimbursable programs~~ in the following five areas is a minimum of 2,000 hours of employment experiences in the content area to be taught of ~~Industrial Oriented, Applied Biological and Agricultural, Home Economics, Health Occupations, and Business, Marketing and Management~~ are:
- A) Arts and Communication; Finance and Business Services;
 - B) Health Sciences and Technology; Human and Public Services; Information Technology;
 - C) Manufacturing, Engineering Technology, and Trades;
 - D) Hospitality and Tourism;
 - E) Personal Care Services;
 - F) Early Childhood Education;
 - G) Family and Consumer Sciences Occupational;
 - H) Law Enforcement;
 - D) Fire Science;
 - J) Legal Studies/Pre-Law;
 - K) Architecture and Construction;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- L) Manufacturing;
 - M) Transportation, Distribution, and Technology;
 - N) Science, Technology, Engineering and Mathematics (STEM);
 - O) Audio/Video/Film Technology;
 - P) Visual and Design Arts; and
 - Q) Journalism and Broadcasting.
- 2) Instructional personnel – The requirements for instructional personnel in the areas of Agriculture, Food, and Natural Resources; Information Technology; Finance and Business Services; and Family and Consumer Sciences are:-
- A) A minimum of 60 semester hours of postsecondary coursework; and
 - B) Content knowledge/occupational proficiency demonstrated by meeting one of the following criteria:
 - i) 16 semester hours of related postsecondary coursework;
 - ii) A passing score on the ILTS or PRAXIS corresponding content exam;
 - iii) 2,000 hours of verified experience in the content area within the last 10 years; or
 - iv) A minimum of three years full-time (51% or more of duties dedicated to teaching in the content area) postsecondary teaching experience in the corresponding content areas within the last 10 years.
- 3) Instructional Personnel

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) The additional requirements for instructional personnel, beyond those listed for occupational experience listed in this Part, include, in the area of Legal Studies/Pre-Law:
- i) A minimum of 60 semester hours of postsecondary coursework; and
 - ii) Content knowledge proficiency demonstrated by completing 16 semester hours of related postsecondary coursework.
- B) Coursework requirements can be waived by the State Board if the individual holds the appropriate State or national industry licenses or certifications and those documents are valid and current.
- A) A minimum of 2,000 hours of employment experiences in the occupational specialty to be taught.
- B) The district may employ an individual who does not meet the provisions of subsection (v)(1)(A), providing the employment experience requirement will be met within four years from the date of employment by 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. Options exercised under this subsection (v)(1)(B) must be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.
- C) For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is mandated.
- 2) Cooperative Teacher Coordinator
Professional competencies for specialized cooperative occupational education:
- A) Occupational Education
Teacher coordinators of specialized cooperative education in any one of the following areas:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- i) ~~Agriculture and Agri-Business;~~
 - ii) ~~Business and Office;~~
 - iii) ~~Distributive Education;~~
 - iv) ~~Health Occupations;~~
 - v) ~~Home Economics and Related Occupations; and~~
 - vi) ~~Industrial-Oriented Occupations Cooperative Work Training.~~
- B) ~~To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology. In addition, the coordinator shall possess a minimum of 2,000 hours of employment experience in the occupational specialty to be taught, or complete a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement, or complete a combination of employment experience and directed occupational experience equivalent to the 2,000 hour employment experience requirement within four years from date of initial employment as a coordinator. The latter two of these three options shall be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.~~
- 43) Special Vocational Needs Cooperative Teacher Coordinator
In schools with cooperative courses to serve students with special needs, such as a Work Experience and Career Exploration Program, vocationally reimbursed Special Education Cooperative Education, and STEP programs, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (v)(2) (except that the 16 semester hours in occupational education shall be waived).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) ~~Interrelated Cooperative Occupational Teacher Coordinator~~
~~Coordinators of interrelated cooperative education shall meet educator licensure standards in at least one of the occupation areas listed in subsection (v)(2)(A) and meet the requirement of subsection (v)(2).~~
- 5) Compliance with Legal, Governmental and Professional Requirements
For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.
- 6) The requirements of this subsection ~~(b)(v)~~ are not applicable to personnel employed prior to September 1, 1978.

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

Section 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
(Repealed)

~~The requirements of this Section shall apply only to personnel employed on or after July 1, 1991 and shall be replaced beginning July 1, 2004 as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737. For the purposes of this Section, the term "upper division level" refers to coursework normally offered to students by postsecondary educational institutions during their junior or senior year. The term "preparation level" means courses usually taught during the junior or senior year of high school.~~

- a) ~~Agricultural Education (Grades 9 through 12)~~
 - 1) ~~24 semester hours, to include:~~
 - A) ~~A vocational/occupational education methods course at the upper-division level.~~
 - B) ~~12 semester hours, including at least one course in each of the following areas:~~
 - i) ~~Agricultural Exploration/Orientation — agricultural careers, supervised occupational experience programs, adult education in agriculture, agricultural leadership;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ii) ~~Agricultural Entrepreneurship—agricultural merchandising, agricultural business procedures, agricultural economics, computer applications in agriculture;~~
 - iii) ~~Agricultural Natural Sciences—animal science, plant science, soil science; and~~
 - iv) ~~Agricultural Physical Science/Mechanization—servicing small engines, surveying, electrical wiring, building agricultural structures.~~
- C) ~~A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (a)(1)(B)) in one of the following endorsement areas:~~
- i) ~~Agricultural Business and Management—agricultural commodity and product marketing, financing agricultural businesses, agricultural business management, computerization in agriculture, producing, processing, promoting and selling agricultural products;~~
 - ii) ~~Agricultural Power and Machinery—gasoline and diesel power units, field machinery, electric motors and controls, hydraulic systems, power transmission systems;~~
 - iii) ~~Horticulture—floriculture, vegetable and fruit production, landscaping and turf management, nursery and greenhouse operation and management; or~~
 - iv) ~~Agricultural Resources—agricultural conservation, recreation management, forestry production and management, game and wildlife management.~~
- 2) ~~To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.~~
- 3) ~~In vocational education reimbursable programs, instructors teaching preparation level courses must have a total of 2,000 hours of work~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~

- b) ~~Business, Marketing, and Management (Grades 9 through 12)~~
 - 1) ~~24 semester hours, to include:~~
 - A) ~~A vocational/occupational education methods course at the upper-division level.~~
 - B) ~~12 semester hours, including at least one course in each of the following areas:~~
 - i) ~~Business Exploration/Orientation – business management, survey of business, business and its environment, business principles;~~
 - ii) ~~Business Computer Applications – microcomputer applications, data processing, management information systems, introduction to data processing/computers;~~
 - iii) ~~Business Communications – business English, business communications, business report writing, business correspondence; and~~
 - iv) ~~Business Mathematics – quantitative methods of business, finance, mathematics for business, statistics or one year of college mathematics.~~
 - C) ~~A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (b)(1)(B)) in one of the~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

following endorsement areas:

- i) ~~Accounting – accounting, financial accounting, managerial accounting, or finance, with one course in the upper division;~~
 - ii) ~~Basic Business – economics, survey of business, business law, entrepreneurship, consumer education or upper-division courses in management and/or marketing;~~
 - iii) ~~Information Processing – microcomputer applications, introduction to computers, including the terminal course in the word processing and/or typewriting sequence, and one upper-division course in office administration/information management;~~
 - iv) ~~Information Processing/Secretarial – microcomputer applications, introduction to computers including one upper-division course in office administration/information management, the terminal course in the word processing and/or typewriting sequence and the terminal course in a shorthand system;~~
 - v) ~~Business Computer Programming/Systems – business computer programming, microcomputer applications, systems analysis, including one upper-division management information system (MIS), systems analysis, or business computer programming course; or~~
 - vi) ~~Marketing – upper-division courses in advertising, sales, retailing, marketing, wholesaling, consumer behavior, entrepreneurship.~~
- 2) ~~Business, Marketing and Management teachers who hold a Business, Marketing and Management endorsement may teach an orientation/exploratory composite course that addresses a variety of subject areas in Business, Marketing and Management Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~subsection (b)(1)(C).~~

- 3) ~~In vocational education reimbursable programs, instructors teaching preparation level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~

- e) ~~Health Occupations (Grades 9 through 12)
24 semester hours, to include:~~
 - 1) ~~A vocational/occupational education methods course at the upper division level.~~

 - 2) ~~12 semester hours, including at least one course in each of the following areas:~~
 - A) ~~Introduction to Health Occupations — introduction to various health professions, education requirements, licensure/registration/certification, career mobility, job market, technologies and other information;~~

 - B) ~~Principles and Philosophies of Vocational Education — nature and purpose of vocational, occupational and career education, their relationships and differences, and the place of each in preparing for the world of work;~~

 - C) ~~Occupational Analysis and Curriculum Development — upper-division course in a systems approach to curriculum development and instruction methods utilized in vocational and occupational education. Includes analyzing operations and jobs, specifying objectives, and developing curriculum; and~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~D) Occupational Internship – upper division courses of experiential activities that are based upon required occupational skills and knowledge and are related to health occupations.~~
- 3) ~~Endorsement~~
- ~~A) In addition to the 12 semester hours listed in subsection (c)(2), licensure, registration or certification is required in one health occupations specialty, e.g., respiratory therapy, radiology, medical records technology, medical assisting, nursing or other health occupation.~~
- ~~B) In vocational education reimbursable programs, instructors teaching preparation level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~
- d) ~~Home Economics (Grades 9 through 12)~~
- ~~1) 24 semester hours, to include:~~
- ~~A) A vocational/occupational education methods course at the upper-division level.~~
- ~~B) 12 semester hours, to include one course in four of the six following areas:~~
- ~~i) Human Development, Child Development – human,~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~prenatal, child, adolescent growth and development and care, adult care, gerontology, administration of child care programs, instructional activities and materials for preschoolers;~~
- ii) ~~Interpersonal and Family Relationships and Parenting— interpersonal and family relationships, family life, adult living, family dynamics, parenting, human relationships;~~
 - iii) ~~Consumer and Resource Management— family finance, consumer education, consumer economics, consumer management, resource management, home management;~~
 - iv) ~~Housing, Interior Furnishings, Living Environments— home furnishings, interior design, household equipment, basic design, living environments, housing;~~
 - v) ~~Food and Nutrition, Food Service, Hospitality— foods and nutrition, food preparation, quantity food preparation, food sanitation, hospitality management, food management, therapeutic nutrition; and~~
 - vi) ~~Clothing, Textiles, Fashion— clothing selection, clothing construction, costume design, history of fashion, apparel merchandising, textiles selection.~~
- C) ~~A minimum of one concentration (9 semester hours in addition to the 12 hours listed in subsection (d)(1)(B)) in the endorsement areas of:~~
- i) ~~Child and Day Care Services— 9 semester hours, to include 6 from subsection (d)(1)(B)(i) and 3 from subsection (d)(1)(B)(ii);~~
 - ii) ~~Food and Nutrition Services— 9 semester hours from subsection (d)(1)(B)(v);~~
 - iii) ~~Fashion and Clothing Services— 9 semester hours from subsection (d)(1)(B)(vi);~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- iv) ~~Interior Furnishings Services/Living Environments = 9 semester hours, to include 6 from subsection (d)(1)(B)(iv) and 3 from subsection(s) (d)(1)(B)(iii) and/or (vi);~~
 - v) ~~Institutional and Home Management Services = 9 semester hours, including one course from four of the areas listed in subsections (d)(1)(B)(i) through (v);~~
 - vi) ~~Consumer Education and Resource Management = 9 semester hours, to include 6 from subsection (d)(1)(B)(iii) and the remainder from subsection (d)(1)(B)(i), (ii), (iv), (v), or (vi); or~~
 - vii) ~~Interpersonal, Family Relationships, Parenting = 9 semester hours, to include 6 from subsection (d)(1)(B)(ii) and 3 from subsection (d)(1)(B)(i).~~
- 2) ~~Home Economics teachers who hold a Home Economics endorsement may teach an orientation/exploratory composite course that addresses a variety of subject areas in Home Economics Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (d)(1)(C).~~
- 3) ~~In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~
- e) Industrial Technology Education (Grades 9 through 12)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~24 semester hours, to include:~~
 - A) ~~A vocational/occupational education methods course at the upper-division level.~~
 - B) ~~12 semester hours of laboratory-based courses in industrial technology, including at least one course in each of the following content areas:~~
 - i) ~~Communication Technology— design and drafting, broadcasting, computers in communication, photography, graphic arts, telecommunications;~~
 - ii) ~~Production Technology— managing the enterprise, materials and processes, research and development, producing, marketing, servicing in the manufacturing/construction enterprise;~~
 - iii) ~~Transportation Technology— material handling conveyors, space transportation, atmospheric transportation, marine transportation, terrestrial transportation; and~~
 - iv) ~~Energy Utilization Technology— energy conversion, solar resources, wind and water resources, fossil fuels, nuclear energy resources, energy conservation.~~
 - C) ~~A minimum of one concentration (9 semester hours of laboratory-based courses in addition to the 12 semester hours listed in subsection (e)(1)(B)) in one of the following endorsement areas:~~
 - i) ~~Construction— carpentry, building maintenance, residential and commercial, electricity, painting, plumbing, cement and brick masonry, drywall application and roofing;~~
 - ii) ~~Electronics— computer repair, radio and television repair, small appliance repair, electrical and electronic instrument repair, electromedical equipment repair, communication equipment installation and repair;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- iii) ~~Graphic Communications – press operation, composition and typesetting, commercial art, lithographic press operation, platemaking, photography, printing camera operation;~~
- iv) ~~Transportation – small gasoline engine repair, aircraft mechanical systems repair, automobile engine repair, diesel engine repair, automobile and truck mechanical systems repair, motor vehicle repair;~~
- v) ~~Manufacturing – machine tool operation, tool and die making, sheet metal fabrication, welding and metal fabrication, production cabinet making, plastics forming and fabrication, machinery maintenance, automated manufacturing equipment set-up and maintenance, numerical control machine operation, computer numerical control machine operation;~~
- vi) ~~Industrial Technology – mechanical systems, hydraulic systems, pneumatic systems, thermal systems, electrical systems, communication systems, transportation systems, production systems, energy and power utilization;~~
- vii) ~~Public Service – fire fighting technology, police science, criminal justice technology, security services;~~
- viii) ~~Drafting/Design – architectural drafting, mechanical drafting, civil drafting, computer aided drafting and design, geometric construction, industrial design;~~
- ix) ~~Autobody Repair – frame inspection and alignment, body and fender repair, glass installation, vinyl top repair, automotive painting; or~~
- x) ~~Heating, Ventilation and Air Conditioning – installation and repair of heating, air conditioning and ventilation systems, installation and repair of refrigeration and air conditioning systems.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.~~
 - 3) ~~In vocational education reimbursable programs, instructors teaching preparation level courses must have a total of 2,000 hours of work experience in each specific endorsement area being taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~
- f) ~~Vocational Education Teachers (Reimbursable Training Programs, Grades 9 through 12)~~
The requirements for instructional personnel to teach in reimbursable programs in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education are:
- 1) ~~Instructors must meet the educator licensure standards in one of the occupational areas in this subsection (f) and possess a valid professional educator license endorsed in a teaching field.~~
 - 2) ~~Instructors teaching preparation level courses must have a minimum of 2,000 hours of work experience in the specific endorsement area to be taught. If an instructor teaches in more than one endorsement area, the 2,000 hours shall be distributed among endorsement areas being taught, with a minimum of 250 hours of work experience in each endorsement area. Records must be kept by the employing institution to substantiate this experience. These records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases in which supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~A district may employ an individual who does not have 2,000 hours of employment experience in the occupational specialty to be taught, provided that the employment experience requirement will be met within four years from the date of employment by either 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. A directed occupational experience means: a combination of work experience and a university credit generating course specifically designed to supervise the work experience equal to one half of the required 2,000 hours; or participation in a work experience with supervision similar to that provided through a university course setting provided by a local agency administrator equal to one half of the required 2,000 hours. Options chosen pursuant to this subsection must be described in detail in the Regional Education for Employment Plan and will be approved, if:~~
- ~~A) The work experience is a paid employment experience; and~~
 - ~~B) The work experience is outside of the education or teaching profession.~~
- 4) ~~Cooperative Teacher Coordinator~~
- ~~A) The requirements for teacher coordinators of specialized cooperative education in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education include:~~
 - ~~i) 24 semester hours in the specialty area, which shall include a methods course, 6 semester hours in the area of organization and administration of cooperative education; and~~
 - ~~ii) A minimum of 2,000 hours of employment experience in the occupational specialty to be taught; or~~
 - ~~iii) Completion of a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement; or~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

**Section 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
(Repealed)**

~~The requirements described in this Section shall apply only to personnel employed on or after July 1, 1994, and shall be replaced beginning July 1, 2004, as the minimum requirements for the respective assignments by the applicable provisions of Section 1.737.~~

- a) ~~Health Education (Grades 9 through 12)~~
 - 1) ~~24 semester hours in the field.~~
 - 2) ~~Required Health Education Core Component – One course from each of the following areas, for a total of 10-14 semester hours:~~
 - A) ~~Theories and Concepts of Health (Anatomy and physiology may not be counted in meeting this requirement.);~~
 - B) ~~Programs in School Health;~~
 - C) ~~Programs in Community Health; and Curriculum Development and Evaluation in Health Education.~~
 - 3) ~~Additional Health Education content – At least 10 semester hours distributed as follows:~~
 - A) ~~At least one course in Human Sexuality or Sex Education;~~
 - B) ~~At least one course in Drug/Chemical Use and Abuse; and~~
 - C) ~~At least two courses chosen from the following list of electives:~~
 - i) ~~Mental/Emotional Health;~~
 - ii) ~~Environmental Health;~~
 - iii) ~~Disease Prevention and Control;~~
 - iv) ~~Nutrition and Dietary Patterns;~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- v) ~~Consumer Health;~~
 - vi) ~~Safety and Injury Control; and~~
 - vii) ~~Personal Health Practices.~~
- b) ~~Physical Education (Grades 9 through 12)~~
- 1) ~~24 semester hours in the field.~~
 - 2) ~~Knowledge and Skill Acquisition – At least one course in each of the following, for a total of at least 6 semester hours:~~
 - A) ~~Health Related Fitness (e.g., conditioning, aerobic fitness exercise, stress management);~~
 - B) ~~Rhythm and Dance;~~
 - C) ~~Individual Sports/Activities; and~~
 - D) ~~Team Sports.~~
 - 3) ~~Scientific Foundations~~
~~At least 9 semester hours distributed as follows:~~
 - A) ~~3 semester hours earned in at least one of the following:~~
 - i) ~~Human Anatomy; or~~
 - ii) ~~Human Physiology.~~
 - B) ~~6 semester hours from at least two of the following areas:~~
 - i) ~~Exercise Physiology;~~
 - ii) ~~Kinesiology or Biomechanics; and~~
 - iii) ~~Motor Learning, Motor Behavior or Motor Development.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- Ⓒ) ~~Curriculum and Instruction – At least one course in each of the following, all of which must explicitly include an emphasis on both regular and special populations:~~
- i) ~~Curriculum Design in Physical Education;~~
 - ii) ~~Instructional Strategies/Methodology in Physical Education; and~~
 - iii) ~~Assessment/Evaluation of Physical Education (Learning Assessment and Program Evaluation).~~

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

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

- a) Beginning July 1, 2004, no teacher may be assigned to teach a particular content area in any of grades 9 ~~through~~ 12 unless he or she holds a professional educator license in a teaching field and:
- 1) holds the applicable endorsement for the assignment (and, in the case of the educator license with stipulations endorsed for career and technical educator, ~~an endorsement specific field to be taught, by completing~~ ~~has also completed~~ the work experience required pursuant to subsection (c));
 - 2) met the requirements of Section 1.730, ~~1.735, or 1.736, or their predecessor requirements~~, at a time when ~~that Section was~~ ~~they were~~ applicable to that assignment, as confirmed by the employing district's verification of the individual's qualifications ~~in ELIS; or~~
 - 3) ~~meets the minimum requirements for that assignment identified in subsection (b) and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m);~~
 - 4) ~~meets the requirements of Section 1.745, if applicable; or~~
 - 35) is assigned pursuant to 23 Ill. Adm. Code 25.430 (Short-Term Approval for Teachers at All Grade Levels).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) By July 1, 2023, any teacher who is teaching by virtue of meeting the qualifications set forth in subsection(a)(2) shall have a designation for the specific content area and grade range added to their ELIS accounts by their regional office of education. Previous qualifications shall no longer be issued beginning July 1, 2024 and educators must meet the requirements of subsection (a)(1) or (a)(3) if assigned to a new content area on or after this date. Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736 as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific content areas. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements. Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code 25.100(m). For purposes of the applicability of this requirement, an individual shall be considered "first assigned" to any field in which he or she has not taught in Illinois prior to July 1, 2004.
- 1) ~~For agricultural education; visual or drama/theater arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; reading; biology; chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology; and for library information specialists: 9 semester hours in the field.~~
 - 2) ~~For foreign language: 9 semester hours in the language.~~
 - 3) ~~For safety and driver education: The 16 semester hours in the field that are specified in Section 1.730(q) of this Part shall continue to apply through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a professional educator license endorsed for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(k).~~
- c) Additional Requirements for Career and Technical Education

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Assignments ~~to courses in career and technical education vary at the program level and are detailed in Appendix I, at the "skill level" (grades 11 and 12) in reimbursable career and technical education generally require 2,000 hours of work experience in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught.~~ A district may, however, employ an individual who holds a professional educator license endorsed for the secondary grades with the appropriate career and technical education endorsement but who has not completed ~~requirements to demonstrate occupational/work experience 2,000 hours of work experience~~ in the occupational area to be taught, provided that the individual ~~completes requirements~~ ~~acquires this experience in paid employment outside the teaching profession~~ within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant's instructors describing the work experience.
- 2) A teacher who is eligible under this Section to provide skill-level instruction in a particular area shall also be eligible to serve as a coordinator of ~~either a specific workplace cooperative education program or interrelated cooperative education,~~ provided that he or she has also ~~met professional learning requirements set forth by the State Board applicable to workplace learning~~ ~~completed 6 semester hours of coursework in the organization and administration of cooperative education.~~
- 3) A teacher serving as a coordinator of ~~workplace cooperative~~ education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education ~~and shall have met professional learning requirements set forth by the State Board of Education applicable to workplace learning,~~ ~~except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (c)(1) and 6 semester hours of coursework in the organization and administration of cooperative education.~~

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 1.740 Standards for Reading through June 30, 2004 (Repealed)

~~The requirements of this Section shall apply through June 30, 2004, to those teachers whose major teaching assignment is reading. The requirements of Section 1.745 of this Part shall apply beginning July 1, 2004.~~

- a) ~~18 semester hours of graduate/undergraduate level work in the field, including preparation in the following areas:~~
 - 1) ~~Foundation or survey of reading fundamentals including reading in the content areas~~
 - 2) ~~Testing procedures and diagnosis of reading disabilities~~
 - 3) ~~Diagnostic teaching techniques and materials~~
 - 4) ~~Clinical or laboratory practicum in reading~~
 - 5) ~~Literature appropriate for the age of students included in the program.~~
- b) ~~This standard does not apply to those individuals employed prior to September 1, 1978.~~

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

Section 1.745 Assignment of Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004

~~a) The "reading teacher" endorsement is valid only for teaching reading to students, while the "reading specialist" endorsement is valid not only for teaching reading to students but also for providing technical assistance and/or professional development to other teachers. Separate sets of standards and requirements govern the issuance of these two endorsements (see 23 Ill. Adm. Code 27.110 (Reading) and 27.120 (Reading Specialist), as well as 23 Ill. Adm. Code 25.100(g) (Teaching Endorsements on the Professional Educator License)).~~

- b) ~~Beginning July 1, 2004, no individual may be assigned to teach reading, other than reading as part of general classroom instruction provided by that individual,~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~or to serve as a reading specialist unless he or she holds a professional educator license valid for the grade level or levels of the assignment and:~~

- ~~1) holds the endorsement appropriate to the assignment; or~~
- ~~2) met the requirements of Section 1.720 or Section 1.740, as applicable to the grade level served, or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or~~
- ~~3) presents evidence of having completed 24 semester hours of college coursework in reading on or after July 1, 2006, and has not exhausted the three year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m).~~

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

Section 1.750 Standards for Media Services through June 30, 2004 (Repealed)~~Preparation of Person Providing Media Services~~

- a) ~~Media Professional: responsible for both library and audio-visual services to students, teachers and other school personnel.~~

~~Appropriate Teacher Certificate. Work in the field: 18 semester hours in library science = media; professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference, and selection of materials (elementary and/or secondary levels).~~

- b) ~~Media Specialist: responsible for both library and audio-visual services to students, teachers and other school personnel.~~

~~Standard Special Certificate with Library Science = Media (instructional materials) Teaching Endorsement. Work in field: 32 semester hours in media (instructional materials, library science, audio-visual) including professional preparation (at four-year college and/or graduate levels) in administration, organization (cataloging and classification), reference and selection of materials for both elementary and secondary levels, production and communications.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- e) ~~Media Supervisor or Director: works with teachers and supervises other media professionals and specialists.~~

~~Supervisory or Standard Special Supervisory Endorsement, or the General Supervisory Endorsement (Administrative Certificate) with specialization in media.~~

- d) ~~These standards do not apply to those individuals employed prior to September 1, 1978.~~

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

Section 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
(Repealed)

~~Beginning July 1, 2004, no individual shall be assigned to provide library and audio-visual services to students, teachers and other school personnel unless he or she holds a professional educator license that is valid for the grade level or levels of the students to be served and:~~

- a) ~~holds an endorsement for Library Information Specialist or a comparable, previously issued endorsement such as Media or Library Science;~~
- b) ~~met the requirements of Section 1.720 or Section 1.750, as applicable to the grade level served, or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or~~
- e) ~~presents evidence of having completed 24 semester hours of college coursework in the field on or after July 1, 2006, and has not exhausted the three year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(m).~~

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

Section 1.780 Standards for Teachers in Bilingual Education Programs

- a) No individual shall be assigned as a bilingual education teacher in prekindergarten, kindergarten or any of grades 1-12 unless he or she:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) holds a valid professional educator license endorsed in a content area 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 (Endorsement for Transitional Bilingual Educator); ~~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) (Endorsement for Visiting International Educator); 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.
- 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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 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 at 44 Ill. Reg. _____, effective _____)

Section 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual education teachers employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth in subsection (b) below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange)).
- b) On September 1, 1985 and thereafter, bilingual education teachers in State-approved bilingual education programs must meet one of the following requirements:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Possess a valid educator license with stipulations endorsed for transitional bilingual educator issued in accordance with 23 Ill. Adm. Code 25.90 ([Endorsement for Transitional International Educator](#));~~or~~
- 2) Possess a valid professional educator license endorsed for bilingual educator when evidence is presented demonstrating that the following requirements have been met:
 - A) Verification of reading, writing, grammar skills, and speaking proficiency in the non-English language for which the endorsement or approval is sought (either graduating from an institution where the non-English language was the medium of instruction or through passage of the test of language proficiency in that language); and
 - B) 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months teaching experience in a bilingual education program:
 - i) Foundations of bilingual education;~~;~~
 - ii) Assessment of the bilingual student;~~;~~
 - iii) Methods and materials for teaching English learners (ELs) in bilingual programs;~~;~~
 - iv) Methods and materials for teaching English as a Second Language;~~;~~ and
 - v) Cross-cultural studies for teaching ELs.
- 3) Hold a valid educator license with stipulations endorsed for visiting international educator and for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i) ([Endorsement for Visiting International Educator](#)).
- 4) [Hold a State Seal of Biliteracy awarded pursuant to Section 1.442\(a\) and \(b\).](#)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

Section 1.790 Substitute Teacher

- a) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) of the School Code ~~[105 ILCS 5]~~.
- 1) Any individual who holds a valid and active Illinois educator license and at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
 - 2) Any individual who may serve as a substitute teacher for driver's education must be endorsed for driver's education pursuant to 23 Ill. Adm. Code 25.100(k) ([Teaching Endorsements on the Professional Educator License](#)).
 - 3) Any individual who holds a valid career and technical educator, ~~part-time~~ or provisional [career and technical educator](#) endorsement on an educator license with stipulations but does not have a bachelor's degree may substitute teach in any career and technical education classroom. (See Section 21B-20(2)(E) and (F)) of the ~~School~~ Code.)
- b) A teacher holding a substitute teaching license may teach only in the place of a licensed teacher who is under contract with the employing board. (See Section 21B-20(3) of the ~~School~~ Code.)
- c) In accordance with Section 21B-20(3) of the ~~School~~ Code, there is no limit on the number of days that a substitute teacher may teach except that:
- 1) A person who holds only a substitute teaching license may teach for no longer than 90 paid school days for any one licensed teacher who is under contract with the school district in any one school term.
 - 2) A person who holds a professional educator license or an educator license with stipulations endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the ~~School~~ Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 1.APPENDIX A Professional Staff Educator Licensure

Types of Licenses and Endorsements

The following list identifies the educator licenses that, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools and the endorsements that are available on each of those licenses.

Type of Endorsement*	Grade Level Valid For	Certificate Previously Issued	Years Valid	School Code or Ill. Adm. Code
Professional Educator License				
Career and Technical Education Endorsement on a PEL (agricultural education; business, marketing, and computer education; business, marketing, and computer education (computer programming); computer applications; computer science; family and consumer sciences; health science technology; and technology education)	5-12	None	5	21B-20; 23 Ill. Adm. Code 25.100
Elementary (No longer issued after August 31, 2018)	K-9	03	5	21B-20; 21B-25
Elementary (Beginning September 1, 2018)	1-6	03	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6))

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Elementary with National Board of Professional Teaching Standards (NBPTS) Master Teacher Designation	K-9 or 1-6	03	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Early Childhood (No longer issued after August 31, 2020)	Generally Birth-Grade 3 (as endorsed)	04	5	21B-20; 21B-25
Early Childhood (Beginning September 1, 2017)	Generally Birth-Grade 2 (as endorsed)	04	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.96 (Endorsement for Early Childhood Education (Birth through Grade 2))
Early Childhood with NBPTS Designation	Generally Birth-Grade 3 (as endorsed)	04	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
<u>Junior High (No longer issued after June 30, 1997)</u>	<u>5-8 or 6-8</u>	<u>None</u>		<u>21B-20; 21B-25; 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades)</u>
Middle School (No longer issued after January 31, 2018)	5-8 <u>or 6-8</u>	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades)
Middle Grades (Beginning February 1, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5 through 8))
Secondary	6-12	09	5	21B-20; 21B-25

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Secondary with NBPTS Designation	6-12	09	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special K-12	K-12 or PK-12 Field Endorsed	10	5	21B-20; 21B-25
Special Education (LBSI) (Beginning January 7, 2020) Special K-12 with NBPTS Designation	K-Age 21K-12 Field Endorsed	None10	5For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special Education Preschool Age 2+	PK Generally Birth-Age 21	10	5	21B-20; 21B-25
Special Preschool Age 2+ with NBPTS Designation	Generally Birth-Age 2+	10	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
General Administrative (No longer issued after June 30, 2016)	PreK-12	75	5	21B-25(2)(A); 23 Ill. Adm. Code 25.335
Principal	PreK-Age 21+2	75	5	21B-20; 21B-25(2)(B); 23 Ill. Adm. Code 25.337
Superintendent	PreK-Age 21+2	75	5	21B-20; 21B-25(2)(D); 23 Ill. Adm. Code 25.360
Chief School Business Official on a Professional Educator License	PreK-Age 21+2	75	5	21B-20; 21B-25(2)(C); 23 Ill. Adm. Code 25.345 (Endorsement for Chief School Business Official)
Director of Special Education	PreK-Age 21+2	75	5	23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Supervisory	PreK- <u>Age 21+2</u>	None	5	23 Ill. Adm. Code 25.497 (Supervisory Endorsements)
Teacher Leader	PreK- <u>Age 21+2</u>	None	5	21B-20; 21B-25(2)(E); 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement (Beginning September 1, 2012))
Special Education	K-12 Field Endorsed	None	5	21B-20; 21B-25(2)(F); 23 Ill. Adm. Code 25.43
School <u>Counselor</u> Support Personnel	PK General Birth-Age 21; Area of Service Endorsed	73	5	21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)
<u>School Nurse</u>	<u>PK-Age 21</u>	<u>73</u>	<u>5</u>	<u>21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)</u>
<u>School Psychologist</u>	<u>PK-Age 21</u>	<u>73</u>	<u>5</u>	<u>21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)</u>
<u>School Social Worker</u>	<u>PK-Age 21</u>	<u>73</u>	<u>5</u>	<u>21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)</u>
<u>Speech Language Pathologist</u>	<u>PK-Age 21</u>	<u>73</u>	<u>5</u>	<u>21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)</u>

Educator License with Stipulations

<u>Provisional Educator – Early Childhood</u>	<u>Generally Birth-Grade 3</u>	<u>05</u>	<u>2 (No renewals)</u>	<u>21B-20(2)(A)</u>
---	--------------------------------	-----------	------------------------	---------------------

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

	(as endorsed)			
Alternative Provisional Educator – Early Childhood	Generally Birth-Grade 23 (as endorsed)	43 or 44	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60 (Alternative Educator Licensure Program for Teachers)
Alternative Provisional Educator – Elementary	K-9 or 1-6	22 or 23	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Alternative Provisional Educator – Secondary	9-12	24 or 25	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Alternative Provisional Superintendent (Beginning January 1, 2013)	PK-Age 21AH	26	2 (No renewals)	21B-20(2)(C); 23 Ill. Adm. Code 25.311 (Alternative Route to Superintendent Endorsement)
Alternative Provisional Educator – Special	K-12 or PK-12 Field Endorsed	27	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Transitional Bilingual Educator	PKPreK-12 Language Endorsed	29	5 (No renewals)	21B-20(2)(G); 23 Ill. Adm. Code 25.90 (Endorsement for Transitional Bilingual Educator)
Provisional Educator – Elementary	K-9 or 1-6	30	2 (No renewals)	21B-20(2)(A)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Provisional Educator – Middle Grades	5-8	Not applicable	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Secondary	6-12	31	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Special	K-12 Field Endorsed	33	2 (No renewals)	21B-20(2)(A)
Career and Technical Educator	<u>57-12 Field Endorsed **</u>	35	5	21B-20(2)(E); 23 Ill. Adm. Code 25.70 (Endorsement for Career and Technical Educator)
Provisional Career and Technical Educator	<u>511-12 Field Endorsed ***</u>	36	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.72 (Endorsement for Provisional Career and Technical Educator)
Part-Time Provisional Career and Technical Educator	6-12	40	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.80 (Endorsement for Part-time Provisional Career and Technical Educator)
Visiting International Educator – Special	<u>K-12 or PK-12 Field Endorsed</u>	50	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92 (Endorsement for Visiting International Educator)
Visiting International Educator – Elementary	<u>1-6K-9</u>	53	53 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Early Childhood	<u>Birth- Grade 23</u>	54	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Secondary	<u>9-12 Field Endorsed</u>	59	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Provisional Educator – School Support Personnel	Generally Birth-Age 21 Area of	74	2 (No renewals)	21B-20(2)(A)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

	Service Endorsed			
Provisional Administrative	K-12	76	2 (No renewals)	21B-20(2)(A); 21B-35(b-5)
Chief School Business Official	PK-Age 21 PreK-12	None	5	21-B20(2)(K); 23 Ill. Adm. Code 25.345
Resident Teacher— Special****	K-12	80	4 (No renewals)	21B-20(2)(D)
Resident Teacher— Elementary****	K-9	83	4 (No renewals)	21B-20(2)(D)
Resident Teacher— Early Childhood****	Birth- Grade 3	84	4 (No renewals)	21B-20(2)(D)
Resident Teacher— Secondary****	6-12	89	4 (No renewals)	21B-20(2)(D)

Substitute License

None	All	39	5	21B-20(3)
------	-----	----	---	-----------

- * If endorsed for teaching, valid for subjects for which the individual is assignable under Section 1.710, 1.720, or 1.737, ~~1.745 or 1.755.~~
- ** ~~Valid in programs of career and technical education (CTE), for instruction in grades 7 through 12 in the field of specialization indicated on the specific endorsement held.~~
- *** ~~Valid only in approved CTE programs for "skill level" instruction in grades 11 and 12 in the field of specialization.~~
- **** ~~The resident teacher endorsement on the educator license with stipulations will no longer be valid after June 30, 2017. (See Section 21B-20(2)(D) of the School Code.)~~

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 1.APPENDIX I Career and Technical Education Course Assignability by Teaching Endorsement and Program Area

<u>CTE Licensing Endorsement</u>	<u>CTE Program</u>	<u>Course Assignability</u>
<u>Business Management (FBS)</u>	<ul style="list-style-type: none"> • <u>Business Management & Administration (52.0201)</u> • <u>Entrepreneurship/Entrepreneurial Studies (52.0701)</u> • <u>Human Resources Management/Personnel Administration (52.1001)</u> • <u>Administrative Assistant and Secretarial Sciences (52.0401)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (52.0201; 52.0701; 52.1001; 52.0401)</u>
<u>Finance (FBS)</u>	<ul style="list-style-type: none"> • <u>Finance, General (52.0801)</u> • <u>Accounting (52.0301)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (52.0801; 52.0301)</u>
<u>Marketing (FBS)</u>	<ul style="list-style-type: none"> • <u>Marketing (52.1401)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (52.1401)</u>
<u>Information Technology (IT)</u>	<ul style="list-style-type: none"> • <u>Computer Programming/Programmer, General (11.0201)</u> • <u>Computer Science (11.0701)</u> • <u>Web Page, Digital/Multimedia and Information Resources Design (11.0801)</u> • <u>Computer Networking (11.0901)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (11.0201; 11.0701; 11.0801; 11.0901)</u>
<u>Agriculture, Food, and Natural Resources (AFNR)</u>	<ul style="list-style-type: none"> • <u>Biotechnology Systems (01.0000)</u> • <u>Agribusiness Systems (01.0101)</u> • <u>Power, Structural and Technical Systems (01.0201)</u> • <u>Plant Systems (01.0601)</u> • <u>Food Products and Processing Systems (01.0401)</u> • <u>Animal Systems (01.0901)</u> • <u>Environmental Service Systems (15.0507)</u> • <u>Natural Resource Systems (03.0101)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (01.000; 01.0101; 01.0201; 01.0601; 01.0401; 01.0901; 15.0507; 03.0101)</u>
<u>Cosmetology (HPS)</u>	<ul style="list-style-type: none"> • <u>Cosmetology/Cosmetologist, General (12.0401)</u> 	<ul style="list-style-type: none"> • <u>All courses in program (12.0401)</u>
<u>Barbering (HPS)</u>	<ul style="list-style-type: none"> • <u>Barbering/Barber (12.0402)</u> 	<ul style="list-style-type: none"> • <u>All courses in program (12.0402)</u>

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>Nail Technician (HPS)</u>	<ul style="list-style-type: none"> • <u>Nail Technician/Specialist and Manicurist (12.0410)</u> 	<ul style="list-style-type: none"> • <u>All courses in program (12.0410)</u>
<u>Hospitality & Tourism (HPS)</u>	<ul style="list-style-type: none"> • <u>Tourism and Travel Services Management (52.0903)</u> • <u>Hotel/Motel Management (52.0904)</u> • <u>Parks, Recreation, and Leisure Facilities Management (31.0301)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (52.0903; 52.0904; 31.0301)</u>
<u>Family and Consumer Science – Work and Family Studies (HPS)</u>	<ul style="list-style-type: none"> • <u>Work and Family Studies (19.1001)</u> 	<ul style="list-style-type: none"> • <u>All Orientation and Introductory courses for the following programs listed (19.1001; 19.0702; 19.0709; 44.0701)</u> • <u>All courses in program (19.1001)</u>
<u>Family and Consumer Science – Adult Development and Aging (HPS)</u>	<ul style="list-style-type: none"> • <u>Adult Development and Aging (19.0702)</u> 	<ul style="list-style-type: none"> • <u>All Orientation and Introductory courses for the following programs listed (19.1001; 19.0702; 19.0709; 44.0701)</u> • <u>All courses in program (19.0702)</u> • <u>All courses in Work and Family Studies (19.1001)</u>
<u>Family and Consumer Science – Child Care Provider (HPS)</u>	<ul style="list-style-type: none"> • <u>Child Care Provider (19.0709)</u> 	<ul style="list-style-type: none"> • <u>All Orientation and Introductory courses for the following programs listed (19.1001; 19.0702; 19.0709; 44.0701)</u> • <u>All courses in program (19.0709)</u> • <u>All courses in Work and Family Studies (19.1001)</u>
<u>Family and Consumer Science – Social Work (HPS)</u>	<ul style="list-style-type: none"> • <u>Social Work (44.0701)</u> 	<ul style="list-style-type: none"> • <u>All Orientation and Introductory courses for the following programs listed (19.1001; 19.0702; 19.0709; 44.0701)</u> • <u>All courses in program (44.0701)</u> • <u>All courses in Work and Family Studies (19.1001)</u>
<u>Education & Training (HPS)</u>	<ul style="list-style-type: none"> • <u>Education, General (13.0101)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (13.0101)</u> • <u>All courses in Work and Family Studies (19.1001)</u>
<u>Early Childhood Education (HPS)</u>	<ul style="list-style-type: none"> • <u>Early Childhood Education and Training (13.1210)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (13.1210)</u> • <u>All courses in Child Care Provider (19.0709)</u>

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • All courses in Work and Family Studies (19.1001)
Family and Consumer Science – Foods, Nutrition and Culinary Arts (HPS)	<ul style="list-style-type: none"> • Foods, Nutrition, and Wellness Studies (19.0501) • Cooking and Related Culinary Arts (12.0500) 	<ul style="list-style-type: none"> • All courses in programs listed (19.0501; 12.0500)
Family and Consumer Science – Fashion and Environmental Design	<ul style="list-style-type: none"> • Housing and Human Environments, General (19.0601) • Apparel and Textile, General (19.0901) 	<ul style="list-style-type: none"> • All courses in programs listed (19.0601; 19.0901)
Legal Studies/Pre-Law (HPS)	<ul style="list-style-type: none"> • Legal Assistant/Paralegal (22.0302) 	<ul style="list-style-type: none"> • All courses in program listed (22.0302)
Fire Science (HPS)	<ul style="list-style-type: none"> • Fire Science/Firefighting (43.0203) 	<ul style="list-style-type: none"> • All courses in program listed (43.0203) • All courses in Public Administration (44.401)
Law Enforcement (HPS)	<ul style="list-style-type: none"> • Criminal Justice/Police Science (43.0107) 	<ul style="list-style-type: none"> • All course in program listed (43.0107) • All courses in Security and Loss Prevention Services (43.0109) • All courses in Public Administration (43.0401)
Security (HPS)	<ul style="list-style-type: none"> • Security and Loss Prevention Services (43.0109) 	<ul style="list-style-type: none"> • All courses in program listed (43.0109)
Public Administration (HPS)	<ul style="list-style-type: none"> • Public Administration (44.0401) 	<ul style="list-style-type: none"> • All courses in program listed (44.0401)
Health Science (HST)	<ul style="list-style-type: none"> • Health Services/Allied Health/Health Sciences (51.0000) 	<ul style="list-style-type: none"> • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All orientation and introductory courses in programs listed (51.0000; 51.0601; 51.0703; 51.0713; 51.0801; 51.0805; 51.0902; 51.0904; 51.0913; 51.2605; 51.1004; 51.1009; 51.3902)
Dental Assistant (HST)	<ul style="list-style-type: none"> • Dental Assisting/Assistant (51.0601) 	<ul style="list-style-type: none"> • All courses in program listed (51.0601) • All courses in Health Unit Coordinator/Ward Clerk (51.0703)
Health Unit Coordinator (HST)	<ul style="list-style-type: none"> • Health Unit Coordinator/Ward Clerk (51.0703) 	<ul style="list-style-type: none"> • All courses in program listed (51.0703)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All courses in Health Unit Coordinator/Ward Clerk (51.0703)
Medical Coding (HST)	<ul style="list-style-type: none"> • Medical Insurance Coding Specialist/Coder (51.0713) 	<ul style="list-style-type: none"> • All courses in program listed (51.0713) • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All courses in Health Unit Coordinator/Ward Clerk (51.0703)
Medical Assistant (HST)	<ul style="list-style-type: none"> • Medical/Clinical Assistant (51.0801) 	<ul style="list-style-type: none"> • All courses in program listed (51.0801) • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All courses in Health Unit Coordinator/Ward Clerk (51.0703)
Pharmacy Technician (HST)	<ul style="list-style-type: none"> • Pharmacy Technician/Assistant (51.0805) 	<ul style="list-style-type: none"> • All courses in program listed (51.0805) • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All courses in Health Unit Coordinator/Ward Clerk (51.0703) • All courses in Medical Insurance Coding Specialist/Coder (51.0713) for State approved programs only, not national accreditation.
ECG Technician (HST)	<ul style="list-style-type: none"> • Electro-Cardiograph Technologist/Technician (51.0902) 	<ul style="list-style-type: none"> • All courses in program listed (51.0902) • All courses in Health Services/Allied Health/Health Sciences (51.0000) • All courses in Health Unit Coordinator/Ward Clerk (51.0703)
EMT-Basic (HST)	<ul style="list-style-type: none"> • Emergency Medical Technology/Technician (51.0904) 	<ul style="list-style-type: none"> • All courses in program listed (51.0904)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • <u>All courses in Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>All courses in Health Unit Coordinator/Ward Clerk (51.0703)</u>
<u>Athletic Trainer (HST)</u>	<ul style="list-style-type: none"> • <u>Athletic Training/Trainer (51.0913)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (51.0913)</u> • <u>All courses in Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>All courses in Health Unit Coordinator/Ward Clerk (51.0703)</u>
<u>Physical Therapy Aide (HST)</u>	<ul style="list-style-type: none"> • <u>Physical Therapy Technician/Aide (51.2605)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (51.2605)</u> • <u>All courses in Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>All courses in Health Unit Coordinator/Ward Clerk (51.0703)</u> • <u>All courses in Athletic Training/Trainer (51.0913)</u>
<u>Biotechnology (HST)</u>	<ul style="list-style-type: none"> • <u>Clinical/Medical Laboratory Technician (51.1004)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (51.1004)</u> • <u>All courses in Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>All courses in Health Unit Coordinator/Ward Clerk (51.0703)</u>
<u>Phlebotomist (HST)</u>	<ul style="list-style-type: none"> • <u>Phlebotomy Technician/Phlebotomist (51.1009)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (51.1009)</u> • <u>All courses in Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>All courses in Health Unit Coordinator/Ward Clerk (51.0703)</u> • <u>All courses in Clinical/Medical Laboratory Technician (51.1004)</u>
<u>Certified Nursing Assistant (HST)</u>	<ul style="list-style-type: none"> • <u>Nursing Assistant/Aide and Patient Care Assistant/Aide (51.3902)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (51.3902)</u>

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

		<ul style="list-style-type: none"> • <u>All courses in programs (51.0000; 51.0703; 51.0713; 51.0805; 51.1004; 51.1009)</u> • <u>All courses in 51.0801 and 51.0902 for State approved programs only, not national accreditation.</u>
<u>Health Science Foundational (HST)</u>	<ul style="list-style-type: none"> • <u>Health Services/Allied Health/Health Sciences (51.0000)</u> • <u>Dental Assisting/Assistant (51.0601)</u> • <u>Health Unit Coordinator/Ward Clerk (51.0703)</u> • <u>Medical Insurance Coding Specialist/Coder (51.0713)</u> • <u>Medical/Clinical Assistant (51.0801)</u> • <u>Pharmacy Technician/Assistant (51.0805)</u> • <u>Electro-Cardiograph Technologist/Technician (51.0902)</u> • <u>Emergency Medical Technology/Technician (51.0904)</u> • <u>Athletic Training/Trainer (51.0913)</u> • <u>Physical Therapy Technician/Aide (51.2605)</u> • <u>Clinical/Medical Laboratory Technician (51.1004)</u> • <u>Phlebotomy Technician/Phlebotomist (51.1009)</u> • <u>Nursing Assistant/Aide and Patient Care Assistant/Aide (51.3902)</u> 	<ul style="list-style-type: none"> • <u>All orientation and introductory courses in program listed (51.0000; 51.0601; 51.0703; 51.0713; 51.0801; 51.0805; 51.0902; 51.0904; 51.0913; 51.2605; 51.1004; 51.1009; 51.3902)</u>
<u>STEM & Energy Systems (METT)</u>	<ul style="list-style-type: none"> • <u>Engineering Technology, General (15.0000)</u> • <u>Energy Systems Technology/Technician (15.1701)</u> 	<ul style="list-style-type: none"> • <u>All courses in programs listed (15.0000; 15.1701)</u>
<u>Graphic Communications (A&C)</u>	<ul style="list-style-type: none"> • <u>Graphic Communications (10.0301)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (10.0301)</u>
<u>Photography (A&C)</u>	<ul style="list-style-type: none"> • <u>Commercial Photography (50.0406)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (50.0406)</u>
<u>Audio and Video Broadcasting (A&C)</u>	<ul style="list-style-type: none"> • <u>Radio and Television Broadcasting Technology/Technician (10.0202)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (10.0202)</u>

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Architecture and Construction – Drafting and Design (METT)	<ul style="list-style-type: none"> • Drafting and Design Technology/Technician (15.1301) 	<ul style="list-style-type: none"> • All courses in program listed (15.1301)
Architecture and Construction – Electrician (METT)	<ul style="list-style-type: none"> • Electrician (46.0302) 	<ul style="list-style-type: none"> • All courses in program listed (46.0302)
Architecture and Construction – Building Maintenance (METT)	<ul style="list-style-type: none"> • Building/Property Maintenance (46.0401) 	<ul style="list-style-type: none"> • All courses in program listed (46.0401) • All courses in Electrician (46.0302) • All courses in Heating, Air Conditioning, Ventilation and Refrigeration Maintenance Technology/Technician (47.0201)
Architecture and Construction – HVAC (METT)	<ul style="list-style-type: none"> • Heating, Air Conditioning, Ventilation and Refrigeration Maintenance Technology/Technician (47.0201) 	<ul style="list-style-type: none"> • All courses in program listed (47.0302) • All courses in Sheet Metal Technology/Sheet-working (48.0506)
Architecture and Construction – Heavy Equipment Technology(METT)	<ul style="list-style-type: none"> • Heavy Equipment Technology/Technician (47.0302) 	<ul style="list-style-type: none"> • All courses in program listed (47.0302)
Architecture and Construction – Construction Trades (METT)	<ul style="list-style-type: none"> • Construction Trades, General (46.0000) 	<ul style="list-style-type: none"> • All courses in program listed (46.0000)
Transportation, Distribution, and Technology – Auto-body Technology (METT)	<ul style="list-style-type: none"> • Auto-body/Collision and Repair Technology/Technician (47.0603) 	<ul style="list-style-type: none"> • All courses in program listed (47.0603)
Transportation, Distribution, and Technology – Automotive Technology (METT)	<ul style="list-style-type: none"> • Automobile/Automotive Mechanics Technology/Technician (47.0604) 	<ul style="list-style-type: none"> • All courses in program listed (47.0604)
Transportation, Distribution, and Technology – Aircraft Technology (METT)	<ul style="list-style-type: none"> • Aircraft Power-plant Technology/Technician (47.0608) 	<ul style="list-style-type: none"> • All courses in program listed (47.0608)
Transportation, Distribution, and	<ul style="list-style-type: none"> • Airline/Commercial/Professional Pilot and Flight Crew (49.0102) 	<ul style="list-style-type: none"> • All courses in program listed (49.0102)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>Technology – Professional Pilot (METT)</u>		
<u>Transportation, Distribution, and Technology – Truck and Bus Driver (METT)</u>	<ul style="list-style-type: none"> • <u>Truck and Bus Driver/Commercial Vehicle Operator and Instructor (49.0205)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (49.0205)</u>
<u>Transportation, Distribution, and Technology – Forklift Operations (METT)</u>	<ul style="list-style-type: none"> • <u>Forklift Operations/Operator (49.0209)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (49.0209)</u>
<u>Manufacturing – Computer Installation Repair (METT)</u>	<ul style="list-style-type: none"> • <u>Computer Installation and Repair Technology/Technician (47.0104)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (47.0104)</u>
<u>Manufacturing – Industrial Electronics (METT)</u>	<ul style="list-style-type: none"> • <u>Industrial Electronics Technology/Technician (47.0105)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (47.0105)</u> • <u>All courses in Electrician (46.0302)</u>
<u>Manufacturing – Parts and Warehousing Operations (METT)</u>	<ul style="list-style-type: none"> • <u>Parts and Warehousing Operations and Maintenance Technician (47.0409)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (47.0409)</u>
<u>Manufacturing – Machinist (METT)</u>	<ul style="list-style-type: none"> • <u>Machine Tool Technology/Machinist (48.0501)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (48.0501)</u>
<u>Manufacturing – Sheet-working (METT)</u>	<ul style="list-style-type: none"> • <u>Sheet Metal Technology/Sheet-working (48.0506)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (48.0506)</u>
<u>Manufacturing – Welding Technology (METT)</u>	<ul style="list-style-type: none"> • <u>Welding Technology/Welder (48.0508)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (48.0508)</u>
<u>Manufacturing – Cabinetmaking (METT)</u>	<ul style="list-style-type: none"> • <u>Cabinetmaking and Millwork (48.0703)</u> 	<ul style="list-style-type: none"> • <u>All courses in program listed (48.0703)</u>

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for All Illinois Teachers
- 2) Code Citation: 23 Ill. Adm. Code 24
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
24.10	Amendment
24.50	New Section
24.100	Repealed
24.110	Repealed
24.120	Repealed
24.130	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will incorporate Culturally Responsive Teaching and Leading (CRTL) standards into Illinois preparation programs. The standards were developed by the state's Diverse and Learner Ready Teacher Network, which consists of current teachers, school and district administrators, education advocacy group members, and representatives from institutions of higher education. The network was charged by ISBE to develop standards that will be used to drive educator preparation and in-service educator professional development. Culturally responsive teaching and leading are critically important in Illinois. Statewide, 52 percent of public school children are non-white, yet only 17 percent of their teachers reflect this racial diversity. ISBE is committed to ensuring all students are supported by highly prepared and effective teachers and school leaders, which includes providing students with opportunities to learn from educators who are aware and respectful of various cultures and can successfully reach all children. The CRTL standards will be incorporated into all existing and new educator preparation programs to realize this statewide vision.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Azita Kakvand
Illinois State Board of Education
100 North First Street
Springfield Il 62777-0001
- 217/782-6510
rules@isbe.net
- 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 anticipated at the time the Regulatory Agenda was filed.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER b: PERSONNEL

PART 24

CULTURALLY RESPONSIVE TEACHING AND LEADING STANDARDS FOR ALL ILLINOIS EDUCATORS
~~TEACHERS~~

Section

Section	Purpose
24.10	<u>The Illinois Culturally Responsive Teaching and Leading Standards</u>
24.100	The Illinois Professional Teaching Standards Through June 30, 2013 <u>(Repealed)</u>
24.110	Language Arts Standards for All Illinois Teachers Through June 30, 2013 <u>(Repealed)</u>
24.120	Technology Standards for All Illinois Teachers Through June 30, 2013 <u>(Repealed)</u>
24.130	The Illinois Professional Teaching Standards <u>Beginning July 1, 2013</u>

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

SOURCE: Adopted at 26 Ill. Reg. 11847, effective July 18, 2002; amended at 34 Ill. Reg. 11505, effective July 26, 2010; amended at 37 Ill. Reg. 1260, effective January 17, 2013; amended at 44 Ill. Reg. _____, effective _____.

Section 24.10 Purpose

This Part establishes certain standards that shall apply to the issuance of all Illinois professional educator licenses endorsed in teaching, school support personnel, and administrative fields~~a teaching field~~. The standards set forth in this Part shall apply both to candidates for licensure and to the programs that prepare them. That is:

- a) Beginning October 1, 2021, approval of any preparation program or course of study in any teaching, school support, or administrative field pursuant to the State Board of Education's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the applicable standards identified in this Part.~~approval of any preparation program or course of study in any teaching field pursuant to the State Board's rules for~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the applicable standards identified in this Part; and~~

- b) ~~Programs already approved under 23 Ill. Adm. Code 25, Subpart C shall submit program alignment by October 1, 2025 the examinations required for issuance of a professional educator license under Article 21B of the School Code [105 ILCS 5/21B] shall be based on the applicable standards set forth in this Part.~~

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

Section 24.50 The Illinois Culturally Responsive Teaching and Leading Standards

- a) Self-Awareness and Relationships to Others – Culturally responsive teachers and leaders are reflective and gain a deeper understanding of themselves and how they impact others, leading to more cohesive and productive student development as it relates to academic and social-emotional development for all students. The culturally responsive teacher and leader will:
- 1) Understand and value the notion that multiple lived experiences exist, that there is not one "correct" way of doing or understanding something, and that what is seen as "correct" is most often based on our lived experiences.
 - 2) Approach their work and students with an asset-based mindset, affirming the students' backgrounds and identities.
 - 3) Know about their students and their lives outside of school, using this knowledge to build instruction that leverages prior knowledge and skills.
 - 4) Include representative, familiar content in the curriculum to legitimize what students bring to class, while also exposing them to new ideas and worldviews different from their own.
 - 5) Engage in self-reflection about their own actions and interactions and what ideas motivated those actions.
 - 6) Explore their own intersecting identities, how they were developed, and how they impact daily experience of the world.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Recognize how their identity (race/ethnicity, national origin, language, sex and gender, gender identity, sexual orientation, physical/developmental/emotional ability, socioeconomic class, religion, etc.) affects their perspectives and beliefs about pedagogy and students.
 - 8) Educate themselves about students' communities, cultures, and histories.
 - 9) Critically think about the institutions in which they find themselves, working to reform these institutions whenever and wherever necessary.
 - 10) Assess how their biases and perceptions affect their teaching practice and how they access tools to mitigate their own behavior (racism, sexism, homophobia, unearned privilege, Eurocentrism, etc.).
- b) Systems of Oppression – Culturally responsive teachers and leaders understand that there are systems in our society that create and reinforce inequities, thereby creating oppressive conditions. Educators work actively against these systems in their everyday roles in educational institutions. Performance Indicators – The culturally responsive teacher and leader will:
- 1) Understand the difference between prejudice, discrimination, racism, and how to operate at the interpersonal, intergroup, and institutional levels.
 - 2) Collaborate with colleagues to determine how students from different backgrounds experience the classroom, school, or district.
 - 3) Understand how the system of inequity has impacted them as an educator.
 - 4) Know and understand how current curriculum and approaches to teaching impact students who are not a part of the dominant culture.
 - 5) Be aware of the effects of power and privilege and the need for social advocacy and social action to better empower diverse students and communities.
 - 6) Know and understand how a system of inequity creates rules regarding student punishment that negatively impacts students of color.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Know and understand how a system of inequity reinforces certain truths as the norm.
- c) Students as Individuals – Culturally responsive teachers and leaders view and value their students as individuals within the context of their families and communities. The culturally responsive teacher and leader will:
- 1) Learn from and about their students' culture, language, and learning styles to make instruction more meaningful and relevant to their students' lives.
 - 2) Engage with students' families and community members outside of the classroom to develop a more holistic understanding of the students' lived experiences.
 - 3) Develop positive, strength-based partnerships with students and their families by learning about them, soliciting their opinions, and valuing their expectations, especially with those marginalized by schools in the past.
 - 4) Provide parents with information about what their child is expected to learn, know, and do at his or her grade level and ways to reinforce concepts at home.
 - 5) Share the classroom systems and policies (expectations, agreements, recognition and incentive practices, etc.) used in the classroom with students' families and align them to the values and cultural norms of those families.
 - 6) Provide multiple opportunities for parents to communicate in their language and method of preference.
 - 7) Set holistic goals for students that accommodate multiple ways of demonstrating strengths and success (e.g., alternate academic achievement metrics, growth indicators, leadership, character development, social-emotional learning competencies, and school values).
- d) Students as Co-Creators – Culturally responsive teachers and leaders (who fundamentally believe all students are capable) center learning around students' experiences and position them as co-creators, with emphasis on prioritizing

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

historically marginalized students. The culturally responsive teacher and leader will:

- 1) Encourage and affirm the personal experiences (family, community, culture, etc.) students share in the classroom.
 - 2) Make authentic connections between academic learning and students' prior knowledge, native language, culture, and values.
 - 3) Consistently solicit students' input on the curriculum (e.g., interests, people, or concepts).
 - 4) Co-create, with students, the collective expectations and agreements regarding the physical space and social-emotional culture of the classroom and school.
 - 5) Create and embed student leadership opportunities into the student experience (e.g., peer-led discussion, student-led workshops, and student-run schoolwide initiatives).
 - 6) Persistently solicit student feedback, value that feedback (resist defensiveness), and adjust based on that feedback.
- e) Leveraging Student Activism – Culturally responsive teachers and leaders will support and create opportunities for student advocacy and representation in the content and classroom. The culturally responsive teacher and leader will:
- 1) Emphasize and connect with students about their identities, advocacies, and self-interest.
 - 2) Offer guidance to students on how to develop a self-advocacy plan to inform decisions and choices.
 - 3) Include students in the creation of an inclusive learning community with more opportunities for student expression.
 - 4) Help students identify actions that can be taken to apply learning to develop opportunities and relationships for alliances.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 5) Create a risk-taking space that promotes student activism and advocacy.
 - 6) Research and offer student advocacy and activism content with real world implications.
 - 7) Hold high expectations in which all students can participate and lead as student advocates or activists.
 - 8) Give students space to solve their own problems, negotiate their advocacy needs, and present their perspectives.
- f) Family and Community Collaboration – Culturally responsive teachers and leaders will partner with families and communities to build rapport, form collaborative and mutual relationships, and engage in effective cross-cultural communication. The culturally responsive teacher and leader will:
- 1) Regularly interact with students, families, and communities in both English and home language through methods of their preference.
 - 2) Actively seek multiple perspectives and contribution from families and the community and invite them to actively share their opinions, feedback, and concerns that impact the school community.
 - 3) Forge ongoing participation with families and community members to meet the diverse needs and interests of students.
 - 4) Continuously learn and build cultural knowledge that families and the community bring to the school community to nurture and foster relationships and inform student learning experiences.
 - 5) Use best practices that are culturally responsive to value students and their families' cultural traditions when recognizing, motivating, encouraging, and supporting student success and growth.
 - 6) Develop relationships with families and the community outside of the classroom setting.
 - 7) Foster students' cultural understanding and connection to the surrounding community.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 8) Invite family and community members to teach about topics that are culturally specific and aligned to the classroom curriculum or content area.
 - 9) Welcome communication from parents and reply in a timely manner.
 - 10) Communicate and provide appropriate techniques and materials to support and enrich student learning at home.
 - 11) Collaborate effectively over time with the local community and community agencies, when and where appropriate, to promote a positive environment for student learning.
- g) Content Selections in All Curricula – Culturally responsive teachers and leaders intentionally embrace student identities and prioritize representation in the curriculum. In turn, students are not only given a chance to identify with the curriculum, they become exposed to other cultures within their schools and both their local and global communities. The culturally responsive teacher and leader will:
- 1) Curate the curriculum.
 - 2) Identify and articulate the purposeful ways in which marginalized communities are represented in curriculum, including print, digital media, and other classroom resources.
 - 3) Employ authentic and modern technology usage inspiring digital literacy through an equity lens.
 - 4) Ensure assessments reflect the enriched curriculum that has embedded student identities.
 - 5) Embrace and encourage progressive viewpoints and perspectives that leverage asset thinking toward traditionally marginalized populations.
 - 6) Assess one's story through multiple vantage points to gain a whole narrative that includes all sides of parties involved.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Implement and integrate the wide spectrum and fluidity of identities in the curriculum.
 - 8) Ensure text selections reflect students' classroom, community, and family culture.
 - 9) Ensure teacher and students co-create content to include a counternarrative to dominant culture.
 - 10) Use a resource tool to assess the curriculum and assessments for biases.
 - 11) Promote robust discussion with the intent of raising consciousness that reflects modern society and the ways in which cultures and communities intersect.
 - 12) Consider a broader modality of student assessments, such as performance portfolios, essays, multiple choice, State exams, oral examination, community assessments, social justice work, action research projects, and recognition beyond academia.
- h) Student Representation in the Learning Environment – Culturally responsive teachers and leaders ensure the diversity of their student population is equally represented within the learning environment. In turn, all members of the student population feel seen, heard, and affirmed. Exceptionally well-versed culturally responsive teachers and leaders provide exposure to underrepresented or misrepresented minority groups, even when they are not present within the population of their school and community at large. The culturally responsive teacher and leader will:
- 1) Uphold systems of support that create, promote, and sustain a welcoming and inclusive community.
 - 2) Ensure linguistic diversity is represented throughout the building and seek ways to reflect representation of world languages.
 - 3) Verify that course materials are representative of all students, including materials for centers, stations, labs, classroom libraries, etc.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) Ensure classroom and building decorations are inclusive of all students throughout the building or within the community or city at large.

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

Section 24.100 The Illinois Professional Teaching Standards Through June 30, 2013
(Repealed)

~~Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25. Subpart C) and the basis of the examinations required for issuance of a professional educator license endorsed in a teaching field. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.~~

- a) ~~Content Knowledge—The competent teacher understands the central concepts, methods of inquiry, and structures of disciplines and creates learning experiences that make the content meaningful to all students.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
- ~~A) Understands major concepts, assumptions, debates, principles, and theories that are central to the disciplines in which licensure is sought.~~
 - ~~B) Understands the processes of inquiry central to the discipline.~~
 - ~~C) Understands how students' conceptual frameworks and their misconceptions for an area of knowledge can influence their learning.~~
 - ~~D) Understands the relationship of knowledge within the discipline to other content areas and to life and career applications.~~
 - ~~E) Understands how a student's disability affects processes of inquiry and influences patterns of learning.~~
- 2) ~~Performance Indicators—The competent teacher:~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) ~~Evaluates teaching resources and curriculum materials for their comprehensiveness, accuracy, and usefulness for representing particular ideas and concepts.~~
 - B) ~~Uses differing viewpoints, theories, "ways of knowing" and methods of inquiry in teaching subject matter concepts.~~
 - C) ~~Engages students in generating and testing knowledge according to the process of inquiry and standards of evidence of the discipline.~~
 - D) ~~Designs learning experiences to promote student skills in the use of technologies appropriate to the discipline.~~
 - E) ~~Anticipates and adjusts for common misunderstandings of the disciplines that impede learning.~~
 - F) ~~Uses a variety of explanations and multiple representations of concepts that capture key ideas to help students develop conceptual understanding.~~
 - G) ~~Facilitates learning experiences that make connections to other content areas and to life and career experiences.~~
 - H) ~~Designs learning experiences and utilizes adaptive devices/technology to provide access to general curricular content to individuals with disabilities.~~
- b) ~~Human Development and Learning—The competent teacher understands how individuals grow, develop, and learn and provides learning opportunities that support the intellectual, social, and personal development of all students.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
 - A) ~~Understands how students construct knowledge, acquire skills, and develop habits of mind.~~
 - B) ~~Understands that students' physical, social, emotional, ethical, and cognitive development influences learning.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) Understands human development, learning theory, neural science, and the ranges of individual variation within each domain.
 - D) Understands that differences in approaches to learning and performance interact with development.
 - E) Understands how to include student development factors when making instructional decisions.
 - F) Knows the impact of cognitive, emotional, physical, and sensory disabilities on learning and communication processes.
- 2) Performance Indicators—The competent teacher:
- A) Analyzes individual and group performance in order to design instruction that meets learners' current needs in the cognitive, social, emotional, ethical, and physical domains at the appropriate level of development.
 - B) Stimulates student reflection on prior knowledge and links new ideas to already familiar ideas and experiences.
 - C) Introduces concepts and principles at different levels of complexity so that they are meaningful to students at varying levels of development and to students with diverse learning needs.
- e) Diversity—The competent teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.
- 1) Knowledge Indicators—The competent teacher:
- A) Understands the areas of exceptionality in learning as defined in the Individuals with Disabilities Education Act (IDEA) and the State Board's rules for Special Education (23 Ill. Adm. Code 226).
 - B) Understands the process of second language acquisition and strategies to support the learning of students whose first language

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~is not English.~~

- ~~C) Understands how students' learning is influenced by individual experiences, talents, and prior learning, as well as language, culture, family, and community values.~~
 - ~~D) Understands and identifies differences in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes.~~
 - ~~E) Understands cultural and community diversity through a well-grounded framework and understands how to learn about and incorporate students' experiences, cultures, and community resources into instruction.~~
 - ~~F) Understands personal cultural perspectives and biases and their effects on one's teaching.~~
- 2) ~~Performance Indicators — The competent teacher:~~
- ~~A) Facilitates a learning community in which individual differences are respected.~~
 - ~~B) Makes appropriate provisions (in terms of time and circumstances for work, tasks assigned, communication, and response modes) for individual students who have particular learning differences or needs.~~
 - ~~C) Uses information about students' families, cultures, and communities as a basis for connecting instruction to students' experiences.~~
 - ~~D) Uses cultural diversity and individual student experiences to enrich instruction.~~
 - ~~E) Uses a wide range of instructional strategies and technologies to meet and enhance diverse student needs.~~
 - ~~F) Identifies and designs instruction appropriate to students' stages of~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~development, learning styles, strengths and needs.~~

- ~~G) Identifies when and how to develop and implement strategies and interventions within the classroom and how to access appropriate services or resources to assist students with exceptional learning needs.~~
 - ~~H) Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, sexual orientation, and varying abilities.~~
- d) ~~Planning for Instruction—The competent teacher understands instructional planning and designs instruction based upon knowledge of the discipline, students, the community, and curriculum goals.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
 - A) ~~Understands the Illinois Learning Standards, curriculum development, content, learning theory, and student development and knows how to incorporate this knowledge in planning instruction.~~
 - B) ~~Understands how to develop short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory.~~
 - C) ~~Understands how to take the contextual considerations of instructional materials, individual students' interests, and career needs into account in planning instruction that creates an effective bridge between students' experiences and career and educational goals.~~
 - D) ~~Understands when and how to adjust plans based on students' responses and other contingencies.~~
 - E) ~~Understands how to integrate technology into classroom instruction.~~
 - F) ~~Understands how to review and evaluate educational technologies to determine instructional value.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- G) ~~Understands how to use various technological tools to access and manage information.~~
- H) ~~Understands the uses of technology to address students' needs.~~
- 2) Performance Indicators—The competent teacher:
 - A) ~~Establishes expectations for students' learning.~~
 - B) ~~Applies principles of scope and sequence when planning curriculum and instruction.~~
 - C) ~~Creates short range and long term plans to achieve the expectations for students' learning.~~
 - D) ~~Creates and selects learning materials and learning experiences appropriate for the discipline and curriculum goals, relevant to the students, and based on students' prior knowledge and principles of effective instruction.~~
 - E) ~~Creates multiple learning activities that allow for variation in students' learning styles and performance modes.~~
 - F) ~~Incorporates experiences into instructional practices that relate to the students' current life experiences and to future career and work experiences.~~
 - G) ~~Creates approaches to learning that are interdisciplinary and that integrate multiple content areas.~~
 - H) ~~Develops plans based on students' responses and provides for different pathways based on students' needs.~~
 - I) ~~Uses teaching resources and materials which have been evaluated for accuracy and usefulness.~~
 - J) ~~Accesses and uses a wide range of information and instructional technologies to enhance students' learning.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~K)~~ Uses individualized education program (IEP) goals and objectives to plan instruction for students with disabilities.
- e) ~~Learning Environment—The competent teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self motivation.~~
- ~~1) Knowledge Indicators—The competent teacher:~~
 - ~~A) Understands principles of and strategies for effective classroom management.~~
 - ~~B) Understands how individuals influence groups and how groups function in society.~~
 - ~~C) Understands how to help students work cooperatively and productively in groups.~~
 - ~~D) Understands factors that influence motivation and engagement and how to help students become self-motivated.~~
 - ~~E) Knows procedures for inventorying the instructional environment to determine when and how best to meet a student's individual needs.~~
 - ~~F) Knows applicable statutes, rules and regulations, procedural safeguards, and ethical considerations regarding planning and implementing behavioral change programs for individuals with disabilities.~~
 - ~~G) Knows strategies for intervening in situations to prevent crises from developing or escalating.~~
 - ~~H) Knows environmental arrangements that promote positive behavior and learning for students with diverse learning characteristics.~~
 - ~~2) Performance Indicators—The competent teacher:~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) ~~Maintains proper classroom decorum.~~
- B) ~~Maximizes the amount of class time spent in learning by creating expectations and processes for communication and behavior along with a physical setting conducive to achieving classroom goals.~~
- C) ~~Uses strategies to create a smoothly functioning learning community in which students assume responsibility for themselves and one another, participate in decision-making, work collaboratively and independently, use appropriate technology, and engage in purposeful learning activities.~~
- D) ~~Analyzes the classroom environment and makes decisions to enhance social relationships, students' motivation and engagement in productive work through mutual respect, cooperation, and support for one another.~~
- E) ~~Organizes, allocates, and manages time, materials, and physical space to provide active and equitable engagement of students in productive tasks.~~
- F) ~~Engages students in and monitors individual and group learning activities that help them develop the motivation to achieve.~~
- G) ~~Demonstrates a variety of effective behavior management techniques appropriate to the needs of all students, including those with disabilities (including implementing the least intrusive intervention consistent with the needs of these students).~~
- H) ~~Modifies the learning environment (including the schedule and physical arrangement) to facilitate appropriate behaviors and learning for students with diverse learning characteristics.~~
- I) ~~Uses a variety of approaches to promote social interaction between students with disabilities and students without disabilities.~~
- J) ~~Uses effective methods for teaching social skill development in all students.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- f) ~~Instructional Delivery—The competent teacher understands and uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
- A) ~~Understands the cognitive processes associated with various kinds of learning and how these processes can be stimulated.~~
 - B) ~~Understands principles and techniques, along with advantages and limitations, associated with various instructional strategies.~~
 - C) ~~Knows how to enhance learning through the use of a wide variety of materials as well as human and technological resources.~~
 - D) ~~Understands the disciplinary and interdisciplinary approaches to learning and how they relate to life and career experiences.~~
 - E) ~~Knows techniques for modifying instructional methods, materials, and the environment to facilitate learning for students with disabilities and/or diverse learning characteristics.~~
- 2) ~~Performance Indicators—The competent teacher:~~
- A) ~~Evaluates how to achieve learning goals, choosing alternative teaching strategies and materials to achieve different instructional purposes and to meet students' needs.~~
 - B) ~~Uses multiple teaching and learning strategies to engage students in active learning opportunities that promote the development of critical thinking, problem-solving, and performance capabilities and that help students assume responsibility for identifying and using learning resources.~~
 - C) ~~Monitors and adjusts strategies in response to learners' feedback.~~
 - D) ~~Varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~purposes of instruction and the needs of students.~~

- ~~E) Develops a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and presenting diverse perspectives to encourage critical thinking.~~
 - ~~F) Uses a wide range of instructional technologies to enhance students' learning.~~
 - ~~G) Develops curriculum that demonstrates an interconnection between subject areas that will reflect life and career experiences.~~
 - ~~H) Uses strategies and techniques for facilitating meaningful inclusion of individuals with disabilities.~~
 - ~~I) Uses technology appropriately to accomplish instructional objectives.~~
 - ~~J) Adapts the general curriculum and uses instructional strategies and materials according to characteristics of the learner.~~
 - ~~K) Implements and evaluates individual learning objectives.~~
- g) Communication—The competent teacher uses knowledge of effective written, verbal, non-verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
- 1) Knowledge Indicators—The competent teacher:
 - A) Understands communication theory, language development, and the role of language in learning.
 - B) Understands how cultural and gender differences can affect communication in the classroom.
 - C) Understands the social, intellectual, and political implications of language use and how they influence meaning.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~D) Understands the importance of audience and purpose when selecting ways to communicate ideas.~~
- 2) Performance Indicators—The competent teacher:
 - ~~A) Models accurate, effective communication when conveying ideas and information and when asking questions and responding to students.~~
 - ~~B) Uses effective questioning techniques and stimulates discussion in different ways for specific instructional purposes.~~
 - ~~C) Creates varied opportunities for all students to use effective written, verbal, non-verbal, and visual communication.~~
 - ~~D) Communicates with and challenges students in a supportive manner and provides students with constructive feedback.~~
 - ~~E) Uses a variety of communication modes to effectively communicate with a diverse student population.~~
 - ~~F) Practices effective listening, conflict resolution, and group-facilitation skills as a team member.~~
 - ~~G) Communicates using a variety of communication tools to enrich learning opportunities.~~
- h) Assessment—The competent teacher understands various formal and informal assessment strategies and uses them to support the continuous development of all students.
 - 1) Knowledge Indicators—The competent teacher:
 - ~~A) Understands assessment as a means of evaluating how students learn, what they know and are able to do in meeting the Illinois Learning Standards, and what kinds of experiences will support their further growth and development.~~
 - ~~B) Understands the purposes, characteristics, and limitations of~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~different kinds of assessments.~~

- ~~C) Understands measurement theory and assessment related issues such as validity, reliability, bias, and scoring.~~
 - ~~D) Understands how to use the results of assessment to reflect on and modify teaching.~~
 - ~~E) Understands how to select, construct, and use assessment strategies and instruments for diagnosis and evaluation of learning and instruction.~~
 - ~~F) Knows legal provisions, regulations, and guidelines regarding assessment (and inclusion in statewide assessments) of individuals with disabilities.~~
 - ~~G) Knows methods for monitoring progress of individuals with disabilities.~~
 - ~~H) Knows strategies that consider the influence of diversity and disability on assessment, eligibility, programming, and placement of students with disabilities.~~
- 2) Performance Indicators—The competent teacher:
- ~~A) Uses assessment results to diagnose students' learning needs, align and modify instruction, and design teaching strategies.~~
 - ~~B) Appropriately uses a variety of formal and informal assessments to evaluate the understanding, progress, and performance of the individual student and the class as a whole.~~
 - ~~C) Involves students in self-assessment activities to help them become aware of their strengths and needs and encourages them to establish goals for learning.~~
 - ~~D) Maintains useful and accurate records of students' work and performance and communicates students' progress knowledgeably and responsibly to students, parents, and colleagues.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~E) Uses appropriate technologies to monitor and assess students' progress.~~
 - ~~F) Collaborates with families and other professionals involved in the assessment of individuals with disabilities.~~
 - ~~G) Uses various types of assessment procedures appropriately, including the adaptation of procedures for individual students in specific contexts.~~
 - ~~H) Uses technology appropriately in conducting assessments and interpreting results.~~
 - ~~I) Uses assessment strategies and devices which are nondiscriminatory and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students.~~
- i) Collaborative Relationships—The competent teacher understands the role of the community in education and develops and maintains collaborative relationships with colleagues, parents/guardians, and the community to support students' learning and well-being.
- 1) Knowledge Indicators—The competent teacher:
 - ~~A) Understands schools as organizations within the larger community context.~~
 - ~~B) Understands the benefits, barriers, and techniques involved in parent/family relationships.~~
 - ~~C) Understands school and work-based learning environments and the need for collaboration with business organizations in the community.~~
 - ~~D) Understands the collaborative process.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) ~~Understands collaborative skills which are necessary to carry out the collaborative process.~~
 - F) ~~Understands concerns of parents of individuals with disabilities and knows appropriate strategies to collaborate with parents in addressing these concerns.~~
 - G) ~~Understands roles of individuals with disabilities, parents, teachers, and other school and community personnel in planning individualized education programs for students with disabilities.~~
- 2) ~~Performance Indicators—The competent teacher:~~
- A) ~~Initiates collaboration with others and creates situations where collaboration with others will enhance students' learning.~~
 - B) ~~Works with colleagues to develop an effective learning climate within the school.~~
 - C) ~~Participates in collaborative decision making and problem solving with other professionals to achieve success for students.~~
 - D) ~~Develops relationships with parents and guardians to acquire an understanding of the students' lives outside of the school in a professional manner that is fair and equitable.~~
 - E) ~~Works effectively with parents/guardians and other members of the community from diverse home and community situations and seeks to develop cooperative partnerships in order to promote students' learning and well-being.~~
 - F) ~~Identifies and uses community resources to enhance students' learning and to provide opportunities for students to explore career opportunities.~~
 - G) ~~Collaborates in the development of comprehensive individualized education programs for students with disabilities.~~
 - H) ~~Coordinates and/or collaborates in directing the activities of a~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~classroom para-educator, volunteer, or peer tutor.~~

- ~~I) Collaborates with the student and family in setting instructional goals and charting progress of students with disabilities.~~
 - ~~J) Communicates with team members about characteristics and needs of individuals with specific disabilities.~~
 - ~~K) Implements and monitors individual students' programs, working in collaboration with team members.~~
 - ~~L) Demonstrates the ability to co-teach and co-plan.~~
- j) ~~Reflection and Professional Growth—The competent teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
 - ~~A) Understands that reflection is an integral part of professional growth and improvement of instruction.~~
 - ~~B) Understands methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice.~~
 - ~~C) Understands major areas of research on the learning process and resources that are available for professional development.~~
 - ~~D) Understands teachers' attitudes and behaviors that positively or negatively influence behavior of individuals with disabilities.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - ~~A) Uses classroom observation, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) ~~Collaborates with other professionals as resources for problem-solving, generating new ideas, sharing experiences, and seeking and giving feedback.~~
 - C) ~~Participates in professional dialogue and continuous learning to support his/her own development as a learner and a teacher.~~
 - D) ~~Actively seeks and collaboratively shares a variety of instructional resources with colleagues.~~
 - E) ~~Assesses his or her own needs for knowledge and skills related to teaching students with disabilities and seeks assistance and resources.~~
- k) Professional Conduct and Leadership—The competent teacher understands education as a profession, maintains standards of professional conduct, and provides leadership to improve students' learning and well-being.
- 1) ~~Knowledge Indicators—The competent teacher:~~
 - A) ~~Understands the unique characteristics of education as a profession.~~
 - B) ~~Understands how school systems are organized and operate.~~
 - C) ~~Understands school policies and procedures.~~
 - D) ~~Understands legal issues in education.~~
 - E) ~~Understands the importance of active participation and leadership in professional organizations.~~
 - F) ~~Is familiar with the rights of students with disabilities.~~
 - G) ~~Knows the roles and responsibilities of teachers, parents, students, and other professionals related to special education.~~
 - H) ~~Knows identification and referral procedures for students with disabilities.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~Performance Indicators—The competent teacher:~~
- A) ~~Contributes knowledge and expertise about teaching and learning to the profession.~~
 - B) ~~Follows codes of professional conduct and exhibits knowledge and expectations of current legal directives.~~
 - C) ~~Follows school policy and procedures, respecting the boundaries of professional responsibilities, when working with students, colleagues, and families.~~
 - D) ~~Initiates and develops educational projects and programs.~~
 - E) ~~Actively participates in or leads in such activities as curriculum development, staff development, and student organizations.~~
 - F) ~~Participates, as appropriate, in policy design and development at the local level, with professional organizations, and/or with community organizations.~~
 - G) ~~Demonstrates commitment to developing the highest educational and quality of life potential of individuals with disabilities.~~
 - H) ~~Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, and sexual orientation.~~
 - I) ~~Promotes and maintains a high level of integrity in the practice of the profession.~~
 - J) ~~Complies with local, State, and federal monitoring and evaluation requirements related to students with disabilities.~~
 - K) ~~Complies with local, State, and federal regulations and policies related to students with disabilities.~~
 - L) ~~Uses a variety of instructional and intervention strategies prior to~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~initiating a referral of a student for special education.~~

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

**Section 24.110 Language Arts Standards for All Illinois Teachers Through June 30, 2013
(Repealed)**

~~Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25. Subpart C) and the basis of the examinations required for issuance of a professional educator license endorsed in a teaching field. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.~~

- a) ~~All teachers must know a broad range of literacy techniques and strategies for every aspect of communication and must be able to develop each student's ability to read, write, speak, and listen to his or her potential within the demands of the discipline.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
- ~~A) Understands and can articulate the needs for literacy development in general and in specific disciplines or at specific grade levels.~~
 - ~~B) Understands effective literacy techniques to activate prior student knowledge and build schema to enhance comprehension of "text".~~
 - ~~C) Knows strategies and techniques for teaching communication skills to those students whose first language is not English.~~
- 2) ~~Performance Indicators—The competent teacher:~~
- ~~A) Practices effectively the language processes of reading, writing, and oral communication in the daily classroom exchange between student and teacher, between student and student, between teacher and "text," and between student and "text".~~
 - ~~B) Practices effective literacy techniques to make reading purposeful~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~and meaningful.~~

- ~~C) Practices effective questioning and discussion techniques to extend content knowledge acquired from "text".~~
 - ~~D) Uses a variety of "text" and research resources with students in an attempt to enhance students' learning from reading, learning from writing, and learning from oral communication.~~
- b) ~~All teachers should model effective reading, writing, speaking, and listening skills during their direct and indirect instructional activities. The most important communicator in the classroom is the teacher, who should model English language arts skills.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
 - ~~A) Knows and understands the rules of English grammar, spelling, punctuation, capitalization, and syntax for both written and oral contexts.~~
 - ~~B) Understands how to communicate ideas in writing to accomplish a variety of purposes.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - ~~A) Models the rules of English grammar, spelling, punctuation, capitalization, and syntax in both written and oral contexts.~~
 - ~~B) Reads, understands, and clearly conveys ideas from texts or other supplementary materials.~~
 - ~~C) Writes and speaks in a well-organized and coherent manner that adapts to the individual needs of readers/listeners.~~
 - ~~D) Expresses ideas orally with explanations, examples, and support in a clear, succinct style.~~
 - ~~E) Helps students understand a variety of modes of writing (persuasive, descriptive, informative, and narrative).~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~F) Listens well.~~
- e) ~~All teachers should give constructive instruction and feedback to students in both written and oral contexts while being aware of diverse learners' needs. Teachers should effectively provide a variety of instructional strategies, constructive feedback, criticism, and improvement strategies.~~
- 1) ~~Knowledge Indicators—The competent teacher:~~
- A) ~~Understands how to analyze an audience to determine culturally appropriate communication strategies to share ideas effectively in both written and oral formats with students and their families, other faculty and administrators, and the community and business in general.~~
- B) ~~Understands how to use diverse instructional strategies and assessments that include an appropriate balance of lecture, discussion, activity, and written and oral work.~~
- 2) ~~Performance Indicators—The competent teacher:~~
- A) ~~Analyzes content materials to determine appropriate strategies and techniques to create successful learning through reading, writing, speaking, and listening.~~
- B) ~~Assists students whose communication skills may be impeded by learning, language, and/or cultural differences, especially those whose first language is not English.~~
- C) ~~Conducts effective classroom discussions by managing groups, asking questions, eliciting and probing responses, and summarizing for comprehension.~~
- D) ~~Uses a variety of media to enhance and supplement instruction.~~
- E) ~~Uses multi-disciplinary instructional approaches.~~

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

**Section 24.120 Technology Standards for All Illinois Teachers Through June 30, 2013
(Repealed)**

~~Beginning July 1, 2013, the provisions of this Section are replaced by Section 24.130 of this Part as the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25. Subpart C) and the basis of the examinations required for issuance of a professional educator license endorsed in a teaching field. Further limitations on institutions submitting applications for approval of new teacher preparation programs or courses of study are described in Section 24.130 of this Part.~~

- a) ~~The competent teacher will have, and continually develop, the knowledge and skills in learning technologies to be able to appropriately and responsibly use tools, resources, processes, and systems to retrieve, assess, and evaluate information from various media. The competent teacher will use that knowledge, along with the necessary skills and information, to assist Illinois learners in solving problems, in communicating clearly, in making informed decisions, and in constructing new knowledge, products, or systems in diverse, engaged learning environments.~~
- b) ~~Basic Computer/Technology Operations and Concepts—The competent teacher will use computer systems to run software; to access, generate, and manipulate data; and to publish results. He or she will also evaluate performance of hardware and software components of computer systems and apply basic trouble-shooting strategies as needed.~~
 - 1) ~~Knowledge Indicator—The competent teacher understands how to run computer software; access, generate, and manipulate data; and publish results.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - A) ~~Operates a multi-media computer system with related peripheral devices to successfully install and use a variety of software packages.~~
 - B) ~~Uses appropriate terminology related to computers and technology in written and oral communications.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~C) Describes and implements basic trouble-shooting techniques for multi-media computer systems with related peripheral devices.~~
 - ~~D) Uses imaging devices such as scanners, digital cameras, and/or video cameras with computer systems and software.~~
 - ~~E) Demonstrates knowledge of uses of computers and technology in education, business and industry, and society.~~
- e) ~~Personal and Professional Use of Technology—The competent teacher will apply tools for enhancing personal professional growth and productivity; will use technology in communicating, collaborating, conducting research, and solving problems and will promote equitable, ethical, and legal use of computer/technology resources.~~
- ~~1) Knowledge Indicator—The competent teacher understands how to use technology in communicating, collaborating, conducting research, and solving problems.~~
 - ~~2) Performance Indicators—The competent teacher:
 - ~~A) Identifies computer and other related technology resources for facilitating life-long learning and emerging roles of the learner and the educator in engaged, collaborative learning environments.~~
 - ~~B) Uses computers and other learning technologies to support problem-solving, data collection, information management, communications, presentations, and decision-making.~~
 - ~~C) Uses productivity tools for word processing, database management, and spreadsheet applications, and basic multi-media presentations.~~
 - ~~D) Uses computer-based technologies including telecommunications to access information and enhance personal and professional productivity.~~
 - ~~E) Demonstrates awareness of resources for adaptive/assistive devices~~~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~for students with special needs.~~

- ~~F) Demonstrates knowledge of ethical and legal issues concerning use of computers and technology.~~
 - ~~G) Adheres to copyright laws and guidelines in the access and use of information from various technologies.~~
 - ~~H) Demonstrates knowledge of broadcast instruction, audio/video conferencing, and other distant learning applications.~~
 - ~~I) Ensures policies and practices are in place to provide equal access to media and technology resources for students regardless of race, ethnicity, gender, religion, or socio-economic status.~~
- d) Application of Technology in Instruction—The competent teacher will apply learning technologies that support instruction in his or her grade level and subject areas. He or she must plan and deliver instructional units that integrate a variety of software, applications, and learning tools. Lessons developed must reflect effective grouping and assessment strategies for diverse populations.
- 1) ~~Knowledge Indicator—The competent teacher understands how to apply learning technologies that support instruction in his or her grade level and subject areas.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - ~~A) Explores, evaluates, and uses computer/technology resources, including applications, tools, educational software, and associated documentation.~~
 - ~~B) Describes current instructional principles, research, and appropriate assessment practices as related to the use of computers and technology resources in the curriculum.~~
 - ~~C) Designs, implements, and assesses student learning activities that integrate computers/technology for a variety of student grouping strategies and for diverse student populations.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~D) Practices socially responsible, ethical, and legal use of technology, information, and software resources.~~
 - ~~E) Designs student learning activities that foster equitable, ethical, and legal use of technology by students.~~
 - e) ~~Social, Ethical, and Human Issues—The competent teacher will apply concepts and skills in making decisions concerning the social, ethical, and human issues related to computing and technology. The competent teacher will understand the changes in information technologies, their effects on workplace and society, their potential to address life-long learning and workplace needs, and the consequences of misuse.~~
 - ~~1) Knowledge Indicator—The competent teacher understands the social, ethical, and human issues related to computing and technology.~~
 - ~~2) Performance Indicators—The competent teacher:~~
 - ~~A) Describes the historical development and important trends affecting the evolution of technology and its probable future roles in society.~~
 - ~~B) Describes strategies for facilitating consideration of ethical, legal, and human issues involving school purchasing and policy decisions.~~
 - f) ~~Productivity Tools—The competent teacher will integrate advanced features of technology based productivity tools to support instruction, extend communication outside the classroom, enhance classroom management, perform administrative routines more effectively, and become more productive in daily tasks.~~
 - ~~1) Knowledge Indicator—The competent teacher knows advanced features of technology based productivity tools.~~
 - ~~2) Performance Indicators—The competent teacher:~~
 - ~~A) Uses advanced features of word processing, desktop publishing, graphics programs, and utilities to develop professional products.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) ~~Uses spreadsheets for analyzing, organizing, and displaying numeric data graphically.~~
 - C) ~~Designs and manipulates databases and generates customized reports.~~
 - D) ~~Uses teacher utility and classroom management tools to design solutions for a specific purpose.~~
 - E) ~~Identifies, selects, and integrates video and digital images in varying formats for use in presentations, publications, and/or other products.~~
 - F) ~~Applies specific purpose electronic devices (such as a graphing calculator, language translator, scientific probeware, or electronic thesaurus) in appropriate content areas.~~
 - G) ~~Uses features of applications that integrate word processing, database, spreadsheet, communication, and other tools.~~
- g) ~~Telecommunications and Information Access—The competent teacher will use telecommunications and information access resources to support instruction.~~
- 1) ~~Knowledge Indicator—The competent teacher knows how to access telecommunications resources to support instruction.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - A) ~~Accesses and uses telecommunications tools and resources for information sharing, remote information access and retrieval, and multi-media/hypermedia publishing.~~
 - B) ~~Uses electronic mail and web browser applications for communications and for research to support instruction.~~
 - C) ~~uses automated, on-line search tools and intelligent agents to identify and index desired information resources.~~
- h) ~~Research, Problem Solving, and Product Development—The competent teacher~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~will use computers and other technologies in research, problem solving, and product development. The competent teacher will appropriately use a variety of media, presentation, and authorizing packages; plan and participate in team and collaborative projects that require critical analysis and evaluation; and present products developed.~~

- 1) ~~Knowledge Indicator—The competent teacher understands how to use computers and other technologies in research, problem solving, and product development.~~
- 2) ~~Performance Indicators—The competent teacher:~~
 - A) ~~Identifies basic principles of instructional design associated with the development of multimedia and hypermedia learning materials.~~
 - B) ~~Develops simple hypermedia and multimedia products that apply basic instructional design principles.~~
 - C) ~~Selects appropriate tools for communicating concepts, conducting research, and solving problems for an intended audience and purpose.~~
 - D) ~~Identifies examples of emerging programming, authoring, or problem solving environments.~~
 - E) ~~Collaborates with on-line workgroups to build bodies of knowledge around specific topics.~~
 - F) ~~uses a computer projection device to support and deliver oral presentations.~~
 - G) ~~Designs and publishes simple on-line documents that present information and include links to critical resources.~~
 - H) ~~Develops instructional units that involve compiling, organizing, analyzing, and synthesizing of information, and uses technology to support these processes.~~
 - I) ~~Conducts research and evaluates on-line sources of information~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~that support and enhance the curriculum.~~

- ~~J) Makes use of development readings and other resource materials from professional and trade organizations to improve teaching learning.~~
- ~~K) Participates in courses and other professional development activities to enhance teaching and learning.~~
- i) ~~Information Literacy Skills—The competent teacher will develop information literacy skills to be able to access, evaluate, and use information to improve teaching and learning.~~
 - 1) ~~Knowledge Indicator—The competent teacher understands how to access, evaluate, and use information to improve teaching and learning.~~
 - 2) ~~Performance Indicators—The competent teacher:~~
 - A) ~~Models evaluation and use of information to solve problems and make decisions.~~
 - B) ~~Expects students to intellectually access, evaluate, and use information to solve problems and make decisions in all subject areas.~~
 - C) ~~Structures instruction and designs learning tasks and assignments to reflect higher-level thinking skills.~~
 - D) ~~Structures and/or facilitates cooperative learning groups as part of students' tasks and assignments.~~

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

Section 24.130 The Illinois Professional Teaching Standards ~~Beginning July 1, 2013~~

~~The Beginning July 1, 2013, the~~ provisions of this Section establish the minimum requirements both for the approval of any teacher preparation program or course of study in any teaching field pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25.Subpart C) and the basis of the examinations required for issuance of a professional educator license endorsed in a

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~teaching field. No later than December 1, 2013, all approved teacher preparation programs shall submit the course of study for that program with evidence that the program's or course's content is congruent with the standards identified in this Section. An application for approval of a new preparation program or course of study submitted on or after February 1, 2013, shall provide evidence of congruence with the standards identified in this Section. No later than September 1, 2014, the assessment of professional teaching (APT) required for the issuance of a professional educator license endorsed in a teaching field under 23 Ill. Adm. Code 25.720 (Applicability of Testing Requirements and Scores) shall be based on the standards set forth in this Section.~~

- a) Teaching Diverse Students – The competent teacher understands the diverse characteristics and abilities of each student and how individuals develop and learn within the context of their social, economic, cultural, linguistic, and academic experiences. The teacher uses these experiences to create instructional opportunities that maximize student learning.
 - 1) Knowledge Indicators – The competent teacher:
 - A) understands the spectrum of student diversity (e.g., race and ethnicity, socioeconomic status, special education, gifted, English language learners (ELL), sexual orientation, gender, gender identity) and the assets that each student brings to learning across the curriculum;
 - B) understands how each student constructs knowledge, acquires skills, and develops effective and efficient critical thinking and problem-solving capabilities;
 - C) understands how teaching and student learning are influenced by development (physical, social and emotional, cognitive, linguistic), past experiences, talents, prior knowledge, economic circumstances and diversity within the community;
 - D) understands the impact of cognitive, emotional, physical, and sensory disabilities on learning and communication pursuant to the Individuals with Disabilities Education Improvement Act (also referred to as IDEA) (20 USC 1400 et seq.), its implementing regulations (34 CFR 300; 2006), Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226 (Special Education);

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) understands the impact of linguistic and cultural diversity on learning and communication;
 - F) understands his or her personal perspectives and biases and their effects on one's teaching; and
 - G) understands how to identify individual needs and how to locate and access technology, services, and resources to address those needs.
- 2) Performance Indicators – The competent teacher:
- A) analyzes and uses student information to design instruction that meets the diverse needs of students and leads to ongoing growth and achievement;
 - B) stimulates prior knowledge and links new ideas to already familiar ideas and experiences;
 - C) differentiates strategies, materials, pace, levels of complexity, and language to introduce concepts and principles so that they are meaningful to students at varying levels of development and to students with diverse learning needs;
 - D) facilitates a learning community in which individual differences are respected; and
 - E) uses information about students' individual experiences, families, cultures, and communities to create meaningful learning opportunities and enrich instruction for all students.
- b) Content Area and Pedagogical Knowledge – The competent teacher has in-depth understanding of content area knowledge that includes central concepts, methods of inquiry, structures of the disciplines, and content area literacy. The teacher creates meaningful learning experiences for each student based upon interactions among content area and pedagogical knowledge, and evidence-based practice.
- 1) Knowledge Indicators – The competent teacher:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) understands theories and philosophies of learning and human development as they relate to the range of students in the classroom;
 - B) understands major concepts, assumptions, debates, and principles; processes of inquiry; and theories that are central to the disciplines;
 - C) understands the cognitive processes associated with various kinds of learning (e.g., critical and creative thinking, problem-structuring and problem-solving, invention, memorization, and recall) and ensures attention to these learning processes so that students can master content standards;
 - D) understands the relationship of knowledge within the disciplines to other content areas and to life applications;
 - E) understands how diverse student characteristics and abilities affect processes of inquiry and influence patterns of learning;
 - F) knows how to access the tools and knowledge related to latest findings (e.g., research, practice, methodologies) and technologies in the disciplines;
 - G) understands the theory behind and the process for providing support to promote learning when concepts and skills are first being introduced; and
 - H) understands the relationship among language acquisition (first and second), literacy development, and acquisition of academic content and skills.
- 2) Performance Indicators – The competent teacher:
- A) evaluates teaching resources and materials for appropriateness as related to curricular content and each student's needs;
 - B) uses differing viewpoints, theories, and methods of inquiry in teaching subject matter concepts;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) engages students in the processes of critical thinking and inquiry and addresses standards of evidence of the disciplines;
 - D) demonstrates fluency in technology systems, uses technology to support instruction and enhance student learning, and designs learning experiences to develop student skills in the application of technology appropriate to the disciplines;
 - E) uses a variety of explanations and multiple representations of concepts that capture key ideas to help each student develop conceptual understanding and address common misunderstandings;
 - F) facilitates learning experiences that make connections to other content areas and to life experiences;
 - G) designs learning experiences and utilizes assistive technology and digital tools to provide access to general curricular content to individuals with disabilities;
 - H) adjusts practice to meet the needs of each student in the content areas; and
 - I) applies and adapts an array of content area literacy strategies to make all subject matter accessible to each student.
- c) Planning for Differentiated Instruction – The competent teacher plans and designs instruction based on content area knowledge, diverse student characteristics, student performance data, curriculum goals, and the community context. The teacher plans for ongoing student growth and achievement.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands the Illinois Learning Standards (23 Ill. Adm. Code 1.Appendix D), curriculum development process, content, learning theory, assessment, and student development and knows how to incorporate this knowledge in planning differentiated instruction;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) understands how to develop short- and long-range plans, including transition plans, consistent with curriculum goals, student diversity, and learning theory;
 - C) understands cultural, linguistic, cognitive, physical, and social and emotional differences, and considers the needs of each student when planning instruction;
 - D) understands when and how to adjust plans based on outcome data, as well as student needs, goals, and responses;
 - E) understands the appropriate role of technology, including assistive technology, to address student needs, as well as how to incorporate contemporary tools and resources to maximize student learning;
 - F) understands how to co-plan with other classroom teachers, parents or guardians, paraprofessionals, school specialists, and community representatives to design learning experiences; and
 - G) understands how research and data guide instructional planning, delivery, and adaptation.
- 2) Performance Indicators – The competent teacher:
- A) establishes high expectations for each student's learning and behavior;
 - B) creates short-term and long-term plans to achieve the expectations for student learning;
 - C) uses data to plan for differentiated instruction to allow for variations in individual learning needs;
 - D) incorporates experiences into instructional practices that relate to a student's current life experiences and to future life experiences;
 - E) creates approaches to learning that are interdisciplinary and that integrate multiple content areas;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- F) develops plans based on student responses and provides for different pathways based on student needs;
 - G) accesses and uses a wide range of information and instructional technologies to enhance a student's ongoing growth and achievement;
 - H) when planning instruction, addresses goals and objectives contained in plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), individualized education programs (IEP) (see 23 Ill. Adm. Code 226 (Special Education)) or individual family service plans (IFSP) (see 23 Ill. Adm. Code 226 and 34 CFR 300.24; 2006);
 - I) works with others to adapt and modify instruction to meet individual student needs; and
 - J) develops or selects relevant instructional content, materials, resources, and strategies (e.g., project-based learning) for differentiating instruction.
- d) Learning Environment – The competent teacher structures a safe and healthy learning environment that facilitates cultural and linguistic responsiveness, emotional well-being, self-efficacy, positive social interaction, mutual respect, active engagement, academic risk-taking, self-motivation, and personal goal-setting.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands principles of and strategies for effective classroom and behavior management;
 - B) understands how individuals influence groups and how groups function in society;
 - C) understands how to help students work cooperatively and productively in groups;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) understands factors (e.g., self-efficacy, positive social interaction) that influence motivation and engagement;
 - E) knows how to assess the instructional environment to determine how best to meet a student's individual needs;
 - F) understands laws, rules, and ethical considerations regarding behavior intervention planning and behavior management (e.g., bullying, crisis intervention, physical restraint);
 - G) knows strategies to implement behavior management and behavior intervention planning to ensure a safe and productive learning environment; and
 - H) understands the use of student data (formative and summative) to design and implement behavior management strategies.
- 2) Performance Indicators – The competent teacher:
- A) creates a safe and healthy environment that maximizes student learning;
 - B) creates clear expectations and procedures for communication and behavior and a physical setting conducive to achieving classroom goals;
 - C) uses strategies to create a smoothly functioning learning community in which students assume responsibility for themselves and one another, participate in decision-making, work collaboratively and independently, use appropriate technology, and engage in purposeful learning activities;
 - D) analyzes the classroom environment and makes decisions to enhance cultural and linguistic responsiveness, mutual respect, positive social relationships, student motivation, and classroom engagement;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) organizes, allocates, and manages time, materials, technology, and physical space to provide active and equitable engagement of students in productive learning activities;
 - F) engages students in and monitors individual and group-learning activities that help them develop the motivation to learn;
 - G) uses a variety of effective behavioral management techniques appropriate to the needs of all students that include positive behavior interventions and supports;
 - H) modifies the learning environment (including the schedule and physical arrangement) to facilitate appropriate behaviors and learning for students with diverse learning characteristics; and
 - I) analyzes student behavior data to develop and support positive behavior.
- e) Instructional Delivery – The competent teacher differentiates instruction by using a variety of strategies that support critical and creative thinking, problem-solving, and continuous growth and learning. This teacher understands that the classroom is a dynamic environment requiring ongoing modification of instruction to enhance learning for each student.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands the cognitive processes associated with various kinds of learning;
 - B) understands principles and techniques, along with advantages and limitations, associated with a wide range of evidence-based instructional practices;
 - C) knows how to implement effective differentiated instruction through the use of a wide variety of materials, technologies, and resources;
 - D) understands disciplinary and interdisciplinary instructional approaches and how they relate to life and career experiences;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) knows techniques for modifying instructional methods, materials, and the environment to facilitate learning for students with diverse learning characteristics;
 - F) knows strategies to maximize student attentiveness and engagement;
 - G) knows how to evaluate and use student performance data to adjust instruction while teaching; and
 - H) understands when and how to adapt or modify instruction based on outcome data, as well as student needs, goals, and responses.
- 2) Performance Indicators – The competent teacher:
- A) uses multiple teaching strategies, including adjusted pacing and flexible grouping, to engage students in active learning opportunities that promote the development of critical and creative thinking, problem-solving, and performance capabilities;
 - B) monitors and adjusts strategies in response to feedback from the student;
 - C) varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and purposes of instruction and the needs of students;
 - D) develops a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and presenting diverse perspectives to encourage critical and creative thinking;
 - E) uses strategies and techniques for facilitating meaningful inclusion of individuals with a range of abilities and experiences;
 - F) uses technology to accomplish differentiated instructional objectives that enhance learning for each student;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- G) models and facilitates effective use of current and emerging digital tools to locate, analyze, evaluate, and use information resources to support research and learning;
 - H) uses student data to adapt the curriculum and implement instructional strategies and materials according to the characteristics of each student;
 - I) uses effective co-planning and co-teaching techniques to deliver instruction to all students;
 - J) maximizes instructional time (e.g., minimizes transitional time); and
 - K) implements appropriate evidence-based instructional strategies.
- f) Reading, Writing, and Oral Communication – The competent teacher has foundational knowledge of reading, writing, and oral communication within the content area and recognizes and addresses student reading, writing, and oral communication needs to facilitate the acquisition of content knowledge.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands appropriate and varied instructional approaches used before, during, and after reading, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas;
 - B) understands that the reading process involves the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation;
 - C) understands communication theory, language development, and the role of language in learning;
 - D) understands writing processes and their importance to content learning;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) knows and models standard conventions of written and oral communications;
 - F) recognizes the relationships among reading, writing, and oral communication and understands how to integrate these components to increase content learning;
 - G) understands how to design, select, modify, and evaluate a wide range of materials for the content areas and the reading needs of the student;
 - H) understands how to use a variety of formal and informal assessments to recognize and address the reading, writing, and oral communication needs of each student; and
 - I) knows appropriate and varied instructional approaches, including those that develop word knowledge, vocabulary, comprehension, fluency, and strategy use in the content areas.
- 2) Performance Indicators – The competent teacher:
- A) selects, modifies, and uses a wide range of printed, visual, or auditory materials, and online resources appropriate to the content areas and the reading needs and levels of each student (including ELLs, and struggling and advanced readers);
 - B) uses assessment data, student work samples, and observations from continuous monitoring of student progress to plan and evaluate effective content area reading, writing, and oral communication instruction;
 - C) facilitates the use of appropriate word identification and vocabulary strategies to develop each student's understanding of content;
 - D) teaches fluency strategies to facilitate comprehension of content;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) uses modeling, explanation, practice, and feedback to teach students to monitor and apply comprehension strategies independently, appropriate to the content learning;
 - F) teaches students to analyze, evaluate, synthesize, and summarize information in single texts and across multiple texts, including electronic resources;
 - G) teaches students to develop written text appropriate to the content areas that utilizes organization (e.g., compare/contrast, problem/solution), focus, elaboration, word choice, and standard conventions (e.g., punctuation, grammar);
 - H) integrates reading, writing, and oral communication to engage students in content learning;
 - I) works with other teachers and support personnel to design, adjust, and modify instruction to meet students' reading, writing, and oral communication needs; and
 - J) stimulates discussion in the content areas for varied instructional and conversational purposes.
- g) Assessment – The competent teacher understands and uses appropriate formative and summative assessments for determining student needs, monitoring student progress, measuring student growth, and evaluating student outcomes. The teacher makes decisions driven by data about curricular and instructional effectiveness and adjusts practices to meet the needs of each student.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands the purposes, characteristics, and limitations of different types of assessments, including standardized assessments, universal screening, curriculum-based assessment, and progress monitoring tools;
 - B) understands that assessment is a means of evaluating how students learn and what they know and are able to do in order to meet the Illinois Learning Standards;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) understands measurement theory and assessment-related issues, such as validity, reliability, bias, and appropriate and accurate scoring;
 - D) understands current terminology and procedures necessary for the appropriate analysis and interpretation of assessment data;
 - E) understands how to select, construct, and use assessment strategies and instruments for diagnosis and evaluation of learning and instruction;
 - F) knows research-based assessment strategies appropriate for each student;
 - G) understands how to make data-driven decisions using assessment results to adjust practices to meet the needs of each student;
 - H) knows legal provisions, rules, and guidelines regarding assessment and assessment accommodations for all student populations; and
 - I) knows assessment and progress monitoring techniques to assess the effectiveness of instruction for each student.
- 2) Performance Indicators – The competent teacher:
- A) uses assessment results to determine student performance levels, identify learning targets, select appropriate research-based instructional strategies, and implement instruction to enhance learning outcomes;
 - B) appropriately uses a variety of formal and informal assessments to evaluate the understanding, progress, and performance of an individual student and the class as a whole;
 - C) involves students in self-assessment activities to help them become aware of their strengths and needs and encourages them to establish goals for learning;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) maintains useful and accurate records of student work and performance;
 - E) accurately interprets and clearly communicates aggregate student performance data to students, parents or guardians, colleagues, and the community in a manner that complies with the requirements of the Illinois School Student Records Act [105 ILCS 10], 23 Ill. Adm. Code 375 (Student Records), the Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g) and its implementing regulations (34 CFR 99; December 9, 2008);
 - F) effectively uses appropriate technologies to conduct assessments, monitor performance, and assess student progress;
 - G) collaborates with families and other professionals involved in the assessment of each student;
 - H) uses various types of assessment procedures appropriately, including making accommodations for individual students in specific contexts; and
 - I) uses assessment strategies and devices that are nondiscriminatory, and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students.
- h) Collaborative Relationships – The competent teacher builds and maintains collaborative relationships to foster cognitive, linguistic, physical, and social and emotional development. This teacher works as a team member with professional colleagues, students, parents or guardians, and community members.
- 1) Knowledge Indicators – The competent teacher:
 - A) understands schools as organizations within the larger community context;
 - B) understands the collaborative process and the skills necessary to initiate and carry out that process;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) collaborates with others in the use of data to design and implement effective school interventions that benefit all students;
 - D) understands the benefits, barriers, and techniques involved in parent and family collaborations;
 - E) understands school- and work-based learning environments and the need for collaboration with all organizations (e.g., businesses, community agencies, nonprofit organizations) to enhance student learning;
 - F) understands the importance of participating on collaborative and problem-solving teams to create effective academic and behavioral interventions for all students;
 - G) understands the various models of co-teaching and the procedures for implementing them across the curriculum;
 - H) understands concerns of families of students with disabilities and knows appropriate strategies to collaborate with students and their families in addressing these concerns; and
 - I) understands the roles and the importance of including students with disabilities, as appropriate, and all team members in planning individualized education programs (i.e., IEP, IFSP, Section 504 plan) for students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) works with all school personnel (e.g., support staff, teachers, paraprofessionals) to develop learning climates for the school that encourage unity, support a sense of shared purpose, show trust in one another, and value individuals;
 - B) participates in collaborative decision-making and problem-solving with colleagues and other professionals to achieve success for all students;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) initiates collaboration with others to create opportunities that enhance student learning;
 - D) uses digital tools and resources to promote collaborative interactions;
 - E) uses effective co-planning and co-teaching techniques to deliver instruction to each student;
 - F) collaborates with school personnel in the implementation of appropriate assessment and instruction for designated students;
 - G) develops professional relationships with parents and guardians that result in fair and equitable treatment of each student to support growth and learning;
 - H) establishes respectful and productive relationships with parents or guardians and seeks to develop cooperative partnerships to promote student learning and well-being;
 - I) uses conflict resolution skills to enhance the effectiveness of collaboration and teamwork;
 - J) participates in the design and implementation of individualized instruction for students with special needs (i.e., IEPs, IFSP, transition plans, Section 504 plans), ELLs, and students who are gifted; and
 - K) identifies and utilizes community resources to enhance student learning and to provide opportunities for students to explore career opportunities.
- i) Professionalism, Leadership, and Advocacy – The competent teacher is an ethical and reflective practitioner who exhibits professionalism; provides leadership in the learning community; and advocates for students, parents or guardians, and the profession.
- 1) Knowledge Indicators – The competent teacher:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) evaluates best practices and research-based materials against benchmarks within the disciplines;
 - B) knows laws and rules (e.g., mandatory reporting, sexual misconduct, corporal punishment) as a foundation for the fair and just treatment of all students and their families in the classroom and school;
 - C) understands emergency response procedures as required under the School Safety Drill Act [105 ILCS 128], including school safety and crisis intervention protocol, initial response actions (e.g., whether to stay in or evacuate a building), and first response to medical emergencies (e.g., first aid and life-saving techniques);
 - D) identifies paths for continuous professional growth and improvement, including the design of a professional growth plan;
 - E) is cognizant of his or her emerging and developed leadership skills and the applicability of those skills within a variety of learning communities;
 - F) understands the roles of an advocate, the process of advocacy, and its place in combating or promoting certain school district practices affecting students;
 - G) understands local and global societal issues and responsibilities in an evolving digital culture; and
 - H) understands the importance of modeling appropriate dispositions in the classroom.
- 2) Performance Indicators – The competent teacher:
- A) models professional behavior that reflects honesty, integrity, personal responsibility, confidentiality, altruism and respect;
 - B) maintains accurate records, manages data effectively, and protects the confidentiality of information pertaining to each student and family;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) reflects on professional practice and resulting outcomes; engages in self-assessment; and adjusts practices to improve student performance, school goals, and professional growth;
- D) communicates with families, responds to concerns, and contributes to enhanced family participation in student education;
- E) communicates relevant information and ideas effectively to students, parents or guardians, and peers, using a variety of technology and digital-age media and formats;
- F) collaborates with other teachers, students, parents or guardians, specialists, administrators, and community partners to enhance students' learning and school improvement;
- G) participates in professional development, professional organizations, and learning communities, and engages in peer coaching and mentoring activities to enhance personal growth and development;
- H) uses leadership skills that contribute to individual and collegial growth and development, school improvement, and the advancement of knowledge in the teaching profession;
- I) proactively serves all students and their families with equity and honor and advocates on their behalf, ensuring the learning and well-being of each child in the classroom;
- J) is aware of and complies with the mandatory reporter provisions of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4];
- K) models digital etiquette and responsible social actions in the use of digital technology; and
- L) models and teaches safe, legal, and ethical use of digital information and technology, including respect for copyright,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

intellectual property, and the appropriate documentation of sources.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
226.60	Amendment
226.75	Amendment
226.130	Amendment
226.220	Amendment
226.310	Amendment
226.530	Amendment
226.570	Amendment
226.780	Amendment
226.800	Amendment
226.810	Amendment
226.820	Amendment
226.840	Amendment
226.850	Amendment
226.860	Repealed
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 10-22.31,14-8.02f, and 14-8.02g
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being modified to align with the enactment of various Public Acts and to make some necessary updates to Part 226. PA 101-164 makes changes to the procedures a district that is a member of a special education joint agreement must follow to withdraw from that agreement. PA 100-465 makes changes to personnel reimbursement under Article 14 of the School Code. PA 101-507 makes a change to the required documentation submitted by a respondent to the State Board for a State complaint under Article 14 of the School Code. PA 101-515 makes changes to the development, review, and administration of an Individualized Education Program (IEP). PA 101-598 makes a change to the requirement of utilizing response to scientific, research-based intervention or multi-tiered systems of support as part of an evaluation procedure to determine if a child is eligible for special education services due to a specific learning disability. PA 101-643 makes changes to IEP meeting protections and response to intervention protocols.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 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? Yes
- | <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
|-------------------------|--------------------------|-------------------------------------|
| 226.75 | Amendment | 44 Ill. Reg. 11766; July 17, 2020 |
| 226.530 | Amendment | 44 Ill. Reg. 11766; July 17, 2020 |
| 226.800 | Amendment | 44 Ill. Reg. 11766; July 17, 2020 |
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Azita Kakvand
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001
- 217/782-6510
rules@isbe.net
- 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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

- 226.10 Purpose
- 226.50 Requirements for a Free Appropriate Public Education (FAPE)
- 226.60 Charter Schools
- 226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

- 226.100 Child Find Responsibility
- 226.110 Evaluation Procedures
- 226.120 Reevaluations
- 226.125 Specific Learning Disability: Dyslexia
- 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability
- 226.135 Additional Procedures for Students Suspected of or Having an Intellectual Disability
- 226.140 Modes of Communication and Cultural Identification
- 226.150 Evaluation to be Nondiscriminatory
- 226.160 Medical Review
- 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
- 226.180 Independent Educational Evaluation
- 226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

- 226.200 General Requirements

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

226.210	IEP Team
226.220	Development, Review, and Revision of the IEP
226.230	Content of the IEP
226.240	Determination of Placement
226.250	Child Aged Three Through Five
226.260	Child Reaching Age Three

SUBPART D: PLACEMENT

Section	
226.300	Continuum of Alternative Placement Options
226.310	Related Services
226.320	Service to Students Living in Residential Care Facilities
226.330	Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340	Nonpublic Placements by Parents Where FAPE is at Issue
226.350	Service to Parentally-Placed Private School Students
226.360	Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section	
226.400	Disciplinary Actions
226.410	Manifestation Determination Review (Repealed)
226.420	Appeals (Repealed)
226.430	Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440	Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section	
226.500	Language of Notifications
226.510	Notification of Parents' Rights
226.520	Notification of District's Proposal
226.530	Parents' Participation
226.540	Consent
226.550	Surrogate Parents
226.560	Mediation
226.570	State Complaint Procedures

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: DUE PROCESS

Section	
226.600	Calculation of Timelines
226.605	Request for Hearing; Basis (Repealed)
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing (Repealed)
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
226.665	Record of Proceedings
226.670	Decision of Hearing Officer; Clarification
226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions (Repealed)
226.690	Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section	
226.700	General
226.710	Policies and Procedures
226.720	Facilities and Classes
226.730	Class Size for 2009-10 and Beyond
226.731	Class Size Provisions for 2007-08 and 2008-09 (Repealed)
226.735	Work Load for Special Educators
226.740	Records; Confidentiality
226.750	Additional Services
226.760	Evaluation of Special Education
226.770	Fiscal Provisions
226.780	Procedures for Withdrawal Hearings before the Regional Board of School Trustees

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: PERSONNEL

Section	
226.800	Personnel Required to be Qualified
226.810	Early Childhood Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Other Employees Qualifying for Reimbursement (Repealed)

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; emergency amendment, as amended, expired August 21, 2020; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 226.60 Charter Schools

For purposes of the federal Individuals with Disabilities Education Act~~IDEA~~ and this Part, charter schools established pursuant to Article 27A of the School Code ~~[105 ILCS 5/Art. 27A]~~ shall be treated either as schools within school districts or as local educational agencies in their own right.

- a) When a school's charter is issued by a local board of education pursuant to Section 27A-8 of the School Code ~~[105 ILCS 5/27A-8]~~, that charter school shall be considered as a school within the district over which that board of education exercises jurisdiction.
- b) When a school's charter is issued by the State Board of Education~~Charter School Commission~~ pursuant to Section 27A-7.5 of the School Code ~~[105 ILCS 5/27A-7.5]~~, that charter school shall be considered as a local educational agency.

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

Section 226.75 Definitions

~~Assistive Technology Device: See 34 CFR 300.5.~~

"Behavioral intervention" means an~~Intervention: An~~ intervention based on the methods and empirical findings of behavioral science that is~~and~~ designed to positively influence a child's actions or behaviors ~~positively~~.

"Business day" means Monday through Friday, except for federal and State holidays.

"Day" means a calendar day.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~Case Study Evaluation: See "Evaluation".~~

~~Day; Business Day; School Day: See 34 CFR 300.11.~~

~~Developmental Delay: See 34 CFR 300.8 and 300.111(b). Delay in physical development, cognitive development, communication development, social or emotional development, or adaptive development (may include children from three through nine years of age).~~

~~"Disability" means the 13 disabilities identified in the federal Individuals with Disabilities Education Act. Disability: IDEA identifies 13 disabilities as the basis for students' eligibility for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance.~~

~~"Domain" means an Domain: An aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.~~

~~"Equipment" has the meaning ascribed to that term under Equipment (a programmatic definition, not intended to coincide with the definition of "equipment" given in the Requirements for Accounting, Budgeting, Financial Reporting, and Auditing at 23 Ill. Adm. Code 100.20): See 34 CFR 300.14.~~

~~"Evaluation" has the meaning ascribed to that term under Evaluation: See 34 CFR 300.15.~~

~~"Extended school year services" has the meaning ascribed to that term under Extended School Year Services: See 34 CFR 300.106(b).~~

~~"Functional behavioral assessment" means an Behavioral Assessment: An assessment process for gathering information regarding the target behavior, its~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

antecedents and consequences, controlling variables, the student's strengths, and the communicative and functional intent of the behavior, for use in developing behavioral interventions.

"General curriculum" means the curriculum adopted and/or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

"Individualized education program team" or "IEP team" has the meaning ascribed to that term under IEP Team: See 34 CFR 300.23.

"Independent educational evaluation" has the meaning ascribed to that term under Educational Evaluation: See 34 CFR 300.502(a)(3)(i).

"Individualized education program" or "IEP" has the meaning ascribed to that term under: See 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education.

"Individualized Family Service Plan" or "IFSP" means 20 USC 1401(15): See 34 CFR 300.24.

"Least Restrictive Environment" or "(LRE)": has the meaning ascribed in See 34 CFR 300.114.

"Limited English proficient" has the meaning ascribed to that term under Proficient: See 34 CFR 300.27.

"Native language" has the meaning ascribed to that term under Language: See 34 CFR 300.29.

"Parent" has the meaning ascribed to that term under: See 34 CFR 300.30.

"Personally identifiable" has the meaning ascribed to that term under Identifiable (with reference to information): See 34 CFR 300.32.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Qualified ~~bilingual specialist~~" means an ~~Bilingual Specialist~~: An individual who holds the qualifications described in Section 226.800(f).

"Qualified ~~personnel~~" means ~~staff~~ ~~Personnel~~: Staff members or other individuals who hold the certificate, educator or professional license, registration, or credential that is required for the performance of a particular task.

"Qualified ~~specialist~~" means an ~~Specialist~~: An individual who holds the applicable qualifications described in Subpart I.

"Related ~~services~~" has the meaning ascribed to that term under ~~Services~~: See 34 CFR 300.34.

"School Code" or "Code" means 105 ILCS 5.

"School day" means any day, including a partial day, that children are in attendance at school for instructional purposes.

"School ~~district~~" means a ~~District~~: A public school district established under Article 10 or Article 34 of the School Code [~~105 ILCS 5/Art. 10 or 34~~] or a charter school established under Article 27A of the School Code [~~105 ILCS 5/Art. 27A~~].

"Special ~~education~~" has the meaning ascribed to that term under ~~Education~~: See 34 CFR 300.39.

"Student ~~record~~" means has the meaning ascribed at ~~Record~~: See ~~Section 2 of the Illinois School Student Records Act [105 ILCS 10/2]~~ and 23 Ill. Adm. Code 375.10 (Student Records).

"Supplementary ~~aids and services~~" has the meaning ascribed to that term under ~~Aids and Services~~: See 34 CFR 300.42.

"Transition ~~services~~" has the meaning ascribed to that term under ~~Services~~: See 34 CFR 300.43.

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

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability

- a) In addition to the requirements set forth in Sections 226.110 and 226.120 of this Part, the district shall adhere to the procedures set forth at 34 CFR 300.307, 300.308, 300.309, 300.310, and 300.311 when evaluating a student who is suspected of, or who has previously been identified as having, a specific learning disability as described in 34 CFR 300.8.
- b) Provided that the requirements of this subsection (b) are met, each district may utilize response to scientific, research-based intervention or multi-tiered systems of support as part of an evaluation procedure to determine if a child is eligible for special education services due to a specific learning disability.~~shall implement the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304.~~ When a district implements the use of a process of this type, the district shall not use any child's participation in the process as the basis for denying a parent's request for an evaluation.
 - 1) The State Superintendent of Education shall disseminate a plan outlining the nature and scope of the professional development that is necessary to permit implementation of a process of this type and describing any additional activities or resources that the Superintendent finds to be essential. Any amendments to the plan will be made in consultation with the statewide teacher organizations, statewide school management organizations, and State Advisory Council on Education of Students with Disabilities.
 - 2) The plan shall quantify the estimated cost of the professional development and other necessary resources and shall identify sources of funding that are or may become available to the State Superintendent for these purposes.
 - 3) The plan shall include:
 - A) a method of identifying school districts that are less able than others to implement a process of the required type without technical or financial assistance from the State;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) a timeframe for the provision of training, other technical assistance and materials, or financial resources for related purposes that demonstrates the State Superintendent's best efforts to secure and provide relevant support to districts; and
 - C) a method of allocating resources that affords first consideration to districts that may otherwise be unable to implement a process of the required type without diverting necessary support from other aspects of the educational program.
- c) Each district shall have a plan for the use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure described in 34 CFR 300.304. Each district's plan shall identify the resources the district will devote to this purpose and include an outline of the types of State-level assistance the district expects to need, with particular reference to the professional development necessary for its affected staff members to implement this process. The plan developed pursuant to this subsection (c) may be incorporated into a district's district improvement plan (see 23 Ill. Adm. Code 1.85(b)) if one exists.
- d) In addition to using an identification process of the type required by subsection (b), a district may use a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.

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

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.220 Development, Review, and Revision of the IEP

The development, review, and revision of each child's IEP shall conform to the requirements of 34 CFR 300.324 and 300.328. The additional requirements of this Section shall also apply.

- a) When an IEP has been developed or revised, the district shall provide notice in accordance with 34 CFR 300.503(b) and (c) immediately to the parents, and implementation of the IEP shall occur no later than 10 school days after the provision of this notice or by the beginning of the following school year if the IEP is developed or revised with fewer than 10 school days remaining in the school

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

year. If the new or revised IEP requires extended-year services, those services shall be provided in accordance with the provisions of the IEP.

- b) *If, at a meeting to develop or revise a child's individualized education program, the IEP team determines that a certain service is required in order for the child to receive a free, appropriate public education and that service is not implemented within 10 school days after the service was to be initiated as set forth by the child's IEP, then the local education agency shall provide the child's parent or guardian with written notification that the service has not yet been implemented. The notification must be provided to the child's parent or guardian within 3 school days after the local education agency's non-compliance with the child's IEP and must inform the parent or guardian about the school district's procedures for requesting compensatory services. (Section 14-8.02f(d) of the Code) For purposes of this Section, "school days" does not include days in which a child is absent from school for reasons unrelated to a lack of IEP services or when the service is available but the child is unavailable.*
- c) Either a child's educational provider or a child's parent may request an IEP meeting at any time. Within 10 days after receipt of a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.
- d) The development of an IEP for a child who has a disability on the autism spectrum shall include consideration of the factors specified in Section 14-8.02(b)(1) through (7) of the ~~School~~ Code.

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

SUBPART D: PLACEMENT

Section 226.310 Related Services

Each school district shall ensure that related services (~~defined in 34 CFR 300.34~~) are provided if necessary to assist an eligible child in benefiting from his or her special education. *Local education agencies must make service logs that record the delivery of related services administered under the child's IEP and the minutes of each type of related service that has been administered available to the child's parent or guardian at any time upon request of the child's parent or guardian. Related services for which a log must be made are: speech and language*

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services. The local education agency must inform the child's parent or guardian, within 20 school days from the beginning of the school year or upon establishment of an IEP, of his or her ability to request those service logs. (Section 14-8.02f(d) of the Code)

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

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.530 Parents' Participation

With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" means the district shall provide written notification no later than ten days prior to the proposed date of the meeting. No later than 3 school days prior to a meeting to determine a child's eligibility for special education and related services or to review a child's IEP, or as soon as possible if an IEP meeting is scheduled within 3 school days with written consent of the child's parent or guardian, the local education agency must provide the child's parent or guardian with copies of all written material that will be considered by the IEP team at the meeting so that the parent or guardian may participate in the meeting as a fully-informed member. The parent or guardian shall have the option of choosing from the available methods of delivery, which must include regular mail and picking up the materials at school. Parents shall also be informed of their right to review and copy their child's school student records prior to any special education eligibility or IEP review meeting, subject to the requirements of applicable federal and State law. (Section 14-8.02f(c) of the Code) In addition, the district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of an interpreter for parents whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] for parents who are deaf.

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

Section 226.570 State Complaint Procedures

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151, 300.152, and 300.153 and Section 14-8.02e of the ~~School~~ Code.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) A parent, individual, or organization may file a signed, written complaint with the State Board of Education alleging that a local school district, cooperative service unit, or the State has violated the rights of one or more children with disabilities. The complaint shall include:
- 1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, 34 CFR, Article 14 of the ~~School~~ Code, or this Part;
 - 2) The facts on which the statement is based;
 - 3) The signature and contact information for the complainant;
 - 4) The names and addresses of the students involved (and the names of the schools of attendance), if known;
 - 5) A description of the nature of the problem of the child, including the facts relating to the problem; and
 - 6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- b) Except as otherwise provided under Section 14-8.02e(b) of the Code, a complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received.
- c) Within 60 days after receiving a complaint that meets the requirements of subsections (a) and (b), the State Board of Education shall:
- 1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.
 - 2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
 - 3) Require that the public entity that is the subject of the complaint submit a written response to the complaint, including corrective action compliance documentation. (See Section 14-8.02e of the ~~School~~ Code.) The public entity shall submit its response and all other documentation to the State Board of Education and the parent, individual, or organization filing the

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

complaint no later than the date indicated in the written correspondence received under this subsection (c)(3), which in no case shall exceed 45 days.

- 4) Provide the public entity with the opportunity during the complaint process to:
 - A) offer a proposal to resolve the complaint; and/or
 - B) offer to engage the parent in mediation or alternative means of dispute resolution.
- 5) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the ~~School~~ Code, or this Part.
- 6) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - A) findings of fact and conclusions;
 - B) the reasons for the State Board of Education's final decision;
 - C) orders for any actions, including ~~without limitation~~ technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.
- d) An extension of the time limit set forth in subsection (c) shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(~~43~~)(B).
- e) If a written complaint is received by the State Board of Education involving one or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.
- f) If a complaint is filed about an issue that has previously been decided in a due

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's failure to implement a decision arising from due process, ~~however,~~ shall be resolved by the State Board pursuant to Section 226.675.

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

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees

This Section sets forth the procedures for a hearing by one or more regional boards of school trustees to consider a school district's petition to withdraw from a special education joint agreement pursuant to Section 10-22.31 of the School Code ~~[105 ILCS 5/10-22.31]~~. The procedures set forth in this Section shall not apply to school district withdrawals from a special education joint agreement agreed upon by all remaining member districts.

- a) Upon receipt of the petition for withdrawal, a regional board of school trustees that exercises oversight or governance over all member school districts of the joint agreement shall conduct the hearing.
 - 1) The Regional Superintendent of Schools, acting in her or his role as ex officio secretary of the regional board of school trustees, shall ~~publish~~ ~~cause~~ a copy of the petition ~~to be delivered~~ to the board of each member district and shall ~~publish~~ ~~cause~~ notice of the petition ~~to be published~~ once in a newspaper having general circulation in the educational service region. The notice shall include the following:
 - A) The date the petition was filed;
 - B) The name of each school district that is a member of the joint agreement;
 - C) The effective date on which the petitioning district would be withdrawn from the joint agreement if the petition is granted; and

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) The return date on which the hearing upon the petition will be held, which shall be no less than 10 and no more than 15 days after the publication of the notice.
- 2) Prior to the hearing on the petition for withdrawal, the ex officio secretary of the regional board of school trustees shall submit to the regional board of school trustees a written report of the educational and administrative conditions of the districts involved relative to the provision of special education services.
- 3) The regional board of school trustees shall hear evidence as to the special education needs and conditions of the petitioning school district and of the special education cooperative from which it wishes to withdraw and shall determine whether it is in the best interest of the students with disabilities in the petitioning district that the petition for withdrawal from the joint agreement be granted.
- 4) The regional board of school trustees shall enter an order granting or denying the petition within 30 days after the hearing. *Approval of the petition ~~must~~ shall be by a two-thirds majority of the school trustees* (Section 10-22.31(a) of the ~~School~~ Code). A certified copy of such an order shall be sent to the petitioning district, the special education cooperative, the regional superintendent of education in whose region the cooperative is located, and the State Board of Education's ~~Division of~~ Special Education Services ~~Department~~ at 100 North First Street, Springfield, Illinois 62777.
- b) Upon receipt of the petition for withdrawal from a special education joint agreement in which more than one regional board of school trustees exercises oversight or governance over any of the school districts participating in the agreement, a joint hearing will be held on the petition.
- 1) The petition for withdrawal shall be filed concurrently with each regional board of school trustees exercising oversight or governance over any of the member districts.
- 2) The regional board of school trustees for the region where the administrative office of the special education cooperative is located shall

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

be responsible for the coordination of all activities related to the joint hearing.

- A) The coordinating regional board of school trustees shall comply with all provisions of subsection (a) ~~of this Section~~, and shall provide copies of all notices and reports required under subsection (a) ~~of this Section~~ to the ex officio secretaries of each of the regional boards of school trustees whose school districts are parties to the special education joint agreement.
 - B) The joint hearing shall be held in the region of the coordinating regional board of school trustees.
 - 3) *Approval of the petition ~~must~~ shall be by a two-thirds majority of all those school trustees present and voting at the joint hearing (Section 10-22.31(a) of the School Code).*
- c) *A member district wishing to withdraw from a joint agreement may obtain from its school board a written resolution approving the withdrawal. The withdrawing district must then present a written petition for withdrawal from the joint agreement to other member districts. (Section 10-22.31(g) of the Code)*
- 1) Under no circumstances may the petition be presented to the other member districts less than 12 months from the date of the proposed withdrawal, unless the member districts agree to waive this timeline.
 - 2) Upon approval by school board written resolution of all of the remaining member districts, the petitioning member district must notify the State Board of the approved withdrawal in writing and must submit a comprehensive plan developed under Section 10-22.31(g-5) of the Code for review by the State Board.
 - 3) If the petition for withdrawal is not approved, the petitioning member district may appeal this decision to the trustees of schools of the township that has jurisdiction and authority over the withdrawing district. If a withdrawing district is not under the jurisdiction and authority of the trustees of schools of a township, a hearing panel shall be established by the chief administrative officer of the intermediate service center having jurisdiction over the withdrawing district.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) The hearing panel is subject to the requirements of Section 10-22.31(g) of the Code.
- B) Before the hearing, the withdrawing district shall:
- i) Provide written notification to all parents or guardians of students with disabilities residing within the district of its intent to withdraw from the special education joint agreement.
 - ii) Hold a public hearing to allow for members of the community, parents or guardians of students with disabilities, or any other interested parties an opportunity to review the plan for educating students after the withdrawal and to provide feedback on the plan.
 - iii) Prepare and provide a comprehensive plan outlined under Section 10-22.31(g-5) of the Code.
- 4) The trustees of schools of the township having jurisdiction and authority over the withdrawing district or the hearing panel established under subsection (c)(3) must convene and hear testimony to determine if the withdrawing district has presented sufficient evidence that the district, standing alone, will provide a full continuum of services and support to all its students with disabilities in the foreseeable future. If the petition for withdrawal is approved, then the petitioning member district shall be withdrawn from the joint agreement effective the following July 1 and shall notify the State Board in writing of the approved withdrawal.
- d) In instances in which one or more of the competent regional boards of school trustees have been abolished, petitions for withdrawal shall be made to the school boards of those member districts that would fall under the oversight or governance of the abolished regional board of school trustees.
- 1) Upon receipt of the petition for withdrawal, the remaining member districts shall place the petition on their respective school board agenda for the next regularly scheduled board meeting.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Each member district shall afford the petitioning district the opportunity to address the school board at the time the petition is considered by the board.
- 3) Each member district shall act upon a resolution, either approving or denying the petition for withdrawal. Approval of a petition shall be by a two-thirds majority of those districts unless the joint agreement's articles of agreement provide otherwise.

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

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

- a) General
 - 1) Each school district, or the special education cooperative of which it is a member, shall employ sufficient professional personnel and personnel not holding Illinois educator licensure to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district or districts served by the cooperative. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each school district or special education cooperative shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
 - 3) ~~Reimbursement for personnel expenditures shall be made by the State Board with respect to only those individuals who are qualified, pursuant to this Subpart I, to deliver services to students with IEPs [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860 of this Part, or pursuant to 23 Ill. Adm. Code 25.48 (Short Term Emergency Approval in Special Education) when applicable.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 34) Each school district or special education cooperative shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.
- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall:
- 1) hold a valid professional educator license endorsed for the grade range to be served~~special preschool age 21~~ and meet the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; ~~or~~
 - 2) hold a valid professional educator license endorsed in another teaching area and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810); ~~or~~
 - 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820; or
 - 4) hold short-term emergency approval or endorsement issued pursuant to 23 Ill. Adm. Code 25.48.
- c) An individual assigned as a career and technical coordinator shall be required to hold an approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
 - 2) holds a valid professional educator license endorsed in a teaching field~~with either a special preschool age 21 endorsement or a secondary endorsement~~; and
 - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (H):
 - A) Survey of the exceptional child;
 - B) Diagnosis of, and characteristics of the student with, all the

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

disabilities encompassed by the Learning Behavior Specialist I (LBS I) credential;

- C) Adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential;
 - D) Career and technical programming for students with disabilities;
 - E) Methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential;
 - F) Guidance and counseling;
 - G) Educational and psychological diagnosis;
 - H) Career and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold an approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) holds a valid professional educator license, with neither a special preschool-age-21 endorsement for the disability area of assignment, issued pursuant to 23 Ill. Adm. Code 25.43 or a secondary endorsement with special education approval in the applicable disability area issued pursuant to Section 226.810;
 - 2) has completed a course in career and technical programming for students with disabilities; and
 - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or career and technical education.
- e) An individual assigned as a business manager's assistant shall hold a valid professional educator-license endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- f) **Qualified Bilingual Specialists**
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they submit the required application and meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a valid professional educator license with ~~an endorsement a special preschool-age 21 endorsement~~ in the area of responsibility issued pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
 - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
 - 2) A holder of a valid professional educator license with an early childhood, elementary, secondary, or special preschool-age 21 endorsement who also holds special education approval in the area of responsibility (see Section 226.810) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C).
 - 3) A holder of a valid professional educator license ~~endorsed in a teaching field with an early childhood, elementary, secondary, or special kindergarten-grade 12 or preschool-age 21 endorsement~~ who also holds an endorsement to teach bilingual education or English as a second language shall have completed coursework covering:
 - A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

for children with all types of disabilities; and

- C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 4) A holder of a valid educator license with stipulations endorsed for transitional bilingual educator issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
- A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
 - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
 - D) Methods for teaching in the special education area of assignment; and
 - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 5) A holder of a valid professional educator license with a school support personnel endorsement for school counselor, school social worker, school psychologist, or speech and language pathologist shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) Directors and Assistant Directors of Special Education
Each school district, or the special education cooperative of which it is a member,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.

- 1) Each director or assistant director of special education shall hold a valid professional educator license endorsed for director of special education issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in 23 Ill. Adm. Code 25.365(b). Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 (Director of Special Education).
 - 2) Each school district or the special education cooperative of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education by his or her full name and Illinois Educator Identification Number. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the school district or special education cooperative.
- h) Supervisors
- 1) Each school district or special education cooperative shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.
 - 2) Each individual performing a supervisory function shall hold one of the following:
 - A) a valid professional educator license with a special preschool-age 21 or K-21 endorsement in the area to be supervised, and a supervisory endorsement issued pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; ~~or~~
 - B) a valid professional educator license with a school support personnel endorsement, and a supervisory endorsement issued, with two years' experience in the area to be supervised; or
 - C) a valid professional educator license with an administrative

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

endorsement issued under 23 Ill. Adm. Code 25.Subpart E and either a special preschool-age 21 or K-21 endorsement for the area to be supervised ~~or special education approval in that area.~~

- i) Chief Administrator of Special School
The chief administrator of a special school shall hold a valid professional educator license with a general administrative, principal or director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.335, 25.337, or 25.365 and either:
- 1) an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired, or speech- and language-impaired; or
 - 2) an endorsement as Learning Behavior Specialist I that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46); ~~or~~
 - 3) ~~approval as an LBS I issued by the State Board of Education pursuant to Section 226.810 and 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval) that either is unlimited or specific to one of the disabilities prevalent in the students served by the school.~~
- j) Other Professional Personnel
Each individual employed in a professional capacity not specified in subsections (a) through (i) shall, as appropriate to his or her assignment, hold:
- 1) a valid professional educator license endorsed for school support personnel appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
 - 2) a valid professional license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist). Evidence of the individual's credential shall be kept on file by the school district or special education cooperative and presented to the State Board of Education upon request.
- k) Personnel Not Holding Educator Licensure
- 1) Each professional individual not holding educator licensure issued under Article 21B of the ~~School Code [105 ILCS 5/Art. 21B]~~ employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
 - 2) Each program assistant or aide, whether providing instructional or noninstructional services, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.
 - A) Nothing in this subsection (k) authorizes individual student aides or others who do not hold an appropriate professional license to perform any nursing activity, as nursing activity may be defined in the Nurse Practice Act [225 ILCS 65] and rules governing that Act (68 Ill. Adm. Code 1300), including any procedures and duties requiring a medical order (e.g., tube feedings, catheterizations, administration of medications, tracheal suctioning, tube insertions, blood draws, dressing changes), except as may be otherwise authorized under State law.
 - B) The provisions of this subsection (k) do not apply to paraprofessional educators licensed under Section 21B-20 of the ~~School Code [105 ILCS 5/21B-20]~~ nor to educational interpreters approved pursuant to 23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters).
 - 3) Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.

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

Section 226.810 Early Childhood Special Education ~~Teaching Approval~~

~~Special education approval for LBS I or early childhood may be issued by the State Board of Education to an individual who does not hold a special preschool age 21 endorsement on his or her professional educator license or who lacks some of the qualifications for one of the endorsements enumerated in 23 Ill. Adm. Code 25.43. After August 31, 2015, LBS I approvals under this Section shall no longer be issued.~~

- a) ~~Beginning July 1, 2001, special education teaching approval will be issued for individuals to serve as LBS I and may be limited to one or more of the following areas, as applicable (see 23 Ill. Adm. Code 25.47):~~
- ~~1) Learning disabilities;~~
 - ~~2) Social/emotional disorders;~~
 - ~~3) Intellectual disability; and~~
 - ~~4) Physically handicapped.~~
- b) ~~An individual who holds a valid professional educator license with an early childhood, special, elementary or secondary endorsement, or a valid educator license with stipulations endorsed for transitional bilingual educator shall receive LBS I approval to teach in a special education area listed in subsection (a) if he or she has successfully completed college-level coursework addressing each of the following areas:~~
- ~~1) Survey of exceptional children;~~
 - ~~2) Characteristics of special education students in the specific area of approval sought;~~
 - ~~3) Methods of teaching in the area of special education approval sought; and~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~4) Psychological diagnosis for children with all types of disabilities.~~
- e) ~~Except as provided in subsection (d), an individual who wishes to receive special education teaching approval shall submit an application for an LBS I endorsement on a form supplied by the State Board of Education and shall comply with any other application procedures as the State Board may require.~~
- 1) ~~If the individual qualifies for an LBS I endorsement, the State Board shall issue one and endorse it as warranted.~~
- 2) ~~If the individual does not qualify for an LBS I endorsement, the State Board shall evaluate the application for special education approval and either issue the approval or notify the applicant of any deficiencies.~~
- d) ~~Special education approval issued prior to January 1, 2002, shall not be limited with regard to time or district of employment but shall be valid only for the special education areas indicated and the grade levels to which the individual's professional educator license or educator license with stipulations applies.~~
- e) ~~Any approval issued on or after January 1, 2002, shall be valid for three years, after which time the holder shall no longer be assigned to a special education teaching position unless he or she has received an unlimited LBS I endorsement pursuant to 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval).~~

~~f) The Beginning January 1, 2002, the State Board shall issue early childhood special education approval or endorsement to an individual who holds a valid professional educator license with an early childhood endorsement or an LBS I endorsement, provided that the individual makes application for approval in a format specified by the State Board demonstrating that he or she has successfully completed coursework in all the following areas:~~

- ~~a1) Methods – Developmentally and individually appropriate methods for fostering the social, emotional, cognitive, communication, adaptive, and motor development and learning of young children with special needs in various settings, such as the home, the school, and the community.~~
- ~~b2) Assessment – Strategies, procedures, and formal and informal instruments for assessing young children's social, emotional, cognitive, communication, and motor skills; family concerns, priorities, and resources; and school, home, and~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

community learning environments; and methods for conducting formative and summative individual and program evaluation.

- c3) Language Development – Typical and atypical language development in young children; specific language disabilities; the relationship between communication delays and other areas of early learning and development; and alternative communication systems for young children with disabilities.
- d4) Family and Community Relationships – Strategies in developing positive and supportive relationships with families of young children with special needs, including the legal and philosophical basis for family participation; family-centered services; and strategies for working with socially, culturally, and linguistically diverse families. Strategies and models for promoting effective consultation and collaboration with other professionals and agencies within the community.

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

Section 226.820 Authorization for Assignment

In the circumstances described in this Section, neither the qualifications required by Section 226.800 nor special education approval under Section 226.810 shall be required. ~~When authorized pursuant to this Section, reimbursement shall be available for staff providing special education and related services.~~

- a) No Fully Qualified Individual Available
When a district or cooperative entity, regional superintendent of schools, or nonpublic special education facility approved pursuant to 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the ~~School~~ Code) demonstrates to the State Board of Education that it is unable to secure the services of an individual who holds the required credentials for a particular assignment, the State Board may authorize the assignment of another individual in accordance with 23 Ill. Adm. Code 25.48 (Short-Term Emergency Approval in Special Education).
- b) Interns
The State Board may also authorize the assignment of interns in ~~school psychology, school social work, school nursing, and~~ speech and language pathology who will work under the supervision of fully qualified professionals,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

subject to the requirements of this subsection (b). ~~1)For each intern in school psychology, school social work, or school nursing, the director of special education shall submit, on forms supplied by the State Board: A) verification provided by an educational institution that the candidate is participating in a formal internship under its auspices; and B) a request for authorization to assign the individual to an intern's position.~~ 2)For each intern in speech and language pathology, the director of special education shall submit evidence that the individual holds a valid interim approval issued under 25 Ill. Adm. Code 25.255 (Interim Approval for Speech-Language Pathologist Interns). The director of special education shall provide evidence that the intern will be supervised by an individual who holds a valid professional educator license endorsed for special preschool-age 21 speech and language pathologist issued pursuant to 23 Ill. Adm. Code 25.43 (Standards for Licensure of Special Education Teachers) or 23 Ill. Adm. Code 25.252 (Endorsement for Non-Teaching Speech-Language Pathologist), as applicable.

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

Section 226.840 Qualifications of Evaluators

The following list identifies the credentials required to administer certain types of evaluations. Where no requirements are established, an evaluation may be performed by an individual who is qualified to administer it according to the technical specifications of the publisher.

TYPEREQUIRED QUALIFICATIONS

Academic Performance

Professional educator license or approval issued under Section 226.810 appropriate for the age or disability of the child, or professional educator license with a school support personnel endorsement for school psychologist or school counselor. (See Article 21B of the School Code ~~[105 ILCS 5/Art. 21B]~~ and the State Board's rules at 23 Ill. Adm. Code 1 and 23 Ill. Adm. Code 25.)

Adapted Physical Education

Professional educator license endorsed for physical education with an approval or endorsement in adapted physical education (23 Ill. Adm. Code 25.43).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Assistive Technology	To the extent that a test is used in performing this assessment, qualification for administering the test according to the instructions provided by the test's publisher.
Audiological	License to practice as an audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
Clinical Psychological	License issued pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15].
Cultural Background Assessment	Professional educator license with a school support personnel endorsement for school psychologist, school social worker, or school counselor.
Hearing Screening	License to practice as an audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; professional educator license with a school support personnel endorsement for speech and language pathologist or special preschool-age 21 endorsement for speech and language pathologist (23 Ill. Adm. Code 25.43 or 25.252); or certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).
Learning Processes Evaluation	Professional educator license with a school support personnel endorsement for school psychologist or LBS I endorsement.
Medical Review	Meet the requirements set forth in Section 226.160 of this Part, as applicable.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Neurological Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60].
Occupational Therapy Evaluation	Certificate/Registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].
Orientation/Mobility	Certification for orientation/mobility instruction and evaluation (Certified Orientation and Mobility Specialist, Academy for Certification of Vision Rehabilitation and Education Professionals, 4732 North Oracle Road, Suite 217, Tucson AZ 85705, or predecessor credential issued by the Association for Education and Rehabilitation of the Blind and Visually Impaired, 1703 North Beauregard Street, Suite 440, Alexandria VA 22311).
Physical Therapy Evaluation	Certificate/registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Psychiatric Evaluation	Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987.
School Psychological	Professional educator license with a school support personnel endorsement for school psychologist.
Social Developmental Study (Adaptive Behavior, Cultural Background, Family History)	Professional educator license with a school support personnel endorsement for social worker, school counselor, or school psychologist (23 Ill. Adm. Code 25.215, 25.225, or, as applicable, 25.230 or 25.235).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Speech and Language Assessment	Professional educator license with a special preschool-age 21 speech and language pathologist endorsement (23 Ill. Adm. Code 25.43), or school support personnel endorsement for speech and language pathologist endorsement (23 Ill. Adm. Code 25.252).
Vision Screening	Certificate of training issued by the Department of Public Health (77 Ill. Adm. Code 675).

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

Section 226.850 List of Qualified Workers

The following table lists the work assignments and qualifications for qualified workers for whom reimbursement may be requested under Section 14-13.01 of the School Code. All requirements necessary for proper certification, educator or professional licensure, or approval in these work assignments are found in this Subpart I, unless otherwise noted.

WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Adapted Physical Education	A valid Illinois professional educator license endorsed for physical education and an adapted physical education approval <u>or endorsement</u> encompassing the grade levels and age ranges of the students served.
Administrator of a Special School	Must meet the requirements of Section 226.800(i).
Art Therapist	Registration from American Art Therapy Association or a master's degree in art therapy awarded by a regionally accredited institution of higher education.
Assistant Director	A valid professional educator license with a director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.365 and 23 Ill. Adm. Code 1.705 and meets the requirements of Section 226.800(g) of this Part.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Audiologist	Licensed to practice as an audiologist by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] or Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association.
Autism	A valid Illinois professional educator license either with an LBS I or early childhood special education endorsement or approval encompassing the grade levels and age ranges of the students served.
Behavior Analyst	Board Certified Behavior Analyst (BCBA) as evidenced by a current valid certificate awarded by the Behavior Analyst Certification Board, Inc.
Career and Technical Coordinator	Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(c)
Career and Technical Transition Specialist	Must hold a contract with the Illinois Department of Human Service-Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).
Daily Living Skills Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization.
Diagnostic Teacher	A valid Illinois professional educator license with an LBS I endorsement or approval.
Early Childhood Special Education	A valid Illinois professional educator license with an early childhood endorsement and either with an early childhood special education endorsement or early childhood special education approval or with a valid Illinois professional educator license with an LBS I endorsement and early childhood special education approval.
Emotional Disability	A valid Illinois professional educator license either with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Hearing Impairment	A valid Illinois professional educator license endorsed for teacher of students who are deaf or hard of hearing pursuant to 23 Ill. Adm. Code 25.43.
Home/Hospital Instructor (see Section 226.300 of this Part)	A valid Illinois professional educator license either with an LBS I endorsement or approval encompassing the area of student's disability (i.e., intellectual disability, physically handicapped, learning disabilities or social/emotional disorders), professional educator license endorsed in the area of speech and language pathologist, blind or visually impaired, or deaf or hard of hearing.
Infant/Toddler/Family Specialist	For federally funded programs serving infants and toddlers, birth through two years of age: Completion of a degree program with evidence of specific training in child development and family development specific for children ages birth to five years.
Inservice Coordinator	A valid Illinois professional educator license with an LBS I endorsement or a valid Illinois professional educator license endorsed for school support personnel (see 23 Ill. Adm. Code 25.Subpart D).
Intellectual Disability	A valid Illinois professional educator license endorsed in a teaching field with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.
LBS I	Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois professional educator license with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.
Medical Services Personnel (Diagnostics and Evaluation)	Registration with the Illinois Department of Financial and Professional Regulation.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Music Therapist	Registration from the National Music Therapy Registry, certification from the Certification Board for Music Therapists, or master's degree in music therapy from a regionally accredited institution of higher education.
Occupational Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].
Orientation and Mobility Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization or the Association for the Education and Rehabilitation of the Blind and Visually Impaired.
Orthopedic Impairment	A valid Illinois professional educator license either with a cross-categorical special education or physically handicapped endorsement or with approval encompassing the grade levels and age ranges of students served.
Physical Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Recreational Therapist	Licensed by the National Council for Therapeutic Recreation or its predecessor organization.
Rehabilitation Counselor	Certificate from the Commission on Rehabilitation Counselor Certification (CRCC) or a master's degree in rehabilitation counseling awarded by a regionally accredited institution of higher education.
School Counselor/ Guidance Counselor	A valid Illinois professional educator license endorsed for school support personnel for school counselor issued under 23 Ill. Adm. Code 25.225.
School Counselor Intern	Meets the requirements of 23 Ill. Adm. Code 25.227.
School Nurse	Meets the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23] and 23 Ill. Adm. Code 25.245.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

School Nurse (Grandfathered)	Employed as a registered school nurse prior to July 1, 1976 and continuing in the same position with the same district or joint agreement.
School Nurse Intern	Meets the requirements of Section 226.820(b). Reimbursement for this position shall not be for a period of time that exceeds four months.
School Psychologist	Meets the requirements of Section 14-1.09 of the School Code [105 ILCS 5/14-1.09] and 23 Ill. Adm. Code 25.230 or 25.235, as applicable.
School Psychologist Intern	Meets the requirements of Section 226.820(b).
School Social Worker	Meets the requirements of Section 14-1.09a of the School Code [105 ILCS 5/14-1.09a] , and Section 226.820(b) of this Part and 23 Ill. Adm. Code 25.215, as applicable.
School Social Work Intern	Meets the requirements of Section 226.820(b).
Specific Learning Disability	A valid Illinois professional educator license either with an LBS I endorsement or with approval encompassing the grade levels and age ranges of the students served.
Speech-Language	Non-teaching Position: Meets the requirements of Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b] and 23 Ill. Adm. Code 25.252, as applicable, for speech and language pathologist. Teaching Position: Holds a valid Illinois professional educator license issued pursuant to 23 Ill. Adm. Code 25.43 endorsed for speech and language pathologist.
Speech-Language Pathologist Intern (Interim)	Meets the requirements of 23 Ill. Adm. Code 25.255 and Section 226.820(b) of this Part.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

State-Approved Director of Special Education (serving in a full-time capacity)	Meets the requirements of 23 Ill. Adm. Code 25.365 and Section 226.800(g) of this Part.
Supervisor	Meets the requirements of Section 226.800(h) of this Part and 23 Ill. Adm. Code 1.705(h), as applicable.
Support Teacher	A valid Illinois professional educator license either with an LBS I endorsement or with approval encompassing the grade levels and age ranges of the students served.
Teacher Coordinator of Vocational Education	Meets the requirements of Section 226.800(d).
Visual Impairment	A valid Illinois professional educator license issued pursuant to 23. Ill. Adm. Code 25.43 and endorsed for teacher of students who are blind or visually impaired.

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

Section 226.860 List of Other Employees Qualifying for Reimbursement (Repealed)

~~The following table lists the work assignments and qualifications for employees considered to be "noncertified" for the purposes of requesting reimbursement under Section 14-13.01 of the School Code. In order to qualify for reimbursement, the noncertified employee shall provide direct services to students with IEPs. (See Section 14-13.01(h) of the School Code; also see Section 226.800(k) of this Part.)~~

~~WORK ASSIGNMENT~~~~REQUIRED QUALIFICATIONS~~

~~Hearing Screening Technician~~

~~Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 675.~~

~~Individual Student Aide (noninstructional duties)~~

~~Training specific to the needs of the students being served, as determined by the school district under Section 226.800(k).~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Interpreter for the Deaf or Oral Transliteration	Meets the requirements of 23 Ill. Adm. Code 25.550 for approval from the State Board of Education.
Noncertified Health Aide	Licensed by the Illinois Department of Financial and Professional Regulation pursuant either to Article 55 or 60 of the Nurse Practice Act [225 ILCS 65/Art. 55 or 60].
Occupational Therapy Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 9 of the Illinois Occupational Therapy Practice Act [225 ILCS 75/9] and 68 Ill. Adm. Code 1315.
Paraprofessional Educator	Holds a valid educator license with stipulations for paraprofessional educator and/or meets the requirements of 23 Ill. Adm. Code 25.510, or holds approval issued in accordance with 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange).
Physical Therapy Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.1 of the Illinois Physical Therapy Act [225 ILCS 90/8.1] and 68 Ill. Adm. Code 1340.
Speech-Language Pathology Assistant	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.5 of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/8.5] and 68 Ill. Adm. Code 1465.
Vision Screening Technician	Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 685.

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
 - 2) Code Citation: 56 Ill. Adm. Code 2720
 - 3) Section Number: 2720.5 Adopted Action:
Amendment
 - 4) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].
 - 5) Effective Date of Rule: August 27, 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 rule 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. 8601; May 29, 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. 2720.5 was amended by emergency rule at 44 Ill. Reg. 9262, May 29, 2020.
 - 14) Are there any other rulemakings pending on this Part? Yes
- | | | |
|------------------------------------|--------------------------------------|---|
| <u>Section Number:</u>
2720.130 | <u>Proposed Action:</u>
Amendment | <u>Illinois Register Citation:</u>
44 Ill. Reg. 12052; July 24, 2020 |
|------------------------------------|--------------------------------------|---|

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: As a result of the COVID-19 pandemic, the Federal government has created a benefit program called Pandemic Unemployment Assistance (PUA), which is separate and apart from regular unemployment insurance. In order for the Illinois Department of Employment Security to expeditiously and efficiently correspond with PUA claimants so as to be able to expedite the payment of PUA benefits, this rule allows the Department to post correspondences to claimants' online accounts and to send emails to the claimants to inform them that a correspondence has been posted to the account.

16) Information and questions regarding this adopted 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 Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service of Notices, Decisions, Orders
2720.7	Application for Electronic Data Transmission
2720.10	Computation of Time
2720.11	Methods of Payment
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation of Claimants
2720.25	Form of Papers Filed
2720.30	Correction of Technical Errors
2720.35	A Claimant's "Last Known Address"

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing a Claim
2720.101	Filing, Registering and Reporting by Mail Under Special Circumstances
2720.105	Time for Filing an Initial Claim for Benefits
2720.106	Dating of Claims for Weeks of Partial Unemployment
2720.107	Employing Unit Reports for Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone or Internet Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time for Filing Claim Certification for Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

2720.128	Active Search For Work: Attendance At Training Courses (Repealed)
2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice by an Employer of Separation for Alleged Felony or Theft Connected with the Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment of Unemployment Insurance Benefits for Initial Claims
2720.150	Applying for Unemployment Insurance Benefits Under Extension Programs
2720.155	Non-Resident Application for Benefits
2720.160	Reconsidered Findings or Determination

SUBPART C: APPEALS TO REFEREE

Section

2720.200	Filing of Appeal
2720.201	Application For Electronic Data Transmission Of Notice Of Hearing
2720.205	Notice of Hearing
2720.207	Untimely Appeals
2720.210	Preparation for the Hearing
2720.215	Format of Hearings
2720.220	Ex Parte (One Party Only) Communications
2720.225	Subpoenas
2720.227	Depositions
2720.230	Consolidation Or Severance Of Proceedings
2720.235	Withdrawal Of Appeal
2720.240	Continuances
2720.245	Conduct of Hearing
2720.250	Rules of Evidence
2720.255	Failure of Party to Appear at the Scheduled Hearing
2720.265	The Record
2720.270	Referee's Decision
2720.275	Labor Dispute Appeals
2720.277	Prehearing Conference in Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section

2720.300	Filing of Appeal
----------	------------------

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

2720.305	Notice of Appeal
2720.310	Request for Oral Argument
2720.315	Submission of Written Argument or Request to Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision of the Board of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008; amended at 33 Ill. Reg. 9623, effective August 1, 2009; amended at 35 Ill. Reg. 6114, effective March 25, 2011; emergency amendment at 43 Ill. Reg. 808, effective January 1, 2019 for a maximum of 150 days; amended at 43 Ill. Reg. 1523, effective January 15, 2019; amended at 43 Ill. Reg. 6385, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9262, effective May 15, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 12656, effective July 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14672, effective August 27, 2020.

SUBPART A: GENERAL PROVISIONS

Section 2720.5 Service of Notices, Decisions, Orders

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- a) Except as provided in ~~subsection~~ subsection (b) and (e), a notice, decision or order shall be served on every party, either by:
- 1) Personal service;
 - 2) Mailing in an envelope, sealed and properly addressed to the last known address of the party, with the correct amount of postage prepaid; or
 - 3) If agreed to by the party, posting on a secure website accessible to the person or entity and sending notice of the posting to the last known e-mail address of the person or entity.
- b) When an agreement is made between the Department and the employing unit (or its authorized agent) and the necessary identifying information is available, the Notice of Claim to Last Employing Unit and Last Employer or other Interested Party shall be sent to the employing unit (or its authorized agent) by means of an electronic data transmission rather than by mailing a document to the employing unit.
- c) A person may designate an agent to receive his or her notices and decisions by filing the name and address of the agent with the Department. In these cases, notice to the agent so designated is notice to the person. A person's designation of the agent shall remain in effect until the Department receives a notice that the ~~agency~~Department relationship no longer exists.
- d) Notwithstanding the appointment of an agent in accordance with subsection (c), the Notice of Claim to Last Employing Unit and Last Employer or other Interested Party (see Section 2720.130) shall be sent to the employing unit identified by the claimant at the time he or she files his or her claim for benefits.
- e) CARES Act
- 1) Notwithstanding any other provision of this Part, for notice of any document or correspondence related to the federal Pandemic Unemployment Assistance (PUA) program established by section 2102 of the CARES Act (Public Law 116-136), as amended, the Department will serve each notice on the claimant in lieu of mailing a paper copy through the U.S. Mail by:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- A) posting an electronic version of the notice in the claimant's account; and
 - B) sending an email to the email address that has been provided on the account.
- 2) If the claimant either fails to provide his/her email address or requests to receive notices only through the U.S. mail, the Department will serve the notice on the claimant through U.S. Mail sent to the claimant's last known address.
- 3) Emails to the claimant will notify him or her that a notice has been posted to the account and will not contain any Personal Identifying Information (PII) and may not be responded to by email.

(Source: Amended at 44 Ill. Reg. 14672, effective August 27, 2020)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: 2732.240 Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 205, 206, 206.1, 211.2, 211.3, 211.4, 211.5, 212, 212.1, 213, 215, 217, 217.1, 217.2, 218, 225, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/205, 206, 206.1, 211.2, 211.3, 211.4, 211.5, 212, 212.1, 213, 215, 217, 217.1, 217.2, 218, 225, 1700 and 1701].
- 5) Effective Date of Rule: August 27, 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 rule 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. 8604; May 29, 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. 2732.240 was added by emergency rule at 44 Ill. Reg. 9269, May 29, 2020.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: As a result of the COVID-19 pandemic, the Federal government has created a benefit program called Pandemic Unemployment Assistance (PUA), which is separate and apart from regular unemployment insurance, and which is available to individuals who are not eligible for, or who have exhausted all

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

rights to, regular unemployment insurance. In order for the Illinois Department of Employment Security to expeditiously and efficiently pay PUA benefits to eligible individuals, this rule makes clear that the Department will review the reported wages for a claimant while determining eligibility for this program, and that the Department's determination that an individual is eligible for PUA shall not constitute a determination that the services performed by the individual fall within an exemption from Section 206 of the Act's definition of "employment", nor shall it foreclose the Department or any court of competent jurisdiction from determining at any time with regard to such services that those services constitute "employment" as that term is defined in the Unemployment Insurance Act.

- 16) Information and questions regarding this adopted 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 Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section

2732.125 Requirement that "Four or More" Employees of a Nonprofit Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section

2732.200 Section 212 of the Act – Services in Employment

2732.203 The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act

2732.205 Owner-Operators of Motorized Vehicles

2732.210 Mandatory Jury Service

2732.215 Exemption From The Definition Of Employment For Participants In The Americorps Program

2732.220 Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods

2732.225 Exemption from the Definition of Employment for Freelance Editorial or Photographic Work

2732.227 Exemption for the Delivery or Distribution of Newspapers or Shopping News to the Ultimate Consumer

2732.230 Domestic Service

2732.235 Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

[2732.240 Employment Designation of Individuals Determined Eligible for Pandemic Unemployment Assistance \(PUA\)](#)

SUBPART C: DETERMINING THE EMPLOYER

Section

2732.305 Employee Leasing Companies (Repealed)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

2732.306 Employee Leasing Company – Obligation to Report the Identities of its Clients

AUTHORITY: Implementing and authorized by Sections 205, 206, 206.1, 211.2, 211.3, 211.4, 211.5, 212, 212.1, 213, 215, 217, 217.1, 217.2, 218, 225, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. 8809, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. 16355, effective October 24, 1994; amended at 21 Ill. Reg. 9456, effective July 2, 1997; emergency amendment at 24 Ill. Reg. 14788, effective September 22, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 2003, effective January 18, 2001; amended at 33 Ill. Reg. 9646, effective July 1, 2009; emergency amendment at 36 Ill. Reg. 18936, effective December 17, 2012 through June 30, 2013; amended at 37 Ill. Reg. 7440, effective May 14, 2013; amended at 43 Ill. Reg. 1560, effective January 15, 2019; amended at 43 Ill. Reg. 6449, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9269, effective May 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14679, effective August 27, 2020.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.240 Employment Designation of Individuals Determined Eligible for Pandemic Unemployment Assistance (PUA)

- a) In establishing an individual's eligibility for Pandemic Unemployment Assistance (PUA), created by the federal government in section 2102 of the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136), as amended, the Department will determine whether an individual is eligible for regular unemployment insurance benefits or extended benefits under State or federal law, including Pandemic Emergency Unemployment Compensation (PEUC) under section 2107 of the CARES Act, and will review Department records and any documentation provided by the individual to determine whether wages for the individual were reported or earned for the quarters of the base period for the claim.
- b) A determination of the Department under this Section that an individual is eligible for PUA shall not constitute a determination that the services performed by the individual fall within an exemption from Section 206 of the Act's definition of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

"employment", nor shall it foreclose the Department or any court of competent jurisdiction from determining, at any time, with regard to those services, that those services constitute "employment" as that term is defined in the Unemployment Insurance Act.

(Source: Added at 44 Ill. Reg. 14679, effective August 27, 2020)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Recovery of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2835
- 3) Section Number: 2835.TABLE A Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].
- 5) Effective Date of Rule: August 27, 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 rule 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. 8607; May 29, 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. 2835.TABLE A was amended by emergency rule at 44 Ill. Reg. 9274, May 29, 2020.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Recoupment Matrix is being updated to reflect the various new unemployment insurance programs introduced by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Sections 2102, 2014 and 2107, P.L. 116-136.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted 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 Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2835
RECOVERY OF BENEFITS

SUBPART A: GENERAL PROVISIONS

Section	
2835.1	Recovery of Benefits by Recoupment
2835.5	Amounts Recoverable by Recoupment
2835.10	Time Limits Within Which to Recoup Benefits
2835.15	Extent of Recoupment
2835.20	Notice Of Recoupment Decision
2835.25	Reconsideration Or Appeal Of Recoupment Decision
2835.30	Waiver Of Recoupment
2835.33	Waiver of Recovery (TRA)
2835.35	Benefits Received With Fault
2835.40	Benefits Received Without Fault
2835.45	Recoupment Against Equity and Good Conscience
2835.50	Request For And Decision Regarding Waiver Of Recoupment
2835.55	Reconsideration Or Appeal Of Denial Of Request For Waiver
2835.60	Periods When Waiver Of Recoupment Allowed
2835.65	Waiver Certifications By Mail

SUBPART B: DETECTION OF OVERPAYMENTS

Section	
2835.100	Cross-Matching
2835.TABLE A	Recoupment Matrix

AUTHORITY: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].

SOURCE: 56 Ill. Adm. Code 800: Subpart F adopted at 7 Ill. Reg. 383, effective December 23, 1982; recodified to 56 Ill. Adm. Code 800: Subpart D at 8 Ill. Reg. 6037; recodified to 56 Ill. Adm. Code 2835 at 8 Ill. Reg. 15032; emergency amendment at 8 Ill. Reg. 19687, effective

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

September 28, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2493, effective February 13, 1985; amended at 9 Ill. Reg. 16225, effective October 15, 1985; amended at 10 Ill. Reg. 12776, effective July 14, 1986; amended at 11 Ill. Reg. 7626, effective April 14, 1987; emergency amendment at 12 Ill. Reg. 231, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11746, effective July 5, 1988; amended at 32 Ill. Reg. 18978, effective December 1, 2008; emergency amendment at 34 Ill. Reg. 2330, effective January 19, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 8515, effective June 16, 2010; amended at 35 Ill. Reg. 6148, effective March 25, 2011; emergency amendment at 36 Ill. Reg. 5618, effective March 21, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 12310, effective July 19, 2012; amended at 43 Ill. Reg. 6512, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9274, effective May 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14684, effective August 27, 2020.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

Section 2835.TABLE A Recoupment Matrix

<u>Overpaid Under The Programs And Subprograms Listed Below</u>		<u>% Of Benefits Recoupable From Benefits Presently Payable Under Programs And Subprograms</u>							
		<u>STATE</u>		<u>UCX/ UCFE</u>	<u>STATE/ UCX/UCFE</u>	<u>FPUC</u>	<u>TRA</u>	<u>PUA</u>	
<u>PROGRAM/ SUBPROGRAM</u>	<u>TYPE OF OVER- PAYMENT</u>	<u>REG</u>	<u>EB</u>	<u>REG/ EB</u>	<u>PEUC</u>				<u>LENGTH OF RECOUPMENT PERIOD</u>
<u>STATE/ REG/EB</u>	<u>NONFRAUD Sec. 900A2</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>5 Years from Determination Date</u>
<u>STATE/ REG/EB</u>	<u>FRAUD</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>50</u>	<u>50</u>	<u>100</u>	<u>50</u>	<u>Indefinite</u>
<u>UCX/UCFE/ REG/EB</u>	<u>NONFRAUD Sec. 900A2</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>5 Years from Determination Date</u>
<u>UCX/UCFE/ REG/EB</u>	<u>FRAUD</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>50</u>	<u>50</u>	<u>100</u>	<u>50</u>	<u>2 Years from Determination Date</u>
<u>STATE/ UCX/UCFE/ PEUC</u>	<u>FRAUD</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>50</u>	<u>50</u>	<u>100</u>	<u>50</u>	<u>3 Years from Payment Date</u>
<u>STATE/ UCX/UCFE/ PEUC</u>	<u>NONFRAUD</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>3 Years from Payment Date</u>
<u>FPUC</u>	<u>NONFRAUD</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>3 Years from Payment Date</u>
<u>FPUC</u>	<u>FRAUD</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>3 Years from Payment Date</u>
<u>TRA</u>	<u>FRAUD</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>0</u>	<u>0-I</u>	<u>50</u>	<u>Indefinite</u>
<u>TRA</u>	<u>NONFRAUD</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>0</u>	<u>25</u>	<u>25</u>	<u>5 Years from Determination Date</u>
<u>PUA</u>	<u>NONFRAUD</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>25</u>	<u>5 Years from Determination Date</u>
<u>PUA</u>	<u>FRAUD</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>50</u>	<u>50</u>	<u>100</u>	<u>**</u>	<u>5 Years from Determination Date</u>

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

KEY TO RECOUPMENT MATRIX

- 25 ≡ 25% of Weekly Benefit Amount may be withheld for recoupment.
- 50 ≡ 50% of Weekly Benefit Amount may be withheld for recoupment.
- 100 ≡ 100% of benefits payable may be withheld for recoupment.
- 0-I ≡ Recoupment is not allowable:
 - a) If the week claimed ends prior to fraud determination date, claimant receives all benefits payable for the week;
 - b) If the week claimed ends on or after fraud determination date, claimant is ineligible to receive any benefits for the week.
- ** ≡ a) If the fraud occurred in the initial application for PUA benefits, the claimant is ineligible for any PUA benefits.
 b) If the fraud occurred in connection with a claim for a week of PUA benefits, the claimant is ineligible for that week and the next two weeks of PUA benefits.
- UCX ≡ 5 USC 8521 et seq., Unemployment Compensation for Ex-Servicemen.
- UCFE ≡ 5 USC 8501 et seq., Unemployment Compensation for Federal Employees.
- EB ≡ 820 ILCS 405/409, Extended Benefits.
- Sec. 900A2 ≡ 820 ILCS 405/900A2.
- PEUC ≡ Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Section 2107, Pandemic Emergency Unemployment Compensation, Public Law 116-136.
- FPUC ≡ Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Section 2104, Federal Pandemic Unemployment Compensation, Public Law 116-136.
- PUA ≡ Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Section 2102, Pandemic Unemployment Assistance, Public Law 116-136.
- TRA ≡ Trade Act of 1974, as amended, 19 USC 2271-2322.

OVERPAID UNDER THE PROGRAMS LISTED BELOW	% OF BENEFITS RECOUPABLE FROM BENEFITS PRESENTLY PAYABLE UNDER PROGRAMS AND SUBPROGRAMS				
	STATE	UCX/ UCFE	STATE/ UCX/UCFE	FAC	TRA

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

PROGRAM	SUB-PROGRAM	TYPE OF OVER-PAYMENT	REG	EB	REG/EB	FED FUND EXTEN			LENGTH OF RECOUPMENT PERIOD
STATE	REG/EB	NONFRAUD Sec. 900A2	25	25	25	25	0	25	5 Years from Determination Date
STATE	REG/EB	FRAUD	100	100	100	100	0	100	Indefinite
UCX/UCFE	REG/EB	NONFRAUD Sec. 900A2	25	25	25	25	0	25	5 Years from Determination Date
UCX/UCFE	REG/EB	FRAUD	100	100	100	100	0	100	2 Years from Determination Date
STATE/ UCX/UCFE	FEDERALLY FUNDED EXTENSION	FRAUD	100	100	100	100	0	100	3 Years from Payment Date
STATE/ UCX/UCFE	FEDERALLY FUNDED EXTENSION	NONFRAUD	25	25	25	25	0	25	3 Years from Payment Date
FAC		NONFRAUD	25	25	25	25	25	25	3 Years from Payment Date
FAC		FRAUD	50	50	50	50	50	50	3 Years from Payment Date
TRA		FRAUD	50	50	50	50	0	0-I	Indefinite
TRA		NONFRAUD	25	25	25	25	0	25	5 Years from Determination Date

KEY TO RECOUPMENT MATRIX

- 25 = 25% of Weekly Benefit Amount may be withheld for recoupment.
- 50 = 50% of Weekly Benefit Amount may be withheld for recoupment.
- 100 = 100% of benefits payable may be withheld for recoupment.
- 0-I = Recoupment is not allowable:
- If the week claimed ends prior to fraud determination date, claimant receives all benefits payable for the week;
 - If the week claimed ends on or after fraud determination date, claimant is ineligible to receive any benefits for the week.
- UCX = 5 USC 8521 et seq., Unemployment Compensation for Ex-Servicemen.
- UCFE = 5 USC 8501 et seq., Unemployment Compensation for Federal Employees.
- EB = 820 ILCS 405/409, Extended Benefits.
- Sec. 900A2 = 820 ILCS 405/900A2.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- ~~FED FUND EXT~~ = ~~Supplemental Appropriations Act, 2008. Title IV—Emergency Unemployment Compensation, Public Law 110-252 and its amendments or any prior federally funded programs that have expired.~~
- ~~FAC~~ = ~~Federal Additional Compensation, sec. 2002 of Division B, Title II of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 and its amendments.~~
- ~~TRA~~ = ~~Trade Act of 1974, as amended, 19 USC 2271-2322.~~

(Source: Amended at 44 Ill. Reg. 14684, effective August 27, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
112.79	Amendment
112.80	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Rules: August 26, 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, 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. 3807; March 13, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Grammatical and minor corrections were made to this rulemaking.
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Pursuant to PA 101-103, this rulemaking revises the Temporary Assistance to Needy Families (TANF) Sanction and Good Cause reasons for noncompliance with TANF program requirements. The Department of Human Services shall impose a 30% reduction of the portion of the grant amount designated for the adult member or members of the assistance unit when an adult member is found to be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

in noncompliance without good cause. No sanction shall reduce the portion of the grant amount that is designated for the child or children of the assistance unit. The full grant amount must be restored on the first day of the month following a determination that the adult member or members of the assistance unit is/are in compliance with program requirements and is/are otherwise eligible for assistance. Also, the Department of Human Services shall expand Good Cause reasons for noncompliance with TANF program requirements to include the definition of homelessness. The rule adds eviction, utility disconnect, and exiting a publicly-funded institution or system of care without an option to move to a fixed, adequate night time residence as Good Cause reasons for noncompliance with TANF program participation requirements.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.55 Electronic Benefits Transfer (EBT) Restrictions
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

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

SUBPART E: PROJECT ADVANCE

Section

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

SUBPART F: EXCHANGE PROGRAM

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART H: PAYMENT AMOUNTS

Section

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

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Facilities (Repealed)

SUBPART J: CHILD CARE

Section

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

SUBPART K: TRANSITIONAL CHILD CARE

Section

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

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081, effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14425, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3251, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

February 5, 2020; amended at 44 Ill. Reg. 6960, effective April 16, 2020; amended at 44 Ill. Reg. 9929, effective May 20, 2020; amended at 44 Ill. Reg. 14692, effective August 26, 2020.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.79 Sanctions

- a) Sanctions may be imposed against those nonexempt participants who fail to participate without good cause. Exempt individuals who volunteer to participate are not subject to sanctions. Sanctions shall be based on instances of non-cooperation ~~that~~^{which} occur on or after July 1, 1997. Participants who are sanctioned shall have their~~The sanction penalty shall be as follows: 1) For the first instance of non-cooperation, the~~ cash assistance payment ~~is~~ reduced by 30 percent of the TANF grant amount designated to the adult member or members of the assistance unit. The full TANF grant amount is to be restored when an adult member or members are determined to be in compliance with program requirements~~50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.~~
- 2) ~~For the second instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.~~
- 3) ~~For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.~~
- 4) ~~Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.~~
- b) **Sanction Reasons**
Sanctioning of a participant will result from one instance of any of the following

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

without good cause unless reconciliation is successful:

- 1) failure to respond to a job referral;
 - 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
 - 3) discontinuing part-time employment;
 - 4) reducing employment;
 - 5) failure to participate in the activity;
 - 6) failure to respond to a written notice for a meeting. For the purpose of determining attendance at meetings, if participant arrives anytime within 30 minutes after the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
 - 7) failure to make the required number of acceptable employer contacts every 30 days when employer contact activity is required;
 - 8) failure to accept transportation, family counseling, or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in work or training activities; or
 - 9) failure to provide verification of education/training activities, employability status, etc.
- c) No sanction will be imposed until staff has sent the participant a written notice scheduling a good cause determination/reconciliation meeting to determine whether the participant had good cause for his or her failure to comply with requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the reconciliation process will continue (see Section 112.77) to enable resolving disputes related to participation. The written notice shall explain the purpose of the appointment and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.

- d) A sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) The notice of change form issued for a sanction shall include the following:
 - 1) a description of the acts of noncooperation, including dates whenwhere applicable; and
 - 2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria).
- f) A sanction under this Section shall not affect receipt of medical assistance~~Medical Assistance~~. Likewise, a sanction for child support enforcement, or the school attendance initiative does not affect any instances of non-cooperation under this Section.
- g) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously.
- h) A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation and a prorated grant amount will be issued for the remainder of that calendar month or, for second or third instances of sanction, at the end of the three month period, whichever is later. The full grant amount will be restored on the first day of the month following a determination that the adult member or members of the assistance unit are in compliance with program requirements and are otherwise eligible for assistance.

(Source: Amended at 44 Ill. Reg. 14692, effective August 26, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 112.80 Good Cause for Failure to Comply with TANF Participation Requirements

- a) If a participant has good cause for not complying with a TANF participation requirement, financial assistance shall not be discontinued. Examples of good cause for failure to comply include, but are not limited to:
- 1) temporary illness for its duration;
 - 2) court required appearance or temporary incarceration;
 - 3) death in the family;
 - 4) extreme inclement weather;
 - 5) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under TANF, to the extent the lack of the needed service presents a significant barrier to TANF participation;
 - 6) ~~Theif an~~ individual is engaged in employment and/or training that is consistent with the employment related goals of the program, and thatif such employment and training is later approved by TANF staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);
 - 7) failure of Department staff or ~~contractor~~Contractor to correctly forward the information to TANF staff;
 - 8) ~~failure of the participant to cooperate because of~~ attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by TANF. When TANF workers know in advance of ~~the-such~~ tests and mandatory classes or functions, they shall schedule TANF activities around them if possible;
 - 9) ~~failure of the~~ participant's~~participant due to his or her~~ illiteracy;
 - 10) ~~a determination is made~~failure of the participant because it is determined that the participant~~he or she~~ should be in a different TANF activity;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) non-receipt by the participant of a notice advising him or her of a participation requirement. If the non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;
- 12) non-comprehension of written and/or oral English;
- 13) child care (or day care for an incapacitated individual living in the same home as a child) is necessary for the participation or employment and ~~that such~~ care is not available for a child under age 13;
- 14) ~~the participant verifies a failure to participate in a TANF activity due to a verified~~ scheduled job interview, medical appointment for the participant or a household member, or a school appointment for the participant or his or her children;
- 15) the individual or family is experiencing homelessness. An individual or family is experiencing homelessness if the individual or family:
 - A) lacks a fixed, regular, and adequate nighttime residence, or shares the housing of other persons due to the loss of housing, economic hardship, or a similar reason;
 - B) is living in a motel, hotel, camping ground or other temporary accommodation due to the lack of alternative accommodations;
 - C) is living in an emergency or transitional shelter;
 - D) resides in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (e.g., residing in a car, park, abandoned building, substandard housing, bus, train station, or similar settings)the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) documented circumstances beyond the control of the participant which prevent the participant from completing program requirements;~~or~~
- 17) ~~failure to participate in a TANF work activity because of~~ violations of workplace rights due TANF recipients as determined by the U.S. Department of Labor;~~;~~
- 18) receipt of an eviction notice;
- 19) discontinued utilities; or
- 20) the individual exits a publicly-funded institution or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or a correction program or institution) without an option to move to a fixed, adequate nighttime residence.
- b) The TANF worker may require a participant to document good cause for noncooperation with TANF requirements.
- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement. Nevertheless, failure to notify is material and is an important factor if the participant could have notified the Department.

(Source: Amended at 44 Ill. Reg. 14692, effective August 26, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
113.253	Amendment
113.260	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and 20 CFR 416.2096.
- 5) Effective Date of Rules: August 25, 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, 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. 3825; March 13, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Federal regulations require the State to pass along an increase in SSI benefits to clients who receive AABD cash (State Supplemental payments). This rulemaking increases the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$12, the amount of the January 2020 SSI benefit increase.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART D: PAYMENT AMOUNTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART E: OTHER PROVISIONS

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

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013; amended at 38 Ill. Reg. 16229, effective July 18, 2014; emergency amendment at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 22654, effective November 20, 2014; amended at 39 Ill. Reg. 13260, effective September 21, 2015; amended at 41 Ill. Reg. 10331, effective July 21, 2017; amended at 42 Ill. Reg. 16195, effective August 7, 2018; amended at 43 Ill. Reg. 343, effective December 20, 2018; emergency amendment at 43 Ill. Reg. 4346, effective March 20, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 6992, effective May 31, 2019; amended at 43 Ill. Reg. 9122, effective August 9, 2019; emergency amendment at 43 Ill. Reg. 14438, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 6973, effective April 16, 2020; amended at 44 Ill. Reg. 14710, effective August 25, 2020.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) A monthly~~An~~ allowance for ~~\$604.90~~\$592.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 44 Ill. Reg. 14710, effective August 25, 2020)

Section 113.260 Sheltered Care, Personal Care, or Nursing Care Rates

Group A Counties	Needs Assessment	Group B Counties
\$1283 <u>\$1271</u>	0-7	\$1298 <u>\$1286</u>
\$1289 <u>\$1277</u>	8	\$1305 <u>\$1293</u>
\$1296 <u>\$1284</u>	9	\$1312 <u>\$1300</u>

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

<u>\$1301</u> 1289	10	<u>\$1320</u> 1308
<u>\$1308</u> 1296	11	<u>\$1327</u> 1315
<u>\$1313</u> 1301	12	<u>\$1334</u> 1322
<u>\$1320</u> 1308	13	<u>\$1342</u> 1330
<u>\$1325</u> 1313	14	<u>\$1348</u> 1336
<u>\$1332</u> 1320	15	<u>\$1356</u> 1344
<u>\$1337</u> 1325	16	<u>\$1364</u> 1352
<u>\$1344</u> 1332	17	<u>\$1370</u> 1358
<u>\$1349</u> 1337	18	<u>\$1378</u> 1366
<u>\$1356</u> 1344	19	<u>\$1385</u> 1373
<u>\$1362</u> 1350	20	<u>\$1392</u> 1380
<u>\$1368</u> 1356	21	<u>\$1400</u> 1388
<u>\$1374</u> 1362	22	<u>\$1407</u> 1395
<u>\$1380</u> 1368	23	<u>\$1414</u> 1402
<u>\$1386</u> 1374	24	<u>\$1421</u> 1409

- a) Group A Counties are counties other than Cook, DuPage, Kane, Lake₂ and Will.
- b) Group B Counties are Cook, DuPage, Kane, Lake₂ and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 44 Ill. Reg. 14710, effective August 25, 2020)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Construction and Filing of Accident and Health Insurance Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 2001
- 3) Section Number: 2001.13 Adopted Action:
New Section
- 4) Statutory Authority: Implementing Sections 143, 355 and 356a and Articles IX and XX of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, Arts. IX and XX] and Section 4-13 of the Health Maintenance Organization Act [215 ILCS 125/4-13] and authorized by Section 401 of the Code [215 ILCS 5/401].
- 5) Effective Date of Rule: August 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 rule, 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. 6218; April 24, 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? There were none.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Department would like to clarify the use of corporate names in consumer facing documents, marketing materials, and webpages. Use of multiple names and branding confuses consumers regarding which entity bears the risk associated with their health plan and leads to inadvertent use of out-of-network providers,

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

failure to obtain appropriate referrals, and delay in medical necessity determinations when providers send information to the incorrect entity. The amendment will assist consumers in providing better transparency regarding which entity bears the risk of their insurance or HMO plan, allowing them to ensure they are using appropriate physicians and facilities in order to maximize their benefits.

Health insurers and HMOs are not allowed by our corporate regulatory division to use DBAs (Doing Business As). The Department would also like to maintain requirements across product lines for name usage and maintain continuity between advertising and form filing requirements regarding company names (for reference see 50 Ill. Adm Code 753.20(a) and 50 Ill. Adm Code 2002.140(a)).

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

Ryan Gillespie, Deputy Director of Health Products
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/558-2746

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCEPART 2001
CONSTRUCTION AND FILING OF ACCIDENT AND
HEALTH INSURANCE POLICY FORMS

SUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIES

Section	
2001.1	Applicability
2001.2	Definitions and Cross-References
2001.3	Discretionary Clauses Prohibited
2001.4	Guaranteed Availability and Renewability of Coverage
2001.5	Prohibition of Preexisting Condition Exclusions
2001.6	No Lifetime or Annual Limits
2001.7	Prohibition on Rescissions
2001.8	Coverage of Preventive Health Services
2001.9	Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status
2001.10	Summary of Benefits and Coverage and Uniform Glossary
2001.11	Essential Health Benefits
2001.12	Cost-Sharing
2001.13	Corporate Name Requirements

SUBPART B: PROVISIONS APPLICABLE TO INDIVIDUAL POLICIES

Section	
2001.20	Construction of Accident and Health Insurance Policy Forms (Renumbered)
2001.30	Filing of Policy Forms (Renumbered)
2001.110	Applicability
2001.120	Construction of Accident and Health Insurance Policy Forms
2001.130	Filing of Policy Forms

SUBPART C: PROVISIONS APPLICABLE TO GROUP POLICIES

Section	
2001.210	Applicability

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

2001.220 Ban on Excessive Waiting Periods

AUTHORITY: Implementing Sections 143, 355 and 356a and Articles IX and XX of the Illinois Insurance Code [215 ILCS 5] and Section 4-13 of the Health Maintenance Organization Act [215 ILCS 125] and authorized by Section 401 of the Code [215 ILCS 5].

SOURCE: Filed and effective April 1, 1952; codified at 7 Ill. Reg. 3471; amended at 20 Ill. Reg. 14405, effective October 25, 1996; amended at 29 Ill. Reg. 10172, effective July 1, 2005; amended at 31 Ill. Reg. 8472, effective May 31, 2007; amended at 38 Ill. Reg. 2037, effective January 2, 2014; amended at 38 Ill. Reg. 23379, effective November 25, 2014; amended at 43 Ill. Reg. 9378, effective August 26, 2019; amended at 44 Ill. Reg. 14721, effective August 28, 2020.

SUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIES

Section 2001.13 Corporate Name Requirements

The name of the actual health insurance issuer shall be stated on all of its forms. Policy forms or other items incorporated by reference shall not use a trade name, any insurance group designation, name of the parent company of the issuer, name of a particular division of the issuer, service mark, slogan, symbol or other device that, without disclosing the name of the actual issuer, would have the capacity and tendency to mislead or deceive as to the true identity of the issuer.

- a) There must be printed at the head of the policy the name of the issuer or issuers issuing the policy and the location of the home office of the issuer or issuers. Devices, emblems or designs, and dates as are appropriate for the issuer issuing the policy may also be added.
- b) The complete issuer name, as registered with the Department, shall appear in the footer on all forms filed with the Department.

(Source: Added at 44 Ill. Reg. 14721, effective August 28, 2020)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Temporary Health Coverage Requirements During an Epidemic or Public Health Emergency
- 2) Code Citation: 50 Ill. Adm. Code 2040
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2040.10	New Section
2040.20	New Section
2040.30	New Section
2040.40	New Section
2040.50	New Section
2040.60	New Section
2040.70	New Section
2040.80	New Section
- 4) Statutory Authority: Implementing Sections 143, 155.36, and 355a of the Illinois Insurance Code [215 ILCS 5], Sections 1-2, 4-13, and 5-7 of the Health Maintenance Organization Act [215 ILCS 125], Section 45.1 of the Managed Care Reform and Patient Rights Act [215 ILCS 134], and Sections 10 and 13 of the Voluntary Health Services Plans Act [215 ILCS 165], and authorized by Sections 355a and 401 of the Code, Sections 1-2 and 5-7 of the Health Maintenance Organization Act, Section 105 of the Managed Care Reform and Patient Rights Act, and Section 10 of the Voluntary Health Services Plans Act.
- 5) Effective Date of Rules: August 28, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Incorporates an FAQ issued by the federal Centers for Medicare and Medicaid Services on March 24, 2020.
- 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. 6693; May 1, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

11) Differences between Proposal and Final Version:

2040.10, 2nd line, changed "either their ability" to "their ability either".

2040.20(b), 2nd line, after "benefits" added a comma and changed "where" to "when"; 4th line, after "organization" added a comma.

2040.30, 1st line, changed "below" to "in this Section"; 2nd line, before the period added "[215 ILCS 97]"; 12th line, after "Baltimore" deleted the comma.

In the definitions of "Employer", "Excepted Benefits", "Health care provider", "Health care services", "Health maintenance organization", "Short-term, limited-duration health insurance coverage" and "Stand-alone dental plan", changed "given" to "ascribed".

The definition of "Non-network provider", changed "Health Maintenance Organization Act [215 ILCS 125]" to "HMO Act".

2040.40, 1st line, changed "below" to "in this Section".

2040.40(a), 1st line, changed "the effective date of this Part under the emergency rulemaking" to "April 20, 2020"; 5th and 6th lines, changed "their health insurance coverage or their enrollment under such coverage" to "the insured's health insurance coverage or enrollment under that coverage"; changed 7th line to "premium until after June 18, 2020."

2040.40(b), 5th line, changed "from" to "after".

2040.40(c)(1), 4th line, before "days" added "calendar".

2040.60(a), 5th line, before the period added "(29 USC 1001 et seq.)".

2040.70(a), 6th line, changed "their" to "his or her".

Numerous stylistic changes were also made as requested by JCAR.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace any emergency rule currently in effect? Yes

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is intended to help protect insured individuals' access during an epidemic or public health emergency to timely, affordable health care services by requiring temporary accommodations or exceptions to the terms of the health benefits arrangement that insures them or their employers. The COVID-19 epidemic is causing significant economic impact, including loss of income, wages, and working hours, for Illinois residents and employers. These losses will temporarily reduce either their ability to pay for coverage or to qualify for their employment-based coverage under the terms of their health benefits arrangement. A widespread loss of coverage combined with a loss in income is likely to undermine public health officials' efforts to contain the illness or health condition causing the public health emergency because affected individuals may delay seeking testing or treatment. Additionally, it is likely to place a financial strain on health care providers if increasing numbers of uninsured individuals use health care services, whether related or not to the illness or health condition causing the public health emergency. The outbreak is also likely to place a strain on the ability of health care providers to deliver services quickly and efficiently to the increased number of patients who need them, particularly if those services are subject to utilization review. Such an epidemic or emergency could also cause shortages or disruptions to prescription drug supplies. This Part is intended to prevent or mitigate the impact of the above problems.

First, the rules will require health insurance issuers to extend premium payment deadlines by 60 days, and will prohibit cancellations based on nonpayment of premium for 60 days after the rules take effect. For binder payments to secure new coverage, payment deadlines will be extended by 30 days.

The rules will also prohibit health insurance issuers from interfering with employers that want to keep their employees on their existing health coverage despite a reduction in hours or temporary lay-off.

The rules will also ensure that, as long as at least one employee remains actively employed, a health insurance issuer shall not prevent an employee whose coverage was terminated from electing COBRA or state continuation coverage.

The rules will also provide an accommodation for employees whose employment-based coverage has been terminated since the disaster proclamations took effect so that, in any

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

special enrollment period for which they otherwise qualify, their new coverage can retroactively take effect immediately after their prior coverage terminated.

The rules will also require health insurance issuers to cover off-formulary drug alternatives if there is a shortage in a formulary drug, and such coverage shall not impose additional prior authorization or step-therapy requirements, nor impose cost-sharing greater than would have applied to the formulary drug. Issuers will also be required to cover at least a 90-day supply refill for maintenance medications other than those susceptible to misuse.

The rules will exempt short-term, limited duration health insurance coverage, as well as excepted benefit policies, except where specified for dental benefits. The rules will not apply to group health insurance coverage unless it is provided by a health maintenance organization, except where specified in Section 2040.80.

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

Ryan Gillespie, Deputy Director of Health Products
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/558-2746

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

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2040

TEMPORARY HEALTH COVERAGE REQUIREMENTS DURING
AN EPIDEMIC OR PUBLIC HEALTH EMERGENCY

Section

2040.10	Purpose
2040.20	Applicability
2040.30	Definitions
2040.40	Grace Periods and Terminations for Nonpayment of Premium
2040.50	Employee Eligibility for Existing Group Coverage
2040.60	Minimum Employment Required for Statutory Continuation Coverages
2040.70	Special Enrollment Effective Date for Off-Exchange Coverage
2040.80	Access to Covered Prescription Drugs

AUTHORITY: Implementing Sections 143, 155.36, and 355a of the Illinois Insurance Code [215 ILCS 5], Sections 1-2, 4-13, and 5-7 of the Health Maintenance Organization Act [215 ILCS 125], Section 45.1 of the Managed Care Reform and Patient Rights Act [215 ILCS 134], and Sections 10 and 13 of the Voluntary Health Services Plans Act [215 ILCS 165], and authorized by Sections 355a and 401 of the Code, Sections 1-2 and 5-7 of the Health Maintenance Organization Act, Section 105 of the Managed Care Reform and Patient Rights Act, and Section 10 of the Voluntary Health Services Plans Act.

SOURCE: Emergency rules adopted at 44 Ill. Reg. 7766, effective April 20, 2020, for a maximum of 150 days; adopted at 44 Ill. Reg. 14725, effective August 28, 2020.

Section 2040.10 Purpose

This Part is intended to help protect insured individuals' access during an epidemic or public health emergency to timely, affordable health care services by requiring temporary accommodations or exceptions to the terms of their health insurance coverage. As demonstrated during the COVID-19 outbreak, an epidemic or public health emergency that rises to the level of a statewide disaster is likely to result in significant economic impact, including loss of income, wages, and working hours, for Illinois residents and employers. These losses will temporarily reduce their ability either to pay for coverage or to qualify for their employment-based coverage under the terms of their health insurance coverage. A widespread loss of coverage combined

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

with a loss in income is likely to undermine public health officials' efforts to contain the illness or health condition causing the public health emergency because affected individuals may delay seeking testing or treatment. Additionally, it is likely to place a financial strain on health care providers if increasing numbers of uninsured individuals use health care services, whether related or not to the illness or health condition causing the public health emergency. Such an epidemic or emergency is also likely to place a strain on the ability of health care providers to deliver services quickly and efficiently to the increased number of patients who need them, particularly if those services are subject to utilization review. Such an epidemic or emergency could also cause shortages or disruptions to prescription drug supplies. This Part is intended to prevent or mitigate the impact of the above problems and to relieve insureds of policy restrictions or requirements that become unfair or unjust under extraordinary circumstances.

Section 2040.20 Applicability

- a) Except as provided in subsection (b), this Part applies regarding all policies, contracts, and certificates of health insurance coverage that are or will be in force, issued, delivered, amended, or renewed in this State and subject to the Director's authority under any insurance law.
- b) This Part does not apply to short-term, limited-duration health insurance coverage or policies of excepted benefits, except when specifically provided for dental benefits. This Part does not apply to any group health insurance coverage that is not provided by a health maintenance organization, except as specified in Section 2040.80.
- c) The provisions of this Part generally apply only while the Governor has a disaster proclamation in effect for all counties of the State pursuant to Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305] that is predicated on an epidemic or public health emergency, and only if, pursuant to that proclamation, the Governor has generally ordered individuals to stay at their home or place of residence or has generally ordered the cessation of non-essential business and operations in this State. However, any provision of this Part that requires an action or period to last for a specific length of time shall apply as written even if that time goes beyond the disaster proclamation period, provided that the trigger for that requirement occurred while the disaster proclamation was in effect. Continuous renewals or extensions of a disaster proclamation shall be treated as creating a single disaster proclamation period.

Section 2040.30 Definitions

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Except as provided in this Section, terms used in this Part have the meanings given in Section 5 of the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97]. The following definitions also apply to this Part:

"CMMS' enforcement discretion" means the non-enforcement policy expressed by the federal Centers for Medicare & Medicaid Services in the FAQ document dated March 24, 2020, addressed to "All Qualified Health Plan and Stand-alone Dental Plan Issuers on the Federally-facilitated Exchanges and State-based Exchanges on the Federal Platform", which had the subject heading "Payment and Grace Period Flexibilities Associated with the COVID-19 National Emergency" (Department of Health & Human Services, Centers for Medicare & Medicaid Services, 7500 Security Blvd., Mail Stop C4-21-26, Baltimore MD 21244-1850) (no later editions or amendments included).

AGENCY NOTE: the FAQ document may be available online at <https://www.cms.gov/files/document/faqs-payment-and-grace-period-covid-19.pdf>.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Cost-sharing" means any expenditure required by or on behalf of an enrollee related to health insurance coverage. Such term includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for non-network providers, and spending for non-covered services.

"COVID-19" means the respiratory disease recognized by the United States Centers for Disease Control and Prevention as "coronavirus disease 2019", or the novel coronavirus named "SARS-CoV-2" that causes this respiratory disease.

"Department" means the Illinois Department of Insurance.

"Employer" has the meaning ascribed in 29 USC 1003(5).

"Excepted benefits" has the meaning ascribed in the following federal regulations:

For individual health insurance coverage, the provisions in 45 CFR 148.220; and

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

For group health insurance coverage, the provisions in 45 CFR 146.145(b).

"Exchange" means the Illinois Health Benefits Exchange established pursuant to 42 USC 18031(b) and 215 ILCS 122/5-5, also known as the Illinois Health Insurance Marketplace.

"Health care provider" or "Provider" has the meaning ascribed in Section 10 of the Managed Care Reform and Patient Rights Act.

"Health care services" has the meaning ascribed in Section 10 of the Managed Care Reform and Patient Rights Act [215 ILCS 134].

"Health maintenance organization" has the meaning ascribed in Section 1-2(9) of the HMO Act.

"HMO Act" means the Health Maintenance Organization Act [215 ILCS 125].

"Insured" means a resident, employee, employer, or other natural or legal person that has a policy, contract, certificate, or other agreement with an issuer for health insurance coverage.

"Issuer" means a "health insurance issuer" as defined in Section 5 of the Illinois Health Insurance Portability and Accountability Act.

"Non-network provider" means any provider that has not entered into an agreement described in Section 370i of the Code or Section 2-8 of the HMO Act.

"Qualified health plan" has the meaning given in 45 CFR 155.20.

"Short-term, limited-duration health insurance coverage" has the meaning ascribed in Section 5 of the Short-Term, Limited Duration Health Insurance Coverage Act [215 ILCS 190].

"Stand-alone dental plan" has the meaning ascribed in 45 CFR 156.400.

Section 2040.40 Grace Periods and Terminations for Nonpayment of Premium

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Except as otherwise provided in this Section, an issuer shall allow an insured, upon request, to defer premium payments without interest for health insurance coverage, including limited-scope dental benefits, for at least 60 calendar days from each original premium due date.

- a) For an insured who, as of April 20, 2020, has already failed to make a sufficient premium payment by the due date but whose effective date of coverage termination has not yet occurred, an issuer shall, to the extent permitted by CMMS' enforcement discretion under federal law, refrain from cancelling or nonrenewing the insured's health insurance coverage or enrollment under that coverage based on nonpayment of premium until after June 18, 2020.
- b) For an insured who receives advance payments of premium tax credits for a qualified health plan or stand-alone dental plan under 42 USC 18082, an issuer shall delay the initiation of the federally mandated 3-month grace period in 45 CFR 156.270, without pending any claims or imposing interest, for at least 30 calendar days after the missed payment date.
- c) Binder Payments
 - 1) An issuer of any qualified health plan or stand-alone dental plan in the individual market shall, to the extent permitted by CMMS' enforcement discretion under federal law, extend all existing deadlines to make a binder payment, interest free, until at least 30 calendar days after the latest permissible deadline applicable to the circumstances under 45 CFR 155.400(e).
 - 2) An issuer shall extend its existing deadlines to make a binder payment for all other health insurance coverage in the individual market, including limited-scope dental benefits, by 30 calendar days without interest.
- d) Any communication from an issuer addressed to an insured regarding the payment extensions in this Section must clearly state the insured's obligation to pay back premiums or potentially be subject to billing from the issuer for paid claims or from health care providers for unpaid claims, and must clearly state the issuer's obligations during the payment extension period in light of this Section.

Section 2040.50 Employee Eligibility for Existing Group Coverage

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

- a) An issuer of group health insurance coverage under the HMO Act shall allow an employer to continue covering an employee even if the employee would otherwise become ineligible under the terms of the coverage or the group health plan due to a reduction in hours worked or temporary lay-off. This requirement to allow an employer to continue coverage does not mean coverage under a COBRA continuation provision or Section 4-9.2 of the HMO Act. An issuer may not prevent an employer from continuing to cover an employee at the employer's discretion as provided in this Section regardless of any "actively at work" or similar eligibility requirements in any group health insurance coverage or group health plan.
- b) An issuer may not discriminate among similarly situated individuals as provided in 50 Ill. Adm. Code 2001.9 when making the allowances required by this Section.

Section 2040.60 Minimum Employment Required for Statutory Continuation Coverages

- a) For an employer that employs 20 or more employees, as long as one person remains actively employed, an issuer shall not directly or indirectly prohibit an eligible employee from electing to continue coverage under a COBRA continuation provision using the normal notice and election procedures provided under the Employee Retirement Income Security Act of 1974 (29 USC 1001 et seq.).
- b) For any employer with group health insurance coverage, as long as at least one person remains actively employed and enrolled in the coverage, an issuer shall not directly or indirectly prohibit an eligible employee from electing to continue coverage under the State continuation coverage required by Section 4-9.2 of the HMO Act.

Section 2040.70 Special Enrollment Effective Date for Off-Exchange Coverage

- a) For health insurance coverage that is not issued through the Exchange, an issuer shall waive the normal special enrollment procedures for an employee or former employee who has lost coverage under their employer or former employer's group health plan or group health insurance coverage to the extent necessary to allow the employee or former employee to obtain or enroll under health insurance coverage effective the day after his or her prior coverage terminated. This requirement applies even if the employee or former employee previously had the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

opportunity to enroll under the new health insurance coverage. Otherwise, existing requirements for limited and special enrollment periods contained in Title 45 of the Code of Federal Regulations and 50 Ill. Adm. Code 2001.4 continue to apply.

- b) An issuer may make the retroactive extension of coverage optional to the applicant rather than automatic.
- c) An issuer shall notify the applicant of the amount of premiums due and the due date based on the effective coverage date, accounting for the availability of an extension on the due dates under Section 2040.40.
- d) This Section applies with respect to employees or former employees whose coverage terminates on or after the Governor declares a disaster in all counties of the State. However, existing requirements for the length of the enrollment period in 50 Ill. Adm. Code 2001.4 continue to apply to each applicant.

Section 2040.80 Access to Covered Prescription Drugs

This Section applies to health insurance coverage that covers prescription drugs.

- a) An issuer shall cover off-formulary prescription drugs if there is not a formulary drug available to treat the insured. The issuer shall do so without any prior authorization or step-therapy requirements that are separate from or redundant to any requirements already satisfied for the unavailable formulary drug. No greater cost-sharing shall be imposed than would apply to the formulary drug. Group health insurance coverage is subject to this subsection even if it is not provided by a health maintenance organization.
- b) To the extent consistent with clinical guidelines, an issuer shall cover an insured to obtain at least a 90-day supply upon refill of a covered maintenance medication, though exceptions may be made for drug classes that are prone to misuse, such as opioids, benzodiazepines, and stimulants. Group health insurance coverage is subject to this subsection only if it is provided by a health maintenance organization.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Design, Operation and Maintenance Criteria
- 2) Code Citation: 35 Ill. Adm. Code 604
- 3) Section Number: 604.1520 Adopted Action:
New Section
- 4) Statutory Authority: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].
- 5) Effective Date of Rule: August 27, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments are available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 9352; June 5, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Board made a limited number of non-substantive corrections and clarifications to its first-notice proposal.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Board's first-notice, second-notice, and final-adoption opinions and orders in this rulemaking may be viewed and downloaded on the Board's website (<https://pcb.illinois.gov/>).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

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

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

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312/814-3620. Please refer to docket number R20-21 in your request.

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 604

DESIGN, OPERATION AND MAINTENANCE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	Purpose
604.100	Purpose
604.105	General Requirements
604.110	Location
604.115	Usage
604.120	Piping Identification
604.125	Automatic Equipment
604.130	Operational Testing Equipment
604.135	Repair Work and Emergency Operation
604.140	Nitrification Action Plan
604.145	Exceptions for Community Water Supplies
604.150	Protection of Community Water Supply Structures
604.155	Electrical Controls and Standby Power
604.160	Safety
604.165	Monthly Operating Report
604.170	Security

SUBPART B: SOURCE DEVELOPMENT

Section	Purpose
604.200	General Requirements
604.205	Surface Water Quantity
604.210	Surface Water Quality
604.215	Surface Water Structures
604.220	Invasive Mussel Control
604.225	Reservoirs
604.230	Groundwater Quantity
604.235	Groundwater Quality
604.240	General Well Construction
604.245	Well Testing and Records

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 604.250 Aquifer Types and Construction Methods
- 604.255 Well Pumps, Discharge Piping and Appurtenances

SUBPART C: SOURCE WATER PROTECTION PLAN

- Section
- 604.300 Purpose
- 604.305 Source Water Protection Plan Requirement and Contents
- 604.310 Vision Statement
- 604.315 Source Water Assessment
- 604.320 Source Water Protection Plan Objectives
- 604.325 Action Plan
- 604.330 Submission
- 604.335 Agency Approval
- 604.340 Evaluation and Revision

SUBPART D: AERATION

- Section
- 604.400 General Requirements for Aeration
- 604.405 Forced or Induced Draft Aeration
- 604.410 Spray Aeration
- 604.415 Pressure Aeration
- 604.420 Packed Tower Aeration
- 604.425 Other Methods of Aeration

SUBPART E: CLARIFICATION

- Section
- 604.500 General Clarification Requirements
- 604.505 Coagulation
- 604.510 Flocculation
- 604.515 Sedimentation
- 604.520 Solids Contact Unit
- 604.525 Tube or Plate Settlers
- 604.530 Other High Rate Clarification Processes

SUBPART F: FILTRATION

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- Section
- 604.600 Filtration
- 604.605 Rapid Rate Gravity Filters
- 604.610 Rapid Rate Pressure Filters
- 604.615 Deep Bed Rapid Rate Gravity Filters
- 604.620 Biologically Active Filtration

SUBPART G: DISINFECTION

- Section
- 604.700 Disinfection Requirement
- 604.705 Chlorination Equipment
- 604.710 Points of Application
- 604.715 Contact Time
- 604.720 Inactivation of Pathogens
- 604.725 Residual Chlorine
- 604.730 Continuous Chlorine Analyzers
- 604.735 Chlorinator Piping

SUBPART H: SOFTENING

- Section
- 604.800 Lime or Lime-soda Process
- 604.805 Cation Exchange Process

SUBPART I: STABILIZATION

- Section
- 604.900 General Stabilization Requirements
- 604.905 Carbon Dioxide Addition
- 604.910 Phosphates
- 604.915 Split Treatment

SUBPART J: OTHER TREATMENT

- Section
- 604.1000 Presedimentation
- 604.1005 Anion Exchange
- 604.1010 Iron and Manganese Control

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 604.1015 Taste and Odor Control
- 604.1020 Powdered Activated Carbon

SUBPART K: CHEMICAL APPLICATION

Section

- 604.1100 General Chemical Application Requirements
- 604.1105 Feed Equipment and Chemical Storage
- 604.1110 Protective Equipment
- 604.1115 Chlorine Gas
- 604.1120 Acids and Caustics
- 604.1125 Chlorine Dioxide
- 604.1130 Sodium Chlorite
- 604.1135 Sodium Hypochlorite
- 604.1140 Ammonia
- 604.1145 Potassium Permanganate
- 604.1150 Fluoride

SUBPART L: PUMPING FACILITIES

Section

- 604.1200 General
- 604.1205 Pumping Stations
- 604.1210 Pumps
- 604.1215 Booster Pumps
- 604.1220 Automatic and Remote-Controlled Stations
- 604.1225 Appurtenances

SUBPART M: STORAGE

Section

- 604.1300 General Storage Requirements
- 604.1305 Overflow
- 604.1310 Access to Water Storage Structures
- 604.1315 Vents
- 604.1320 Level Controls
- 604.1325 Roof and Sidewalls
- 604.1330 Painting and Cathodic Protection
- 604.1335 Treatment Plant Storage

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 604.1340 Elevated Storage
- 604.1345 Hydropneumatic Storage
- 604.1350 Combination Pressure Tanks and Ground Storage

SUBPART N: DISTRIBUTION

Section

- 604.1400 General Distribution System Requirements
- 604.1405 Installation of Water Mains
- 604.1410 Materials
- 604.1415 System Design
- 604.1420 Valves
- 604.1425 Hydrants
- 604.1430 Air Relief Valves
- 604.1435 Valve, Meter and Blow Off Chambers
- 604.1440 Sanitary Separation for Finished Water Mains
- 604.1445 Sanitary Separation for Raw Water Mains
- 604.1450 Surface Water Crossings
- 604.1455 Water Service Line
- 604.1460 Water Loading Stations

SUBPART O: CROSS CONNECTIONS

Section

- 604.1500 Cross Connections
- 604.1505 Cross Connection Control Program
- 604.1510 Cross Connection Control Device Inspectors
- 604.1515 Agency Approved Cross Connection Control Measures
- 604.1520 COVID-19 Emergency Provisions

604.TABLE A Steel Pipe

AUTHORITY: Implementing Section 14-19 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5].

SOURCE: Adopted in R18-17 at 43 Ill. Reg. 8064, effective July 26, 2019; emergency amendment in R20-20 at 44 Ill. Reg. 7777, effective April 17, 2020, for a maximum of 150 days; amended in R20-21 at 44 Ill. Reg. 14736, effective August 27, 2020.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART O: CROSS CONNECTIONS

Section 604.1520 COVID-19 Emergency Provisions

Due to the public health emergency related to the COVID-19 outbreak, the CCCDI approval renewal application deadlines for 2020 pursuant to Section 604.1510(b)(2) are extended. For renewal year 2020, CCCDIs must renew their CCCDI Approval between August 31 and October 30. An application for CCCDI renewal will be sent by the Agency or its designee and must be completed and returned by October 30, 2020.

(Source: Added at 44 Ill. Reg. 14736, effective August 27, 2020)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Number: 150.804 Adopted Action:
New Section
- 4) Statutory Authority: 35 ILCS 105/2; 35 ILCS 105/12; 20 ILCS 2505/2505-90
- 5) Effective Date of Rule: August 26, 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 7855; May 8, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Only grammatical and technical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No. The emergency rule that this rule replaces is currently expired.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This regulation implements the provisions of PA 101-9, which added provisions governing collection of the 6.25% Use Tax by a marketplace facilitator for sales made through its marketplace on behalf of marketplace sellers. Beginning January 1, 2020 and through December 31, 2020, a marketplace facilitator that meets specific selling thresholds (i.e., the Wayfair thresholds of either 200 transactions or \$100,000 of gross receipts) is considered to be the retailer for all sales

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

made through its marketplace on behalf of marketplace sellers, provided that the resulting liability for the marketplace seller would be a Use Tax collection liability. For all such sales, the marketplace facilitator must collect Use Tax and remit it to the Department. The regulations provide key definitions; clarify the scope and nature of the new tax remittance obligation; provide examples of the types of activities that make a person a marketplace facilitator; clarify the responsibilities of marketplace facilitators, as well as of marketplace sellers selling through a marketplace; and reference the new act's act harmless provisions. Marketplace facilitators sometimes make sales on behalf of marketplace sellers that are subject to Retailers' Occupation Tax (ROT), rather than Use Tax (typically, when a marketplace seller fulfills an order from Illinois inventory). The new law does not consider the marketplace facilitator to be the retailer for such sales, nor does it authorize it to remit ROT for these sales. The marketplace seller, instead, is considered the retailer for these sales and must register and remit ROT to the Department. The rules offer one method that could be used to handle these transactions between a marketplace seller and marketplace facilitator.

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

Jerilynn Gorden
Dep. Gen. Counsel, Sales & Excise Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	
150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
150.115	How To Determine Effective Date
150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
150.130	Accounting for the Tax
150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section	
150.201	General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	
150.301	Cross References
150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306	Interim Use and Demonstration Exemptions
150.310	Exemptions to Avoid Multi-State Taxation
150.311	Commercial Distribution Fee Sales Tax Exemption (Repealed)
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- Game Hunting Areas
- 150.336 Fuel Brought into Illinois in Locomotives
- 150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
- 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption (Repealed)

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

- Section
- 150.401 Collection of the Tax by Retailers From Users
- 150.405 Tax Collection Brackets
- 150.410 Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
- 150.415 Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
- 150.420 Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
- 150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
- 150.430 Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
- 150.435 Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
- 150.440 Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
- 150.445 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
- 150.450 Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
- 150.455 Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
- 150.460 Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
- 150.465 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
- 150.470 Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
- 150.475 Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
- 150.480 Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
- 150.485 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
- 150.490 Tax Collection Brackets for a 6¼% Rate of Tax (Repealed)
- 150.495 Tax Collection Brackets for a 6½% Rate of Tax (Repealed)
- 150.500 Tax Collection Brackets for a 6¾% Rate of Tax (Repealed)
- 150.505 Optional 1% Schedule (Repealed)
- 150.510 Exact Collection of Tax Required When Practicable
- 150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
- 150.520 Display of Tax Collection Schedule (Repealed)
- 150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.802 Trade Show Appearances
150.803 Wayfair Nexus – Nexus Without Physical Presence
[150.804 Marketplace Facilitators](#)
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS
AND ADMINISTRATIVE PROCEDURES

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS
RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax
 Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit – Limitations – Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505].

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008; amended at 38 Ill. Reg. 20022, effective October 1, 2014; amended at 39 Ill. Reg. 11085, effective July 21, 2015; amended at 40 Ill. Reg. 13471, effective September 12, 2016; amended at 42 Ill. Reg. 15446, effective July 27, 2018; emergency amendment at 42 Ill. Reg. 17247, effective September 11, 2018, for a maximum of 150 days; emergency expired February 7, 2019; amended at 42 Ill. Reg. 23143, effective November 29, 2018; amended at 43 Ill. Reg. 13333, effective November 1, 2019; emergency amendment at 44 Ill. Reg. 383, effective December 23, 2019, for a maximum of 150 days; emergency expired May 20, 2020; emergency amendment at 44 Ill. Reg. 577, effective December 27, 2019, for a maximum of 150 days; emergency expired May 24, 2020; amended at 44 Ill. Reg. 14002, effective August 11, 2020; amended at 44 Ill. Reg. 14744, effective August 26, 2020.

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

[Section 150.804 Marketplace Facilitators](#)[a\) Definitions](#)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

"Affiliate" or "Affiliated with" means a person that, with respect to another person:

has a direct or indirect ownership interest of more than 5% in the other person; or

is related to the other person because a third person, or a group of third persons who are affiliated with each other, holds a direct or indirect ownership interest of more than 5% in the related person.

"Marketplace" means a physical or electronic place, forum, platform, application, or other method by which a marketplace seller sells or offers to sell tangible personal property. Examples of marketplaces include, but are not limited to:

auctions, internet marketplace platforms on which tangible personal property is offered for sale;

antique malls;

home shopping networks selling tangible personal property over television, cable or satellite networks; or

consignment shops selling tangible personal property on behalf of numerous persons.

"Marketplace facilitator" means a person who, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates facilitates a sale by an unrelated third party marketplace seller by performing both of the activities outlined in subsection (c)(1).

"Marketplace seller" means a person that sells or offers to sell tangible personal property through a marketplace operated by an unrelated third-party marketplace facilitator. (Section 2d of the Act)

"Retail sales". For purposes of this Section, all sales made through a marketplace by a marketplace facilitator on behalf of unrelated third party marketplace sellers are considered sales made by a retailer at retail.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

"Unrelated third party", for purposes of this Section, means a person that, with respect to another person, has a direct or indirect ownership interest of 5% or less in the other person. A person is also considered to be an unrelated third party when a third person, or group of third persons who are affiliated with each other, hold a direct or indirect ownership interest of 5% or less in the other person.

b) General Provisions; Tax Collection

1) Scope of Regulations – Preliminary Considerations

- A) This Section 150.804 applies to marketplace facilitators and marketplace sellers from January 1, 2020 until January 1, 2021. Beginning January 1, 2021, provisions of Public Act 101-604 and Public Act 101-31 take effect and modify the tax obligations of marketplace facilitators and marketplace sellers.
- B) The provisions of this Section apply when the only tax required to be remitted to the Department by marketplace facilitators for sales made on behalf of marketplace sellers through the marketplace is Use Tax. A marketplace facilitator is considered the retailer for those sales and must register, collect Use Tax from purchasers, and remit that Use Tax to the Department.
- C) Marketplace facilitators are not considered the retailer for sales made on behalf of marketplace sellers through the marketplace that are subject to Retailers' Occupation Tax. Marketplace sellers are considered the retailer for those sales. The manner in which these transactions may be handled is set out in subsection (i).
- D) Marketplace facilitators and marketplace sellers are not required to remit tax on sales of tangible personal property that is required to be registered with an agency of this State, including motor vehicles, watercraft, aircraft, and trailers, that are made from locations outside Illinois to Illinois purchasers. Taxes on these items will continue to be paid, as required by Section 10 of the Use Tax Act [35 ILCS 105], by purchasers as a condition of titling or registering these items.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

EXAMPLE 1: Ponchos for Pooches makes sales of rain gear for dogs through an internet marketplace that meets the requirements of subsection (d). The rain gear is handmade in Portland, Oregon and then shipped directly to Illinois purchasers. Beginning on January 1, 2020, the marketplace facilitator, rather than Ponchos for Pooches, is considered the retailer of the rain gear and must collect and remit Use Tax to the Department.

EXAMPLE 2: Sales made to Illinois purchasers by Ponchos for Pooches have skyrocketed. As a result, the company now has several employees located in Illinois, and the rain gear those employees produce is inventoried in a warehouse located in Kankakee. Sales to Illinois purchasers are frequently shipped from the Kankakee warehouse. Any sales fulfilled from inventory in the Kankakee warehouse are subject to Retailers' Occupation Tax, including local occupation taxes, because the property sold is located in the inventory of Ponchos for Pooches in Kankakee at the time of sale. (See, for example, 86 Ill. Adm. Code 270.115.) The marketplace facilitator is no longer considered the retailer for these sales. Ponchos for Pooches is liable for Retailers' Occupation Tax on these sales and must register with the Department to remit Retailers' Occupation Tax on those sales. In this example, the marketplace facilitator has decided to collect all taxes due from purchasers on these sales (including any local occupation tax reimbursements) and transmits them to Ponchos for Pooches. Ponchos for Pooches then remits Retailers' Occupation Tax on these sales to the Department. In this situation, the marketplace facilitator is held harmless for tax on amounts collected and remitted to Ponchos for Pooches.

2) Tax Collection: On and after January 1, 2020, except as provided in subsection (i)(4), every marketplace facilitator that meets either of the thresholds in subsection (d) is considered the retailer for each retail sale of tangible personal property made on behalf of marketplace sellers through its marketplace. The marketplace facilitator must register with the Department and collect and remit any Use Tax due for marketplace sales made on behalf of marketplace sellers to Illinois purchasers. The obligations of marketplace facilitators are more fully explained in subsection (h).

c) Determination of Status as a Marketplace Facilitator

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) A person is considered a marketplace facilitator if he or she, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates facilitates a sale by an unrelated third party marketplace seller by doing both of the following:
 - A) listing or advertising for sale by the marketplace seller, in a marketplace, tangible personal property that is subject to tax under the Act; and
 - B) either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services. (Section 2d of the Act)

- 2) A marketplace facilitator must indicate to purchasers on its marketplace that the tangible personal property is being sold on behalf of an identified marketplace seller. If the marketplace seller is not identified to the purchaser on the marketplace, then, for tax collection and remittance purposes, the marketplace facilitator is considered the seller of the tangible personal property. If none of the tangible personal property sold over a marketplace is identified to purchasers on the marketplace as tangible personal property sold on behalf of an identified marketplace seller, the requirements of subsection (c)(1)(A) are not met. (See EXAMPLE 5.)

EXAMPLE 1: Carabibi, a social media network, provides a forum in which persons using the network can buy and sell used tangible personal property. Carabibi functions solely as an advertising platform bringing buyers and sellers together. Once the buyer and seller have contacted each other over the network, they must negotiate the sale and make payment arrangements themselves. While the forum provided by Carabibi constitutes a marketplace as defined in subsection (a), Carabibi is not considered a marketplace facilitator because it does not engage in the activities described in subsection (c)(1)(B).

EXAMPLE 2: Paymate is a payment processing business appointed by merchants to handle payment transactions from various channels, such as credit cards and debit cards. Its sole activity with respect to marketplace

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

sales is to handle financial transactions between two parties on the marketplace. Paymate is not a marketplace facilitator because it does not engage in the activities described in subsection (c)(1)(A).

EXAMPLE 3: CouponCrowd operates an online platform that sells coupons that can be redeemed by purchasers at various retail stores that have contracted with CouponCrowd to promote their businesses. CouponCrowd lists the coupons for sale, sells the coupons to purchasers, and processes payment for the purchase of the coupons. CouponCrowd is not a marketplace facilitator. The sale of a coupon is the sale of an intangible, not the sale of tangible personal property. Marketplace facilitators must engage in facilitating sales of tangible personal property.

EXAMPLE 4: Mandameal is an online and mobile food-ordering and delivery service. It works with a variety of partner restaurants by listing meals available for purchase and delivery. Customers place food orders using Mandameal, which then processes payments for the purchased meals and delivers the orders. Although Mandameal is considered a marketplace facilitator because it engages in each of the activities in subsection (c)(1), the provisions of this Section do not apply to it because the tax liability incurred for sales made using Mandameal is Retailers' Occupation Tax liability, not Use Tax liability. In this example, the business model and contract used by Mandameal demonstrate that liability for sales made over the platform is properly placed on the partner restaurants. Consequently, the partner restaurants must be registered as retailers and remit Retailers' Occupation Tax to the Department for all sales made using Mandameal. Even if the business model and contract used by Mandameal demonstrates that the liability for the sales made over the platform is instead properly placed on Mandameal, the provisions of this Section would still not apply, since the liability that Mandameal would incur in this case is Retailers' Occupation Tax liability, not Use Tax liability.

EXAMPLE 5: Visualeyeyes operates a specialized online marketplace that sells various brands of contact lenses to purchasers. Visualeyeyes makes purchases for resale from various suppliers of the contact lenses offered for sale on its marketplace. Its marketplace does not indicate to purchasers using the marketplace that the sales are made on behalf of any identified marketplace sellers. In this example, Visualeyeyes is not a marketplace facilitator. It is simply an online retailer making its own sales

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

of contact lenses. Whether it is required to collect and remit taxes depends upon whether it has sufficient nexus with Illinois. (See, for example, Section 150.803.)

- d) Marketplace Facilitators – Determination of Obligation to Collect and Remit Tax. Beginning January 1, 2020, except as provided in subsection (i)(4), a marketplace facilitator, as defined in subsection (c)(1), is considered the retailer for each retail sale of tangible personal property made through its marketplace on behalf of marketplace sellers if either of the following thresholds is met:
- 1) The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois made through the marketplace by the marketplace facilitator and by marketplace sellers are \$100,000 or more; or
 - 2) The marketplace facilitator and marketplace sellers selling through the marketplace cumulatively enter into 200 or more separate transactions through the marketplace for the sale of tangible personal property to purchasers in Illinois. (Section 2d of the Act)
- e) A marketplace facilitator shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether it meets the threshold of subsection (d)(1) or (2) for the preceding 12-month period. If the marketplace facilitator meets the threshold of either subsection (d)(1) or (2) for a 12-month period, it is considered a retailer maintaining a place of business in Illinois and is required to collect and remit the Use Tax and file returns for one year for all sales made over its platform.
- 1) At the end of that one-year period, the marketplace facilitator shall determine whether it met the threshold of either subsection (d)(1) or (2) during the preceding 12-month period. If the marketplace facilitator met the threshold of either subsection (d)(1) or (2) for the preceding 12-month period, it is considered a retailer maintaining a place of business in Illinois and is required to collect and remit Use Tax and file returns for the subsequent year for all sales made over its platform.
 - 2) If, at the end of a one-year period, a marketplace facilitator that was required to collect and remit the Use Tax determines that it did not meet the threshold of either subsection (d)(1) or (2) during the preceding 12-month period, the marketplace facilitator shall subsequently determine, on

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

a quarterly basis ending on the last day of March, June, September, and December, whether it meets the threshold of either subsection (d)(1) or (2) for the preceding 12-month period. (Section 2d of the Act)

f) "Gross Receipts" and "Separate Transactions" Defined. The following definitions must be applied by a marketplace facilitator when determining if it meets either of the thresholds in subsection (d):

- 1) "Gross receipts" means all the consideration actually received for a sale by a marketplace seller. (See 86 Ill. Adm. Code 130.401 for additional information regarding gross receipts.) Subsection (g) describes what kinds of transactions must be included or excluded when determining whether the threshold based on gross receipts in subsection (d)(1) is met.
- 2) "Illinois purchaser" means a person in Illinois who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration. (See Section 2 of the Act, definition of "Purchaser".)
- 3) "Entering into a sale" occurs when a marketplace seller has taken action that binds it to a sale. This may occur, even though the tangible personal property that has been sold has not yet shipped to the purchaser.

EXAMPLE: On December 15, 2019, a marketplace seller takes actions binding it to a sale that is scheduled for shipment on January 15, 2020. This sale must be included in the calculation used to determine the marketplace facilitator's sales transactions for its initial lookback period under subsection (e).

- 4) "Separate transactions" means sales transactions that are documented on separate invoices, regardless of the manner in which the tangible personal property is delivered to the purchaser.

EXAMPLE 1: A purchaser orders 12 items of clothing from a marketplace seller. He receives an invoice confirming his order of 12 items. However, due to a back order, 3 of the clothing items are shipped separately from the other 9 items. Shipment of the 3 back-ordered items, even with a separate shipping invoice, is not considered a separate transaction because the original transaction was invoiced as one sale.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

EXAMPLE 2: A purchaser places an order of home repair tools at 8:00 a.m. from a marketplace seller. She receives an invoice confirming her order at 8:15 a.m. At 2:00 p.m., the purchaser realizes she needs 5 other tools to complete the job, and orders these tools from the same marketplace seller. The marketplace seller confirms this order with a separate invoice. In this example, two different transactions have occurred. This is the case, even if the marketplace seller sends all the ordered tools to the purchaser in one package.

EXAMPLE 3: A mother places an order with Marketplace Seller B for care packages to be delivered to her son's dormitory at 8 scheduled intervals during the school year. Each delivery is separately invoiced. These are counted as 8 separate transactions.

g) Transactions that are included or excluded in determining if either of the thresholds in subsection (d) are met. A marketplace facilitator must apply the following provisions in determining whether a transaction should be included or excluded for purposes of determining if it meets either of the thresholds in subsection (d):

1) Sales for resale must be excluded. (See 86 Ill. Adm. Code 130.201.)

EXAMPLE: Marketplace Seller A makes a sale of seedlings to Company B over a marketplace. Company B provides a resale certificate indicating that 60% of the seedlings will be sold to customers at retail (a purchase for resale) and that it will use 40% of the seedlings in its landscaping business (a purchase for use). If the marketplace facilitator calculates its threshold using gross receipts, it should include only 40% of the gross receipts from this sale. If it calculates its threshold using transactions, however, the entire transaction with Company B must be included.

2) Sales of tangible personal property that is required to be registered with an agency of this State, including motor vehicles, watercraft, aircraft, and trailers, that are made from locations outside Illinois to Illinois purchasers must be excluded. Taxes on these items will continue to be paid, as required by Section 10 of the Act, by purchasers as a condition of titling or registering these items.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 3) Sales made through the marketplace on behalf of a marketplace seller or by a marketplace facilitator that are subject to Retailers' Occupation Tax must be excluded. For example, sales made through a marketplace on behalf of a marketplace seller that are filled from inventory located in an Illinois warehouse are excluded for purposes of calculating the thresholds in subsection (d).
 - 4) All sales of tangible personal property, other than those excluded by this subsection (g), even if they are exempt from tax, must be included for purposes of calculating the thresholds in subsection (d).
- h) Obligations of Marketplace Facilitators
- 1) A marketplace facilitator shall enter into an agreement with each of its marketplace sellers to facilitate sales of tangible personal property by that marketplace seller. The agreement shall contain a certification by the marketplace facilitator that, except as provided in subsection (i), the marketplace facilitator assumes the rights and duties of a retailer under the Act with respect to collection and remittance of Use Tax on all sales made by the marketplace seller through the marketplace. (Section 2d(d) of the Act) The marketplace facilitator shall maintain the agreement in its books and records for review and inspection upon demand by the Department.
 - 2) A marketplace facilitator must maintain books and records containing the name, address and FEIN of all marketplace sellers making sales through its marketplace and provide those records to the Department upon demand.
 - 3) A marketplace facilitator shall collect Use Tax as required by Section 3-45 of the Act for all sales made through its marketplace, based on information provided by marketplace sellers. However, marketplace facilitators are not required to collect tax on sales of tangible personal property that is required to be registered with an agency of this State, including motor vehicles, watercraft, aircraft and trailers, that are made from locations outside Illinois to Illinois purchasers. Taxes on these items will continue to be paid, as required by Section 10 of the Act, by purchasers as a condition of titling or registering these items. When Retailers' Occupation Tax is incurred on a sale made through the marketplace on behalf of a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

marketplace seller, a marketplace facilitator may, as provided in subsection (i), collect Use Tax from the purchaser, along with any local tax reimbursements, and transmit it to the marketplace seller for remittance to the Department as Retailers' Occupation Tax.

- 4) A marketplace facilitator shall register with the Department and file returns in accordance with procedures required by the Act.
- 5) A marketplace facilitator shall maintain books and records for all sales made through a marketplace on behalf of marketplace sellers consistent with the requirements in Section 11 of the Use Tax Act.
- 6) A marketplace facilitator may file a separate return for its own sales made over the marketplace, apart from the return for sales made through the marketplace on behalf of marketplace sellers.
- 7) An affiliate of a marketplace facilitator shall file its own return for sales it makes over the marketplace provided it is a retailer maintaining a place of business in this State pursuant to Section 2 of the Act.
- 8) *If, for any reason, the Department is prohibited from enforcing the marketplace facilitator's duty under the Act to collect and remit taxes pursuant to this Section, the duty to collect and remit such taxes reverts to the marketplace seller that is a retailer maintaining a place of business in this State pursuant to Section 2 of the Act. (Section 2d(1) of the Act)*

i) Obligations of Marketplace Sellers

- 1) *A marketplace seller shall furnish to the marketplace facilitator information that is necessary for the marketplace facilitator to correctly collect and remit Use Tax on each retail sale. The information may include a certification that an item being sold is taxable, not taxable, exempt from taxation, or taxable at a specified rate. (Section 2d(f) of the Act)*
- 2) Books and Records. Each marketplace seller shall maintain books and records for all sales made through a marketplace in accordance with the requirements of the Act. Each marketplace seller shall furnish those books

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

and records to the marketplace facilitator upon the reasonable request of the marketplace facilitator.

- 3) A marketplace seller that makes sales to Illinois purchasers in addition to those made through a marketplace must determine if it is required to separately register and collect and remit Use Tax on those sales. If the marketplace seller is a "retailer maintaining a place of business in this State" under Section 2 of the Act, it is required to separately register and remit Use Tax on those sales to Illinois purchasers. In determining if it has Wayfair nexus (see 86 Ill. Adm. Code 150.803), neither the gross receipts from nor the number of separate transactions for sales of tangible personal property to purchasers in Illinois that a marketplace seller makes through a marketplace facilitator and for which it has received a certification from the marketplace facilitator as provided in Section 2d of the Act shall be included for purposes of determining whether it meets the Wayfair thresholds. (Section 2d of te Act)
 - 4) A marketplace seller must separately register and remit tax on all sales of tangible personal property, including those made over a marketplace, that result in Retailers' Occupation Tax. For sales made over the marketplace that result in Retailers' Occupation Tax, the marketplace seller is considered the retailer and must remit tax on those sales as provided in the Retailers' Occupation Tax Act, as well as applicable local occupation taxes. The marketplace facilitator is not considered the retailer with respect to those sales.
 - 5) If a marketplace seller is required to remit Retailers' Occupation Tax for sales to Illinois purchasers made through a marketplace, the marketplace facilitator is authorized to collect all taxes due from the purchaser on those sales, including local tax reimbursements, and transmit them to the marketplace seller for remittance to the Department as Retailers' Occupation Tax. If a marketplace facilitator collects and transmits tax in this manner, it is not liable for tax on amounts so collected and remitted.
- j) Hold Harmless Provisions
- 1) A marketplace seller shall be held harmless for liability for the collection and remittance of Use Tax when a marketplace facilitator fails to correctly

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

collect and remit tax after having been provided with information by a marketplace seller to correctly collect and remit tax.

2) If a marketplace facilitator demonstrates to the satisfaction of the Department that its failure to correctly collect and remit Use Tax on a sale resulted from its good faith reliance on incorrect or insufficient information provided by a marketplace seller, it shall be relieved of liability for the tax on that sale. In this case, a marketplace seller is liable for any resulting Use Tax due.

k) Nothing in this Section affects the tax liability of a purchaser. If the tax is not collected and remitted as required, the purchaser shall remit the Use Tax to the Department.

(Source: Added at 44 Ill. Reg. 14744, effective August 26, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 51
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
51.10	Amendment
51.235	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: August 27, 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. 4546; March 20, 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: Section 24-16.5 of the School Code provides for the dismissal of teachers by a school board under an optional alternative evaluative dismissal (OAED) process. The OAED process may be used when a tenured teacher has failed to complete a remediation plan with a performance evaluation rating of "proficient" or higher and the teacher received the "unsatisfactory" rating that necessitated the remediation plan through a performance evaluation that incorporated data and indicators

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of student growth, as authorized under Article 24A of the School Code. Section 24-16.5(f) further provides that a school board, within 45 days after receipt of a hearing officer's findings of fact and recommendation, shall decide, through adoption of a written order, whether the teacher must be dismissed from its employ or retained and requires that only board members who have completed training mandated by the Performance Evaluation Reform Act (PERA) may participate in the vote with respect to the decision. Part 51 provides for the application and approval requirements for providers of PERA training. Currently, the rules require an entity to submit an application with the State Board of Education any time between March 1 and May 1 of each even-numbered year, which application shall be valid for two calendar years. The proposed rules allow for a continuous application submission to ensure sufficient approval of providers in the field.

- 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 b: PERSONNEL

PART 51
DISMISSAL OF TENURED TEACHERS UNDER ARTICLE 24 AND
DISMISSAL OF TENURED TEACHERS AND PRINCIPALS
UNDER ARTICLE 34 OF THE SCHOOL CODE

SUBPART A: GENERAL PROVISIONS

Section
51.10

Definitions

SUBPART B: STANDARD DISMISSAL PROCEDURES
UNDER ARTICLES 24 AND 34 OF THE SCHOOL CODE

- 51.20 Applicability of this Subpart B
- 51.30 Notice of Charges to Tenured Teachers
- 51.35 Suspension without Pay
- 51.40 Qualifications and Selection of Hearing Officers; Conditions of Service
- 51.50 Suspension Pending the Hearing (Repealed)
- 51.55 Pre-Hearing Procedures
- 51.60 The Hearing
- 51.70 The Decision: School Districts Not Organized under Article 34 of the School Code
- 51.75 The Decision: School Districts Organized under Article 34 of the School Code
- 51.80 Waiver, Interpretation and Application of this Part (Repealed)

SUBPART C: OPTIONAL ALTERNATIVE EVALUATIVE DISMISSAL
UNDER SECTION 24-16.5 OF THE SCHOOL CODE

Section
51.200
51.210
51.220
51.230
51.235

- Purpose and Applicability of this Subpart C
- Establishment of the List of Second Evaluators; Qualifications
- Selection of Second Evaluators
- Use of a Second Evaluator in Specific Remediations
- Approval of Providers of PERA Training

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

51.240	Hearing Procedures
51.250	Notice of Dismissal to the Affected Tenured Teacher
51.260	Qualifications and Selection of Hearing Officers
51.270	Scope of the Hearing
51.280	Findings of Fact and Recommendation of the Hearing Officer
51.290	Decision of Board

AUTHORITY: Implementing and authorized by Sections 24-12 and 34-85 of the School Code [105 ILCS 5/24-12 and 34-85].

SOURCE: Rules Prescribed by the State Board of Education Governing the Procedure for the Dismissal of Tenured Teachers in Illinois, adopted February 19, 1976; codified at 8 Ill. Reg. 13739; emergency amendment at 9 Ill. Reg. 13116, effective August 9, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5807, effective April 2, 1986; emergency amendment at 10 Ill. Reg. 19572, effective October 30, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5950, effective March 23, 1987; amended at 29 Ill. Reg. 10108, effective June 30, 2005; amended at 32 Ill. Reg. 4824, effective March 21, 2008; amended at 36 Ill. Reg. 12829, effective July 25, 2012; amended at 38 Ill. Reg. 21906, effective November 3, 2014; amended at 44 Ill. Reg. 14763, effective August 27, 2020.

SUBPART A: GENERAL PROVISIONS

Section 51.10 Definitions

As used in this Part:

"Board" means the local school board and not the State Board of Education.

"Day" means calendar day unless otherwise specified in this Part, and 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].

"General Superintendent" means the chief executive officer of City of Chicago School District 299. (See 105 ILCS 5/34-6.)

"Parties" means the tenured teacher against whom charges are brought and the school board bringing the charges.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

"PERA" means the Performance Evaluation Reform Act of 2010 (P.A. 96-861, effective January 15, 2010).

"School Code" or "Code" means 105 ILCS 5.

"State Board" means the Illinois State Board of Education.

"Tenured Teacher" means any teacher who has entered upon contractual continued service pursuant to Section 24-11 of the School Code [105 ILCS 5/24-11] and, in school districts organized under Article 34 of the School Code [105 ILCS 5/Art. 34], a teacher or principal (see Sections 34-84 and 34-85 of the School Code [105 ILCS 5/34-84 and 34-85]).

(Source: Amended at 44 Ill. Reg. 14763, effective August 27, 2020)

SUBPART C: OPTIONAL ALTERNATIVE EVALUATIVE DISMISSAL
UNDER SECTION 24-16.5 OF THE SCHOOL CODE

Section 51.235 Approval of Providers of PERA Training

In accordance with Section 24-16.5(f) of the ~~School~~ Code, only members of the Board who have successfully completed a training program regarding performance evaluations administered or approved by the State Board shall consider the findings of fact and recommendation and make a determination as to whether the affected tenured teacher should be retained or dismissed using procedures set forth in this Subpart C.

- a) Training organizations, institutions, regional offices of education, firms, professional associations, universities and colleges, or individuals may apply to the State Board of Education for approval to conduct PERA training.
- b) Each entity wishing to receive approval to offer PERA training shall submit an application on a form supplied by the State Board of Education. ~~An entity shall submit the application to the State Board of Education any time between March 1 and May 1 of each even-numbered year. Any application received after May 1 shall not be considered for that approval cycle.~~ The application shall include, but is not limited to:
 - 1) evidence that the entity is knowledgeable about PERA and the optional alternative evaluation process;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) a description of the training to be provided, to address how the training activities will present participants with:
 - A) a basic foundation of PERA;
 - B) information specific to the components of a performance evaluation plan required under Article 24A of the ~~School~~ Code ~~[105 ILCS 5/Art. 24A]~~; and
 - C) information about the processes and procedures (i.e., professional development plans, remediation plans, dismissal procedures) to take place in the event of a "needs improvement" or "unsatisfactory" performance evaluation rating, as defined in 23 Ill. Adm. Code 50.30 (Evaluation of Educator Licensed Employees under Articles 24A and 34 of the ~~School~~ Code);
 - 3) the qualifications and experience of the entity and of each presenter to be assigned to provide the PERA training, which shall include evidence of a presenter's specific skills and knowledge in this area; and
 - 4) assurances that the requirements of subsection (c) ~~of this Section~~ will be met.
- c) Each entity approved to provide training under this Section shall:
- 1) verify attendance at its training activities, provide to participants a written confirmation of their completion of the training, and require participants to complete an evaluation of the training; and
 - 2) maintain attendance and evaluation records for a period of not less than five years for each event or activity it conducts or sponsors.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) The State Superintendent of Education shall respond to each application for approval no later than 30 days after receiving it.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- f) An entity shall be approved to offer PERA training if the entity's application presents evidence that the training that it conducts will be developed and presented by persons knowledgeable about PERA.
- g) The State Board of Education will post on its website at www.isbe.net the list of all approved providers.
- h) Approval as a provider shall be valid for two ~~full fiscal calendar~~ years and expires on July 1 immediately following the second full fiscal year after the approval was issued (i.e., January 1 through December 31). To request renewal of approval, a provider shall submit a renewal application on a form supplied by the State Board of Education ~~, within the timeframe specified in subsection (b) of this Section, and~~ containing:
- 1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred; and
 - 2) assurances that the PERA trainings will be provided in a manner consistent with the content of the approved application and any changes proposed for the renewal period.
- i) A provider's approval shall be renewed if the application conforms to the requirements of subsection (h), provided that the State Superintendent has received no evidence of noncompliance with the requirements of this Section.
- j) The State Board of Education may evaluate an approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training, which the State Board may, at its discretion, monitor at any time. ~~If~~ If ~~the event~~ an evaluation indicates that the requirements have not been met, the State Board of Education may withdraw approval of the provider.

(Source: Amended at 44 Ill. Reg. 14763, effective August 27, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
75.600	New Section
75.610	New Section
75.620	New Section
75.630	New Section
75.640	New Section
75.650	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.80d
- 5) Effective Date of Rules: August 27, 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. 5545; April 3, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking?: No
- 11) Differences between Proposal and Final Version: In the Table of Contents, Section 75.660 is removed as there is no text for that 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: This Part is being modified to align with the enactment of PA 101-554, effective Aug. 23, 2019. PA 101-554 requires the State Board

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

of Education, in consultation with the Illinois Board of Higher Education, to develop an Agricultural Education Pre-Service Teacher Internship Program, which would begin at the secondary education level and be designed for pre-service teaching students. The internship program aims to increase the content knowledge of future agriculture teachers in a field that requires a broad breath of knowledge. The internship experience would allow pre-service teachers to engage in real-world, practical application of concepts and theory through pre-service university coursework. The funds allocated for the program would be provided to an individual or entity awarded the grant through a competitive Request for Proposals process to be the grant program coordinator.

- 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 b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL
SCIENCE TEACHER EDUCATION

Section

- 75.10 Purpose and Applicability
- 75.20 Eligible Applicants
- 75.30 Application Procedure
- 75.40 Program Specifications; Allowable Expenditures
- 75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section

- 75.200 Purpose and Applicability
- 75.210 Eligible Applicants
- 75.220 Program Goals and Minimum Standards
- 75.230 Quality Indicators
- 75.240 Determination of Individual Grant Allocations
- 75.250 Application Procedure
- 75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section

- 75.300 Purpose and Eligible Applicants
- 75.310 Program Goals and Minimum Standards
- 75.320 Quality Indicators
- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure
- 75.350 Terms of the Grant

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section

75.400	Purpose and Objectives
75.410	Eligible Applicants
75.420	Application Procedure for Initial Proposals
75.430	Criteria for the Review of Initial Proposals; Allocation of Funds
75.435	Application Content and Approval for Continuation Programs
75.440	Terms of the Grant

SUBPART E: AGRICULTURAL EDUCATION TEACHER
THREE CIRCLE GRANT PROGRAM (FFA and SAE)

Section

75.500	Definitions
75.510	Purpose and Objectives
75.520	Eligible Applicants
75.530	Application Procedure
75.540	Allocation of Funds
75.550	System for Reporting Hours
75.560	Terms of the Grant

SUBPART F: AGRICULTURAL EDUCATION
PRE-SERVICE TEACHER INTERNSHIP PROGRAMSection

<u>75.600</u>	<u>Definitions</u>
<u>75.610</u>	<u>Purpose and Applicability</u>
<u>75.620</u>	<u>Eligible Applicants</u>
<u>75.630</u>	<u>Implementation Grants – Procedures and Content of Proposals</u>
<u>75.640</u>	<u>Criteria for Review and Approval of Implementation Proposals</u>
<u>75.650</u>	<u>Application Content and Approval Criteria for Continuation Programs</u>

AUTHORITY: Implementing Sections 2-3.80, 2-3.80a and 2-30b of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. 18903, effective December 17,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

2012; amended at 37 Ill. Reg. 15932, effective September 27, 2013; amended at 41 Ill. Reg. 14099, effective November 3, 2017; amended at 44 Ill. Reg. 14770, effective August 27, 2020.

SUBPART F: AGRICULTURAL EDUCATION
PRE-SERVICE TEACHER INTERNSHIP PROGRAM

Section 75.600 Definitions

"ACTE" means the Association of Career and Technical Education.

"Illinois Agricultural Company" means any company in this State that has an interest in the agricultural industry, as determined by the pre-service teaching student's public university.

"Pre-service Teaching Student" means a student who:

is a declared agricultural education major accepted into an approved agricultural teacher education program at a public university in this State;

has completed at least 30 credit hours; and

has maintained, at a minimum, a 2.5 cumulative grade point average on a 4.0 scale or its equivalent.

"School Code" or "Code" means the Illinois School Code [105 ILCS 5].

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

Section 75.610 Purpose and Applicability

The goal of the Agricultural Education Pre-Service Teacher Internship Program is to address the shortages experienced by middle school and secondary agricultural education programs in this State by contributing to a highly qualified and effective agricultural education candidate pool that is sufficient in size to meet the workforce need.

- a) This Subpart establishes the procedures and criteria for the approval of proposals submitted to the State Board of Education by eligible applicants for grants to establish programs to assist pre-service teaching students in acquiring paid

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

experience in the agricultural industry. The Agricultural Education Pre-Service Teacher Internship Program shall:

- 1) offer, at a minimum, an 8-week experience or 300 hours of experience to prepare the pre-service teaching student for in-classroom experiences, including, but not limited to, experiences aligned to the pathways found within the Association of Career and Technical Education (ACTE) cluster for Agriculture, Food, and Natural Resources;
 - 2) include both in-classroom lectures and hands-on, applied learning;
 - 3) be articulated with coursework at each of the agricultural teacher preparation institutions offering teacher licensure in agriculture in this State; and
 - 4) make a commitment to equity to pre-service teaching students across all agriculture teacher preparation institutions in this State.
- b) This Subpart does not apply to a school district or postsecondary institution that receives funding for agricultural education programs under Section 1D-1 of the School Code or to any entity that receives a grant from that school district for agricultural education programs funded under Section 1D-1 of the Code.

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

Section 75.620 Eligible Applicants

- a) An eligible applicant for the Agricultural Education Pre-Service Teacher Internship Program Grant shall be a partnership consisting of:
- 1) one or more educational entities serving elementary and secondary schools, including, but not limited to, school districts, private schools, or Regional Offices of Education or one or more community-based organizations that provide agricultural education programs or related services, such as technical assistance or professional development, to agricultural education programs and practitioners; and
 - 2) one or more postsecondary institutions that offer postsecondary credit-bearing internship programs.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) The partnership established under subsection (a) must designate one entity to serve as the administrative agent for the grant.
- c) Preference for funding must be provided to eligible applicants whose programs:
- 1) recruit pre-service teachers in agricultural education from all institutions of higher education offering accredited programs with teacher licensure in agricultural education;
 - 2) are articulated to offer course credit for the internship experience at both the:
 - A) undergraduate level at each institution of higher education offering accredited programs with teacher licensure in agricultural education; and
 - B) graduate level at each institution of higher education offering accredited programs with teacher licensure in agricultural education at the post-baccalaureate level; and
 - 3) target Illinois agricultural companies, as defined in Section 75.600, who will provide the pre-service teacher intern with both breadth and depth of high-quality experiences in one or more agricultural industries. Priority will be given to programs that additionally focus efforts in recruiting Illinois agricultural companies that:
 - A) are not currently or have not been engaged in formal internship programs with postsecondary institutions in the previous fiscal year;
 - B) are located in Illinois communities that have hired at least one provisionally licensed agricultural education teacher within the previous three years; or
 - C) are located in Illinois communities that have experienced annual teacher turnover for at least the two previous consecutive years.

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 75.630 Implementation Grants – Procedures and Content of Proposals

Implementation grants shall be offered in years when the level of available funding is such that one or more new partnerships may be funded or, for partnerships already funded, a new group of individuals may be supported in addition to the group of candidates already enrolled.

- a) When sufficient funding is available, the State Superintendent of Education shall issue a Request for Proposals (RFP) specifying the information that an applicant must include in its implementation proposal, informing an applicant of any bidders' conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP must provide at least 45 calendar days in which to submit proposals.
- b) Each proposal submitted in response to an RFP must include all of the following components:
 - 1) Descriptive information about each entity involved in the partnership, including the roles and responsibilities of each partner.
 - A) The postsecondary institution must indicate specific information about the institution's success in facilitating internship programming that is credit-bearing for postsecondary students, particularly in areas serving each of the career pathways aligned to the ACTE cluster for Agriculture, Food, and Natural Resources.
 - B) The community-based organization or nonpublic educational entity must include its mission statement, organizational structure, and goals or policies regarding internships, adult learning, or agricultural education programs and services, including the applicant's existing competencies to provide agricultural internship programs, if applicable, and a list of any education-related accreditations that have been achieved.
 - 2) The goals and objectives of the partnership in ensuring a program that is successful and sustainable.
 - 3) A description of the need for the program, which must include all of the following:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- A) Information about the deficiencies and needs of current pre-service agricultural education teachers with respect to experiences, skills, and knowledge of each of the career pathways aligned to the ACTE cluster for Agriculture, Food, and Natural Resources.
 - B) Information about the agricultural industry careers that are identified as in-demand or upcoming for Illinois.
- 4) A description of the program to be implemented, which must include all of the following information:
- A) The partnership's plans for recruiting and providing support to individuals enrolled in the program, including working with internship employers to ensure that the individuals are able to fully participate in the program.
 - B) Strategies that will be employed to ensure that individuals enrolled in the program are adequately prepared to successfully progress through the program. These strategies must include, but are not limited to, assistance to ensure each intern understands and is able to conform with the employment conditions and expectations set forth by the employer and facilitate any reasonable accommodations needed to ensure intern success.
 - C) Coursework and experiences needed to complete the program, which must include the length of the program and sample schedules.
 - D) Identification of potential sites where agricultural internships will occur.
 - E) Expectations for candidates' performance levels needed to continue their participation in the program.
 - F) Considerations for the methods of program-related payments to be made, including to employers and interns, taxes, and insurance.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) A plan for evaluating the impact of the proposed program and activities, which shall correspond to the applicable specifications set forth in the RFP.
- 6) Budget information that corresponds to the categories of allowable expenditures identified in the RFP, completed on the forms provided and detailing each line item of expenditure. The budget information shall cover the entire period of time during which the proposed group of candidates is expected to participate in the internship program.
 - A) Applicants must demonstrate that grant funds will supplement and not supplant amounts typically devoted by the institution of higher education to, and other resources available for, assisting teacher candidates.
 - B) If necessary due to the budget exceeding grant funds available, applicants must describe the steps that will be taken, if any, to secure additional financial support for the partnership and its program over a period of time.
- 7) Any certifications and assurances the State Superintendent of Education may require.

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

Section 75.640 Criteria for Review and Approval of Implementation Proposals

- a) Proposals for implementation grants must be evaluated in accordance with the following criteria.
 - 1) Quality of Proposed Program
 - A) The proposal demonstrates that:
 - i) coursework and experiences required for internship completion will be scheduled and located so that it is accessible to all candidates;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ii) supportive services that have been identified as necessary, including assistance for housing and child care, will be offered to enable all candidates to complete the internship program;
 - iii) a cohort model will be established with whole-group orientation, individual or small team work-based learning, and debriefing experiences; and
 - iv) employer education and support will be provided in administering an internship and providing for interns.
- B) The proposal establishes a timetable and strategies for the administration and implementation of the program, to include, but not be limited to, all of the following:
- i) Recruitment of interns.
 - ii) Recruitment of employers to offer internships.
 - iii) Coordination of articulation agreements with four-year institutions offering course credit for the internship.
 - iv) Internship induction programming.
 - v) Capstone presentations and program conclusion.
- C) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance during the internship program.
- D) The proposal includes plans for assisting interns in tapping sources of financial aid beyond those made available under this Subpart and by the members of the partnership.
- E) The plan of work for the program includes effective strategies for overcoming known barriers faced by the interns.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

F) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.

2) Program Need

A) The proposal identifies deficiencies and needs of current pre-service agricultural education teachers with respect to experiences, skills, and knowledge of each of the career pathways aligned to the ACTE cluster for Agriculture, Food, and Natural Resources.

B) The proposal identifies the agricultural industry careers that are in-demand or upcoming for Illinois.

C) The proposal clearly establishes criteria and indicators:

i) for identifying individuals to be enrolled in the program; and

ii) that are likely to target those individuals who have the greatest need for development of competency in one or more areas of the agricultural industry.

D) The proposal includes recruitment strategies that are likely to be effective in enrolling the individuals in the program, particularly individuals who reflect the diversity of the students participating in accredited programs for agricultural education teacher licensure at postsecondary institutions in Illinois.

3) Experience and Qualifications

A) The proposal demonstrates that the postsecondary institution has the capacity, including faculty and other resources, to serve the group of individuals to be enrolled in its agricultural education internship program.

B) The proposed roles and responsibilities of each entity that is a member of the partnership shall be appropriate, given the entity's

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

qualifications, experience with adult learning and agricultural education initiatives and services, and the resources that each will devote to the program.

C) The proposal demonstrates that the community organization or educational entity is familiar with the needs of postsecondary internship programs, specifically the needs of agricultural internship programs, and has the capacity to recruit individuals for the program and support those individuals as they progress through the program.

4) Cost Effectiveness

A) The program shall be cost effective, as evidenced by the cost of proposed services in relation to the individuals to be enrolled and the services to be provided.

B) The proposal describes commitments on the part of all the partnership's members that will enable the partnership to obtain additional funding for the program if budgetary requirements exceed grant funded amounts.

b) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education, in a particular RFP.

c) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon the following:

1) the total amount of funds available for the Agricultural Education Pre-Service Teacher Internship Program; and

2) the resources requested in the top-ranked proposals, as identified under subsections (a) and (b).

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

Section 75.650 Application Content and Approval Criteria for Continuation Programs

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) A partnership that has received implementation funding for a given fiscal year is subject to the requirements of this Section with respect to continued funding for subsequent years.
- 1) The partnership must submit an application for continued funding for subsequent cohorts, using a format specified by the State Superintendent of Education.
 - 2) Each application must contain a mid-year report on the current status of the program that includes, but is not limited to, the following:
 - A) documentation of the activities and support provided to date;
 - B) a description of tentative enrollment for the upcoming internship program;
 - C) progress on credit articulation agreements;
 - D) progress on gaining employer commitments to participate in the program;
 - E) follow-up data collected on previous cohort participants; and
 - F) progress on completion of needs assessment for subsequent years.
 - 3) Each application must provide an updated narrative description of the objectives, activities, timelines, and evaluation procedures for the renewal year, relating the proposed plan of work to the results that have been achieved to date.
 - 4) Each application must include updated budget information for the renewal year, including a detailed budget breakdown, that describes any needed variances from the budget proposed in the initial year of funding.
 - 5) Each application must include any certifications or assurances the State Superintendent of Education may require.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) The State Superintendent of Education shall, contingent upon appropriation of funds for this initiative, provide continuation funding to a partnership that demonstrates all of the following:
- 1) Success in providing the supports necessary for satisfactory program completion by interns in the program.
 - 2) That a majority of the candidates in the cohorts have completed coursework or other requirements for educator licensure during at least one semester of the following year, have progressed toward educator licensure, or are subsequently employed as an agricultural educator.

(Source: Added at 44 Ill. Reg. 14770, effective August 27, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pupil Transportation Reimbursement
- 2) Code Citation: 23 Ill. Adm. Code 120
- 3) Section Number: 120.30 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6 and 29-5
- 5) Effective Date of Rule: August 27, 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 7874; May 8, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking?: No
- 11) Differences between Proposal and Final Version: In subsection (e), after "such as", "costs paid by a local education agency for all employees related to the provision of transportation or a transportation provider under a written agreement, regardless of any service that may be provided, or" is added
- 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 amendment ensures that, during a gubernatorial declaration of a disaster, all transportation costs incurred that are beyond transporting students, such as costs related to the distribution of food, distribution and pick-up of student assignments and work, and use of vehicles to provide wi-fi and other

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

similar costs, shall be allowable and reimbursed by the formula under Section 29-5 of the School Code.

- 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 c: FINANCEPART 120
PUPIL TRANSPORTATION REIMBURSEMENT

SUBPART A: SCHOOL REIMBURSEMENT

Section

120.10	Definitions
120.20	Transportation and Student Discipline
120.30	Pupil Transportation Services Eligible for Reimbursement
120.40	Pupil Transportation Services and Costs Not Eligible for Reimbursement
120.50	Reimbursable Direct Operating Costs
120.60	Reimbursable Annual Depreciation Allowances
120.70	Deductions from Direct Operating Costs
120.80	Reimbursable Indirect Cost for Pupil Transportation Services
120.90	Cost Proration Related to Pupil Transportation
120.100	Reimbursement Formulas
120.110	Reporting Requirements
120.115	Fully Allocated Costs of Transportation
120.120	Bus Scheduling Services and Software
120.130	Seat Back Reimbursement (Repealed)

SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

Section

120.200	Definitions
120.210	Custodians Eligible for Reimbursement
120.220	Custodians Not Eligible for Reimbursement
120.230	Responsibilities of Schools
120.235	Responsibilities of Public and Nonpublic Chief Administrative Officers (Repealed)
120.240	Reimbursement
120.245	Responsibilities of the Regional Superintendents of Schools
120.250	Dispute Resolution
120.260	Audit and Enforcement

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5].

SOURCE: Adopted at 10 Ill. Reg. 19438, effective October 31, 1986; amended at 10 Ill. Reg. 21675, effective December 11, 1986; amended at 12 Ill. Reg. 4147, effective February 5, 1988; amended at 13 Ill. Reg. 7731, effective May 8, 1989; amended at 16 Ill. Reg. 10213, effective June 10, 1992; emergency amendment at 18 Ill. Reg. 12853, effective August 9, 1994, for a maximum of 150 days; emergency expired January 6, 1995; amended at 21 Ill. Reg. 2165, effective February 1, 1997; amended at 26 Ill. Reg. 1169, effective January 16, 2002; amended at 28 Ill. Reg. 4575, effective February 24, 2004; amended at 29 Ill. Reg. 12422, effective July 28, 2005; amended at 33 Ill. Reg. 15848, effective November 2, 2009; amended at 39 Ill. Reg. 10026, effective June 30, 2015; emergency amendment at 44 Ill. Reg. 5910, effective March 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6668, effective April 9, 2020, for the remainder of the 150 days; emergency expired August 26, 2020; amended at 44 Ill. Reg. 14785, effective August 27, 2020.

SUBPART A: SCHOOL REIMBURSEMENT

Section 120.30 Pupil Transportation Services Eligible for Reimbursement

Each school district that files a claim for State reimbursement for pupil transportation shall be subject to the requirements of this Subpart A in order to be eligible for such reimbursement. Pupil transportation services eligible for reimbursement are listed below:

- a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12
 - 1) Transportation services provided for pupils residing at a distance of 1½ miles or more from the attendance center to which they are assigned.
 - A) *The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned (Section 29-3 of the School Code [105 ILCS 5/29-3]).*
 - B) *If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1½ miles from the*

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

school attended (Section 29-5 of the School Code). A district that chooses to consider locations other than individual students' residences shall adopt a written policy establishing this practice. At the district's discretion, its policy may limit pick-up and drop-off to students in day care locations along the district's regular routes, or it may extend services via newly established routes. In either case, the district shall not discriminate among types of locations where day care is provided, which may include, but need not be limited to, the premises of licensed providers, the homes of relatives, or the homes of neighbors, any of which must be located within the district's boundaries.

- C) *A school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point* (Section 29-3 of the School Code).
- 2) Transportation services provided for pupils residing within a distance of 1½ miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.
 - 3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.
 - 4) Transportation services provided to a pupil who is required to be transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.
 - 5) Transportation which is provided prior to or following voluntary, extracurricular and/or cocurricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is therefore subject to reimbursement with respect to students who are required to be transported.

- 6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.
- b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:
 - 1) An area vocational center;
 - 2) Another school district; or
 - 3) A building or other trades skill development site.
 - c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.
 - d) Transportation provided to any student in connection with a field trip:
 - 1) that occurs during a day of student attendance included on the official school calendar of the school district;
 - 2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);
 - 3) that is provided free of charge to the pupil;
 - 4) that is part of the school's curriculum for which pupils earn credit for

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

graduation; and

5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

- e) During a gubernatorial declaration of a disaster under Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305], to ensure the continuity of education, including the provision of any direct or related service for the health and well-being of all public school students in pre-kindergarten through grade 12, all transportation costs incurred that are beyond transporting students, such as costs paid by a local education agency for all employees related to the provision of transportation or a transportation provider under a written agreement, regardless of any service that may be provided, or costs related to the distribution of food, distribution and pick-up of student assignments and work, and use of vehicles to provide wi-fi and other similar costs, shall be allowable and reimbursed by the formula under Section 29-5 of the School Code.

(Source: Amended at 44 Ill. Reg. 14785, effective August 27, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: 226.335 Adopted Action:
New Section
- 4) Statutory Authority: 105 ILCS 10/2-3.6
- 5) Effective Date of Rule: August 27, 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 7881; May 8, 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u><i>Illinois Register</i> Citations:</u>
226.75	Amendment	44 Ill. Reg. 11766; July 17, 2020
226.530	Amendment	44 Ill. Reg. 11766; July 17, 2020
226.800	Amendment	44 Ill. Reg. 11766; July 17, 2020
- 15) Summary and Purpose of Rulemaking: During a mandated suspension of in-person instruction upon a gubernatorial declaration of a disaster, the rulemaking allows all approved special education private facilities to continue to invoice school districts and

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

requires school districts to continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. The rulemaking also provides that the State Board of Education will reimburse school districts for all approved special education private facility expenditures.

- 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 226
SPECIAL EDUCATION

SUBPART A: GENERAL

Section	Purpose
226.10	Purpose
226.50	Requirements for a Free Appropriate Public Education (FAPE)
226.60	Charter Schools
226.75	Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section	Purpose
226.100	Child Find Responsibility
226.110	Evaluation Procedures
226.120	Reevaluations
226.125	Specific Learning Disability: Dyslexia
226.130	Additional Procedures for Students Suspected of or Having a Specific Learning Disability
226.135	Additional Procedures for Students Suspected of or Having an Intellectual Disability
226.140	Modes of Communication and Cultural Identification
226.150	Evaluation to be Nondiscriminatory
226.160	Medical Review
226.170	Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
226.180	Independent Educational Evaluation
226.190	Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section	Purpose
226.200	General Requirements

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

226.210	IEP Team
226.220	Development, Review, and Revision of the IEP
226.230	Content of the IEP
226.240	Determination of Placement
226.250	Child Aged Three Through Five
226.260	Child Reaching Age Three

SUBPART D: PLACEMENT

Section	
226.300	Continuum of Alternative Placement Options
226.310	Related Services
226.320	Service to Students Living in Residential Care Facilities
226.330	Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.335	Nonpublic Special Education Placement of Public School Students During a Gubernatorial Disaster Proclamation
226.340	Nonpublic Placements by Parents Where FAPE is at Issue
226.350	Service to Parentally-Placed Private School Students
226.360	Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section	
226.400	Disciplinary Actions
226.410	Manifestation Determination Review (Repealed)
226.420	Appeals (Repealed)
226.430	Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440	Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section	
226.500	Language of Notifications
226.510	Notification of Parents' Rights
226.520	Notification of District's Proposal
226.530	Parents' Participation
226.540	Consent
226.550	Surrogate Parents

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 226.560 Mediation
226.570 State Complaint Procedures

SUBPART G: DUE PROCESS

- Section
226.600 Calculation of Timelines
226.605 Request for Hearing; Basis (Repealed)
226.610 Information to Parents Concerning Right to Hearing
226.615 Procedure for Request
226.620 Denial of Hearing Request (Repealed)
226.625 Rights of the Parties Related to Hearings
226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640 Scheduling the Hearing and Pre-Hearing Conference
226.645 Conducting the Pre-Hearing Conference
226.650 Child's Status During Due Process Hearing (Repealed)
226.655 Expedited Due Process Hearing
226.660 Powers and Duties of Hearing Officer
226.665 Record of Proceedings
226.670 Decision of Hearing Officer; Clarification
226.675 Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680 Reporting of Decisions (Repealed)
226.690 Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

- Section
226.700 General
226.710 Policies and Procedures
226.720 Facilities and Classes
226.730 Class Size for 2009-10 and Beyond
226.731 Class Size Provisions for 2007-08 and 2008-09 (Repealed)
226.735 Work Load for Special Educators
226.740 Records; Confidentiality
226.750 Additional Services
226.760 Evaluation of Special Education
226.770 Fiscal Provisions

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

Section

226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Other Employees Qualifying for Reimbursement

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; preemptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 14792, effective August 27, 2020.

SUBPART D: PLACEMENT

Section 226.335 Nonpublic Special Education Placement of Public School Students During a Gubernatorial Disaster Proclamation

During a mandated suspension of in-person instruction upon a gubernatorial declaration of a disaster under Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305], and for the duration of that gubernatorial disaster proclamation, all approved special education private facilities may continue to invoice school districts and school districts shall continue to pay the per diem approved by the Illinois Purchased Care Review Board under Section 14-7.02 of the School Code. The State Board of Education will reimburse school districts for all approved special education private facility expenditures. School districts will be reimbursed for special education private facility tuition expenditures per the statutory formula under Section 14-7.02 of the School Code. School districts will be reimbursed for special education room and board expenditures under Part B of the federal Individuals with Disabilities Education Act, as prescribed in Section 14-8.01 of the School Code.

(Source: Added at 44 Ill. Reg. 14792, effective August 27, 2020)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Registered Apprenticeship Program
- 2) Code Citation: 23 Ill. Adm. Code 255
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
255.100	New Section
255.200	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.175
- 5) Effective Date of Rules: August 27, 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. 4553; March 20, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 255.300(b) and (c), "adopts" is changed to "chooses to adopt"

In Section 255.300(b)(1), "by" is changed to "by successfully completing the program" and subparagraphs (A) and (B) are deleted.

In Section 255.300(b)(2), "apprenticeship" is changed to "registered apprenticeship"

In Section 255.300(b)(4), "no career and technical education course" is changed to "successful completion of a registered apprenticeship program"

In Section 255.300(d), "an apprenticeship" is changed to "a registered apprenticeship"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 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: Part 255 (Registered Apprenticeship Program) is being created to align with the enactment of PA 100-992, effective Aug. 20, 2018. PA 100-992 requires the State Board of Education to adopt rules to allow students of any high school in this State who are 16 years of age or older to participate in registered apprenticeship programs. The PA requires the rules to include a waiver of all non-academic requirements mandated for graduation from a high school under the School Code that would otherwise prohibit or prevent a student from participating in the program.
- 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 Rules begins on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 255

REGISTERED APPRENTICESHIP PROGRAM

Section

255.100 Definitions

255.200 Registered Apprenticeship Program

AUTHORITY: Implementing Section 2-3.175 of the School Code [105 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. 14799, effective August 27, 2020.

Section 255.100 Definitions

"Registered Apprenticeship Program" or "Program" means an industry-based occupational training program of study registered by the U.S. Department of Labor, after standards review, that meets each of the following characteristics:

Apprentices in the program are at all times employed by a company participating in the program.

The program features a structured combination of on-the-job learning supported by related technical classroom instruction, delivered either by a high school or a public community college.

The:

apprentices in the program are paid a training wage, of not less than the State minimum wage, that escalates throughout the life of the apprenticeship; and

employment continued with the company following conclusion of the apprenticeship for a period of not less than 2 years.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

Apprentices in the program earn an industry-related occupational skills certificate and a high school diploma.

Apprentices in the program may earn postsecondary credit toward a certificate or degree, as applicable.

"Registered Apprenticeship Program" does not include an apprenticeship program related to construction, as defined under the Employee Classification Act [820 ILCS 185]. (Section 2-3.175 of the Code)

"School Code" or "Code" means 105 ILCS 5.

"State Board" means the State Board of Education.

Section 255.200 Registered Apprenticeship Program

- a) Each school district that maintains any of grades 9 through 12 may adopt a policy to allow a student of any high school who is 16 years of age or older to participate in a registered apprenticeship program.
- b) A school district that chooses to adopt a policy under this Section shall include all of the following in that policy:
 - 1) Allowing a student enrolled in a registered apprenticeship program to satisfy one or more high school courses or academic graduation requirements by successfully completing the program.
 - 2) A definition of a registered apprenticeship program that meets the criteria outlined in Section 255.100.
 - 3) Opportunities for students enrolled in a registered apprenticeship program to earn postsecondary credit toward a certificate or degree, as applicable.
 - 4) Language confirming that successful completion of a registered apprenticeship program may be substituted for a required course or academic graduation requirement under any policy adopted by a school board under this Section unless the student's parent or guardian approves the substitution in writing on a form that the school district makes available on its website.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 5) *A waiver of all non-academic requirements mandated for graduation from high school under the Code that would otherwise prohibit or prevent a student from participating in the registered apprenticeship program (Section 2-3.175 of the Code).*
- c) A school district that chooses to adopt a policy under this Section shall:
 - 1) Post the policy on its website for students, parents, and members of the business and industry community to access; and
 - 2) Notify students and parents of the opportunities for registered apprenticeships. At a minimum, a school district must provide this notification through the school district's website and the school handbook. This notification must include:
 - A) a statement that a student may participate in any registered apprenticeship program listed by the school district; and
 - B) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the school district.
- d) A school district shall identify, and submit to the State Board through the Student Information System (see 23 Ill. Adm. Code 1.75), data on those students who are participating in a registered apprenticeship program.
- e) A school district shall identify and attempt to eliminate any barriers to student participation in a registered apprenticeship.
- f) If a school district awards endorsements under the Postsecondary and Workforce Readiness Act [110 ILCS 148], the registered apprenticeship program must be included in the Career Pathway Endorsement.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
250.1	New Section
250.2	New Section
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85] and authorized by the Department of Public Health Act [20 ILCS 2305].
- 5) Effective Date of Rules: August 24, 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: The emergency amendment will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: August 24, 2020
- 8) A copy of the emergency rules, 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: These emergency rules are adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

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 Subject and Issues Involved: These rules suspend portions of the hospital licensing requirements in response to the COVID-19 pandemic and establish standards and licenses for temporary alternate care facilities. These facilities may be run either by a licensed hospital or by the State of Illinois through one of its agencies or in cooperation with one or more federal or local government bodies. The rules also allow hospitals to increase their bed capacity or re-allocate bed designations between clinical services to accommodate extraordinary needs in the service population due to the COVID-19 pandemic without prior authorization from the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

The Department originally adopted these rules as separate emergency rules, but is combining them in this renewal of the rules. The Department is using its emergency rule authority under Section 5-45(c) of the Illinois Administrative Procedures Act.

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
250.105	Amendment	44 Ill. Reg. 2221; January 31, 2020
250.445	New Section	44 Ill. Reg. 2221; January 31, 2020
250.750	Amendment	44 Ill. Reg. 2221; January 31, 2020

- 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 b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section

250.1 COVID-19 Emergency Provisions

EMERGENCY

250.2 COVID-19 Emergency Provisions for Hospitals, Hospital Alternate Care
Facilities, and State Alternate Care Facilities

EMERGENCY

250.100 Definitions
250.105 Incorporated and Referenced Materials
250.110 Application for and Issuance of Permit to Establish a Hospital
250.120 Application for and Issuance of a License to Operate a Hospital
250.130 Administration by the Department
250.140 Hearings
250.150 Definitions (Renumbered)
250.160 Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210 The Governing Board
250.220 Accounting
250.230 Planning
250.240 Admission and Discharge
250.245 Failure to Initiate Criminal Background Checks
250.250 Visiting Rules
250.260 Patients' Rights
250.265 Language Assistance Services
250.270 Manuals of Procedure
250.280 Agreement with Designated Organ Procurement Agencies
250.285 Smoking Restrictions

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

250.290 Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section

- 250.410 Organization
- 250.420 Personnel Records
- 250.430 Duty Assignments
- 250.435 Health Care Worker Background Check
- 250.440 Education Programs
- 250.450 Personnel Health Requirements
- 250.460 Benefits

SUBPART E: LABORATORY

Section

- 250.510 Laboratory Services
- 250.520 Blood and Blood Components
- 250.525 Designated Blood Donor Program
- 250.530 Proficiency Survey Program (Repealed)
- 250.540 Laboratory Personnel (Repealed)
- 250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section

- 250.610 General Diagnostic Procedures and Treatments
- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

Section

- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program
- 250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

- 250.810 Applicability of Other Parts of These Requirements
- 250.820 General
- 250.830 Classifications of Restorative and Rehabilitation Services
- 250.840 General Requirements for all Classifications
- 250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
- 250.860 Medical Direction
- 250.870 Nursing Care
- 250.880 Additional Allied Health Services
- 250.890 Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

- 250.910 Nursing Services
- 250.920 Organizational Plan
- 250.930 Role in hospital planning
- 250.940 Job descriptions
- 250.950 Nursing committees
- 250.960 Specialized nursing services
- 250.970 Nursing Care Plans
- 250.980 Nursing Records and Reports
- 250.990 Unusual Incidents
- 250.1000 Meetings
- 250.1010 Education Programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units

SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

SUBPART L: RECORDS AND REPORTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section

- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy
- 250.1640 Diet Orders
- 250.1650 Frequency of Meals
- 250.1660 Therapeutic (Modified) Diets
- 250.1670 Food Preparation and Service
- 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

- 250.1710 Housekeeping
- 250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
- 250.1730 Insect and Rodent Control
- 250.1740 Laundry Service
- 250.1750 Soiled Linen
- 250.1760 Clean Linen

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section

- 250.1810 Applicability of Other Provisions of this Part
- 250.1820 Obstetric and Neonatal Service (Perinatal Service)
- 250.1830 General Requirements for All Obstetric Departments
- 250.1840 Discharge of Newborn Infants from Hospital
- 250.1845 Caesarean Birth
- 250.1850 Single Room Postpartum Care of Mother and Infant
- 250.1860 Special Programs (Repealed)
- 250.1870 Labor, Delivery, Recovery and Postpartum Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section

250.2010	Definition
250.2020	Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details
- 250.2460 Finishes
- 250.2470 Structural
- 250.2480 Mechanical
- 250.2490 Plumbing and Other Piping Systems
- 250.2500 Electrical Requirements

SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

Section

- 250.2610 Applicability of Subpart U
- 250.2620 Codes and Standards
- 250.2630 Existing General Hospital Requirements
- 250.2640 Details
- 250.2650 Finishes
- 250.2660 Mechanical
- 250.2670 Plumbing and Other Piping Systems
- 250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

- 250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights
- 250.APPENDIX A Codes and Standards (Repealed)
 250.EXHIBIT A Codes (Repealed)
 250.EXHIBIT B Standards (Repealed)
 250.EXHIBIT C Addresses of Sources (Repealed)
- 250.ILLUSTRATION A Seismic Zone Map
- 250.TABLE A Measurements Essential for Level I, II, III Hospitals
250.TABLE B Sound Transmission Limitations in General Hospitals
250.TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in
General Hospitals (Repealed)
250.TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas
(Repealed)
250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85] and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154, effective June 12, 2017; amended at 41 Ill. Reg. 14945, effective November 27, 2017; amended at 42 Ill. Reg. 9507, effective May 24, 2018; amended at 43 Ill. Reg. 3889, effective March 18, 2019; amended at 43 Ill. Reg. 12990, effective October 22, 2019; emergency amendment at 44 Ill. Reg. 5934, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 7788, effective April 16, 2020, for a maximum of 150 days; emergency amendment repealed at 44 Ill. Reg. 14333, effective August 24, 2020; emergency amendment at 44 Ill. Reg. 14804, effective August 24, 2020, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 250.1 COVID-19 Emergency Provisions
EMERGENCY

Consistent with 77 Ill. Adm. Code 1130.240(f)(4)(A) and so long as there is a gubernatorial disaster proclamation related to the Coronavirus Disease 2019 (COVID-19) pandemic, a health care facility licensed by the Department may increase bed capacity and/or re-allocate bed designations between clinical services to accommodate extraordinary needs in the service population due to the COVID-19 pandemic without prior authorization from the Department. The facility shall provide the Department with notification of the increase within 30 days after the bed increase decision. The facility shall also submit to the Department written notification that the temporarily increased bed capacity has been taken out of circulation. This additional notification shall be received by the Department within 30 days after the date the facility's normal bed capacity was resumed.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 14804, effective August 24, 2020, for a maximum of 150 days)

Section 250.2 COVID-19 Emergency Provisions for Hospitals, Hospital Alternate Care Facilities, and State Alternate Care Facilities
EMERGENCY

- a) In order for hospitals to adequately respond to COVID-19, the following provisions of Part 250 are suspended in their entirety:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) 77 Ill. Adm. Code 250.1040(f), (g), (h), (j); and
 - 2) 77 Ill. Adm. Code 250.2440(d)(1).
- b) In order for hospitals to adequately respond to COVID-19, the following provisions of Part 250 are modified as follows:
- 1) Section 250.1075 is modified to the extent necessary to be consistent with the Centers for Medicare and Medicaid Services' COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers (<https://edit.cms.gov/media/465576>), which states that hospitals considered to be impacted by a widespread outbreak of COVID-19 are not required to meet the requirements related to seclusion under 42 CFR 482.13(e)(1)(ii);
 - 2) Section 250.105(a)(1)(E)(i) of this Part is modified such that a hospital may reduce egress restrictions from eight feet to five feet; and
 - 3) Section 250.330(a) is modified such that testing for COVID-19 may be administered per a medical staff-approved hospital policy that includes an assessment for contraindications.
- c) In order to address the COVID-19 pandemic, hospitals licensed by the Illinois Department of Public Health (Department) may establish alternate care facilities (hospital alternate care facilities) at remote or temporary locations as follows:
- 1) The hospital alternate care facility must be established to provide room and board, nursing, and diagnosis of or treatment for COVID-19 patients or for non-COVID-19 patients in order to increase regional hospital capacity to respond to COVID-19;
 - 2) The hospital alternate care facility must be temporary;
 - 3) The hospital alternate care facility must be under the direction or control of the hospital;
 - 4) The hospital alternate care facility must be operated by a hospital licensed under the Act;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 5) A hospital establishing an alternate care facility must notify the Department, in writing, of the following:
- A) Name and address of each hospital alternate care facility to be established; bed allocations for clinical services; anticipated bed capacity; anticipated categories of service to be provided; and date that the hospital alternate care facility will begin accepting patients. Such notice must be provided at least 24 hours prior to the hospital alternate care facility being operational or as soon as reasonably practical after the effective date of this Section in the case of hospital alternate care facilities already in existence; and
 - B) Any modifications to bed allocations between clinical services, increase or decreases in bed capacity, or change in categories of service to be provided at the hospital alternate care facility. Such notice must be provided within 10 days after the modification.
- d) The State of Illinois, through one of its agencies or in cooperation with one or more federal or local government bodies, may establish alternate care facilities (State alternate care facilities) subject to the following:
- 1) The State alternate care facility must be established to provide room and board, nursing, and diagnosis of or treatment to COVID-19 patients or to non-COVID-19 patients in order to increase regional hospital capacity to respond to COVID-19;
 - 2) The State alternate care facility must be temporary;
 - 3) The State alternate care facility must be under the direction and control of the State of Illinois, one of its agencies, or the federal or local government in coordination with the State of Illinois;
 - 4) The State alternate care facility must apply for and receive a license for a State alternate care facility from the Department. Such license will automatically terminate at the conclusion of 150 days after the effective date of this emergency rule without any further action from the Department;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 5) A State alternate care facility must provide written notification to the Department within 24 hours after ceasing operations; and
 - 6) The State alternate care facility must be overseen by a competent executive officer or administrator, or designee, who is vested with authority and responsibility to carry out its policies.
- e) All provisions of Part 250 are suspended with respect to State alternate care facilities and to hospital alternate care facilities (collectively referred to as "alternate care facilities") to the extent they would otherwise be applicable. Alternate care facilities must meet the following requirements:
- 1) The alternate care facility must provide safe and quality care to each patient;
 - 2) No person shall be denied necessary medical care for reasons not based on sound medical practice and, particularly, no person will be denied care on account of race, ethnicity, religion, sex, gender identity, age, sexual orientation, national origin, immigration status, disability, or ability to pay;
 - 3) The alternate care facility must establish, in the interest of the patient, policies regarding visitation;
 - 4) The alternate care facility must have written policies for the admission, discharge, and transfer of all patients from or to an acute care hospital or other healthcare facility, as appropriate. The alternate care facility must develop a discharge plan of care for each patient;
 - 5) As set forth in Section 250.260(c), the alternate care facility shall prohibit all abuse of a patient by an administrator, agent, or employee or a member of its medical staff, and in addition, comply with the abuse and neglect reporting requirements for such alleged occurrences;
 - 6) The alternate care facility must ensure access to health care information and services for limited English-speaking or non-English-speaking patients or deaf patients;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 7) No medication, treatment, or diagnostic test may be administered to a patient except on a written or verbal order, if necessary, by a licensed medical professional acting within their scope of practice;
- 8) If the alternate care facility is to perform on-site clinical laboratory services commensurate with the facility's needs for its patients, it must comply with Section 250.510 regarding laboratory services;
- 9) The facility must maintain a staff of nursing personnel organized to provide the nursing care for its patients commensurate with the size, scope, nature of the facility and patient complexity;
- 10) Nursing services must be under the direction of a registered professional nurse who has qualifications in nursing administration and who has the ability to organize, coordinate, and evaluate the service;
- 11) To the extent medically possible, a minimum of three meals or their equivalent, must be served daily, at regular hours with no more than a 14-hour span between a substantial evening meal and breakfast;
- 12) If the alternate care facility is preparing food, it must meet the requirement of the Food Service Sanitation Code set forth in 77 Ill. Adm. Code 750;
- 13) An adequate, accurate, timely, and complete medical record must be maintained for each patient of the alternate care facility. Minimum requirements for medical record content are:
 - A) Patient identification and admission information;
 - B) The history of the patient as clinically necessary;
 - C) A physical examination report;
 - D) Orders and progress notes made by the patient's physician and, when applicable, by other members of the medical staff and allied health personnel;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- E) Observations notes and vital sign charting made by nursing personnel; and
 - F) Discharge order and disposition at discharge, including instructions and prescriptions for medications;
- 14) An index that serves as a key to the location of the medical record of each person who is or has been treated at the alternate care facility must be maintained;
 - 15) The alternate care facility must have a policy that is approved by the Department prior to closing for the preservation of patient medical records when the facility closes;
 - 16) Adequate supplies and equipment for housekeeping functions must be provided with cleaning compounds and hazardous substances properly labeled and stored. Hazardous cleaning solutions, compounds, and substances must be labeled, and stored in a safe place;
 - 17) The alternate care facility must follow the fire safety requirements set forth in Section 250.1980(a) through (d), (i), and (j), including but not limited to the use of fire resistant and/or fire-retardant materials;
 - 18) The alternate care facility must comply with the life safety requirements in Section 250.105(a)(1)(E)(i), except that a facility may reduce egress restrictions from eight feet to five feet and may make necessary deviations in consultation with the Department;
 - 19) The alternate care facility must comply with the incident reporting requirements in Section 250.1520(f);
 - 20) There shall be a sufficient number of properly trained and supervised dietary personnel, including a clinical dietitian or dietitians when warranted, competent to carry out dietetic services, if applicable, in an efficient, effective manner;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 21) All diets shall be ordered by the patient's physician and/or a registered dietitian with the physician's confirmation. Diet orders shall be recorded in the patient's medical chart;
 - 22) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations;
 - 23) If an alternate care facility establishes or has a licensed pharmacy on-premises it must have a pharmacist registered under the Pharmacy Practice Act [225 ILCS 85] available or on call at all times; and
 - 24) An alternate care facility may grant disaster privileges pursuant to the procedures in Section 250.310(b)(18) regardless whether there is an activated emergency management plan.
- f) The Department may conduct inspections of hospitals, hospital alternate care facilities, and state alternate care facilities, and require corrective action in situations in which the health and safety of patients is at risk.
- g) Hospitals, hospital alternate care facilities, and State alternate care facilities must follow all directives and guidance related to COVID-19 diagnosis and treatment from the Centers for Diseases Control and Prevention, the Department, and applicable local public health departments, including but not limited to infection control and isolation guidelines.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 14804, effective August 24, 2020, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 25, 2020 through August 31, 2020. These rulemakings are scheduled for the September 15, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/9/20	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	3/6/20 44 Ill. Reg. 3341	9/15/20
10/8/20	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	6/5/20 44 Ill. Reg. 9923	9/15/20
10/8/20	<u>Secretary of State</u> , Commercial Driver Training Schools (92 Ill. Adm. Code 1060)	6/5/20 44 Ill. Reg. 9926	9/15/20
10/9/20	<u>Department of Financial and Professional Regulation</u> , Student Loan Servicing Rights Act (38 Ill. Adm. Code 1010)	7/10/20 44 Ill. Reg. 11368	9/15/20
10/10/20	<u>Department of Revenue</u> , Hotel Operators' Occupation Tax Act (86 Ill. Adm. Code 480)	2/14/20 44 Ill. Reg. 2706	9/15/20

EXECUTIVE ORDER

2020-53
EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 49)

WHEREAS, Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness, has rapidly spread throughout Illinois and continues to necessitate updated and more stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 can spread among people through respiratory transmissions, asymptomatic people can transmit the virus, and there is currently no effective treatment or vaccine; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I have found it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19; and,

WHEREAS, on August 21, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I again declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, working with experts in the Department of Public Health, I put forward a deliberate plan that utilizes several layers of mitigation steps to combat a resurgence of COVID-19 and prevent uncontrollable spread; and,

WHEREAS, that plan described two scenarios that would cause the State to institute more restrictive public health measures and impose additional mitigations in a region: first, a sustained increase in the 7-day rolling average (7 out of 10 days) in the positivity rate, coupled with either (a) a sustained 7-day increase in hospital admissions for a COVID-like illness, or (b) a reduction in hospital capacity threatening surge capabilities (ICU capacity or medical/surgical beds under 20%); or second, three consecutive days averaging greater than or equal to an 8% positivity rate (7 day rolling average); and,

WHEREAS, the current spread of COVID-19 in Region 7, comprised of Will and Kankakee Counties, has triggered the second of these scenarios as the region has averaged greater than or equal to an 8% COVID-19 positivity rate (7 day rolling average) for three consecutive days; and,

WHEREAS, the Department of Public Health has consulted with local public health departments and leaders in Region 7 to determine appropriate public health mitigation strategies

EXECUTIVE ORDER

for the specific challenges the region is facing in attempting to prevent the further spread of COVID-19;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers set forth in the State's public health laws, I hereby order the following, effective August 26, 2020 at 5:00 pm:

Section 1. The following public health restrictions and mitigations are instituted for Region 7, comprised of Will and Kankakee Counties:

- a. Mitigation for restaurants and bars. Restaurants and bars in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Indoor and Outdoor Dining:
 1. All restaurants and bars in the region must close at 11:00 p.m., and must remain closed until 6:00 a.m. the following day.
 2. All restaurants and bars in the region must suspend indoor on-premises consumption.
 3. All customers eating or drinking on premises must be seated at outdoor tables spaced at least six feet apart. Multiple parties may not be seated at a single table.
 4. Customers who are not yet seated at a table must wait off premises and, when waiting, must not congregate in groups larger than the party with whom they are dining. Standing, congregating, or dancing on premises is not permitted.
 5. Each party must have a reservation, even if made on-site, so that the restaurant or bar has contact information to reach every party for contact tracing if needed.
- b. Mitigation for meetings and social events. Meetings and social events in the region are subject to these restrictions and mitigation measures, which supplement the Phase 4 guidance from the Department of Commerce and Economic Opportunity for Meetings and Social Events:
 1. Meetings and social events are limited to the lesser of 25 people or 25% of overall room capacity.
 2. Attendance lists must be kept for contact tracing.
 3. Party buses are not permitted.
- c. Mitigation for gaming and casinos. Gaming and casinos in the region are subject to these restrictions and mitigation measures:

EXECUTIVE ORDER

1. Gaming venues and casinos must close, and gaming terminals must stop operating, between 11:00 p.m. and 6:00 a.m. the following day.
 2. Gaming venues and casinos are limited to 25% capacity.
 3. Gaming venues and casinos must follow the mitigation strategies for restaurants and bars for those portions of their facilities.
- d. Mitigation for all workplaces. Businesses and establishments shall institute remote work for high risk individuals, and shall evaluate whether additional workers can telework. This Executive Order encourages remote work for as many workers as possible.

Section 2. This Executive Order supplements the Community Revitalization Order (Executive Order 2020-43), which remains in effect other than when its terms are inconsistent with those expressly set forth in Section 1 above. The additional requirements of the Community Revitalization Order, including the requirements relating to social distancing and wearing face coverings, remain in place. The exemptions set forth in Section 4 of the Community Revitalization Order apply to this Executive Order.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor August 26, 2020

Filed by the Secretary of State August 26, 2020

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 44, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

50 - 2018	.....	14406
50 - 2019	.....	14416
86 - 131	.....	14420
86 - 696	.....	14464
92 - 1040	.....	14477
23 - 1	.....	14484
23 - 24	.....	14574
23 - 226	.....	14630

ADOPTED RULES

56 - 2720	8/27/2020	14672
56 - 2732	8/27/2020	14679
56 - 2835	8/27/2020	14684
89 - 112	8/26/2020	14692
89 - 113	8/25/2020	14710
50 - 2001	8/28/2020	14721
50 - 2040	8/28/2020	14725
35 - 604	8/27/2020	14736
86 - 150	8/26/2020	14744
23 - 51	8/27/2020	14763
23 - 75	8/27/2020	14770
23 - 120	8/27/2020	14785
23 - 226	8/27/2020	14792
23 - 255	8/27/2020	14799

EMERGENCY RULES

77 - 250	8/24/2020	14804
----------	-----------------	-------

**EXECUTIVE ORDERS AND
PROCLAMATIONS**

20 - 53	8/26/2020	14823
---------	-----------------	-------