
ILLINOIS

REGISTER



PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

July 9, 2021 Volume 45, Issue 28

PROPOSED RULES

AGING, DEPARTMENT ON	
Community Care Program	
89 Ill. Adm. Code 240.....	8172
EDUCATION, ILLINOIS STATE BOARD OF	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1.....	8187
Agricultural Education Program	
23 Ill. Adm. Code 75.....	8202
NATURAL RESOURCES, DEPARTMENT OF	
Public Use of State Parks and Other Properties of the Department of	
Natural Resources	
17 Ill. Adm. Code 110.....	8245

ADOPTED RULES

AGING, DEPARTMENT ON	
Public Information, Rulemaking and Organization	
2 Ill. Adm. Code 725.....	8276
EDUCATION, ILLINOIS STATE BOARD OF	
Public Schools Evaluation, Recognition and Supervision	
23 Ill. Adm. Code 1.....	8280
Student Online Personal Protection	
23 Ill. Adm. Code 380.....	8304
EMPLOYMENT SECURITY, DEPARTMENT OF	
Recovery of Benefits	
56 Ill. Adm. Code 2835.....	8310
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Specialized Health Care Delivery Systems	
89 Ill. Adm. Code 146.....	8319
Reimbursement for Nursing Costs for Geriatric Facilities	
89 Ill. Adm. Code 147.....	8326
Hospital Reimbursement Changes	
89 Ill. Adm. Code 152.....	8335
Long Term Care Reimbursement Changes	
89 Ill. Adm. Code 153.....	8340
HUMAN SERVICES, DEPARTMENT OF	
Electronic Prescription Monitoring Program	
77 Ill. Adm. Code 2080.....	8351
Supplemental Nutrition Assistance Program (SNAP)	
89 Ill. Adm. Code 121.....	8368
NATURAL RESOURCES, DEPARTMENT OF	

Landowner Permits	
17 Ill. Adm. Code 528.....	8382
Operation of Watercraft Carrying Passengers For Hire on Illinois Waters	
17 Ill. Adm. Code 2080.....	8394
Revocation Procedures for Conservation Offenses	
17 Ill. Adm. Code 2530.....	8415
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	
23 Ill. Adm. Code 2700.....	8430
Grant Program for Dependents of Correctional Officers	
23 Ill. Adm. Code 2731.....	8449
Grant Program for Dependents of Police or Fire Officers	
23 Ill. Adm. Code 2732.....	8455
Optometric Education Scholarship Program	
23 Ill. Adm. Code 2741.....	8461
Grant Program for Exonerees	
23 Ill. Adm. Code 2743.....	8468
John R. Justice Student Loan Repayment Program	
23 Ill. Adm. Code 2754.....	8472
Robert C. Byrd Honors Scholarship Program (Repealer)	
23 Ill. Adm. Code 2755.....	8478
Minority Teachers of Illinois (MTI) Scholarship Program	
23 Ill. Adm. Code 2763.....	8480
Golden Apple Scholars of Illinois Program	
23 Ill. Adm. Code 2764.....	8489
AIM HIGH Grant Pilot Program	
23 Ill. Adm. Code 2766.....	8494
EMERGENCY RULES	
PUBLIC HEALTH, DEPARTMENT OF	
Hospital Licensing Requirements	
77 Ill. Adm. Code 250.....	8503
PUBLIC HEARINGS ON PROPOSED RULES	
LABOR, DEPARTMENT OF	
Minimum Wage Law.....	8515
NOTICE OF EXPEDITED CORRECTION	
INSURANCE, DEPARTMENT OF	
Pharmacy Benefit Managers	
50 Ill. Adm. Code 3145.....	8517
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
July Agenda.....	8519
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	

Second Notices Received.....	8525
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
PUBLIC HEALTH, DEPARTMENT OF	
Sexual Assault Survivors Emergency Treatment Code (Agency Response).....	8526
REGULATORY AGENDA	
AGING, DEPARTMENT ON	
Americans With Disabilities Act and Civil Rights Program Grievance Procedure	
4 Ill. Adm. Code 1725.....	8527
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310.....	8535
CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION	
Chief Procurement for the Department of Transportation - Contract Procurement	
44 Ill. Adm. Code 6.....	8538
EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
Registration and Operator Requirements for Radiation Installations	
32 Ill. Adm. Code 320.....	8539
EMPLOYMENT SECURITY, DEPARTMENT OF	
Recovery of Benefits	
56 Ill. Adm. Code 2835.....	8544
HUMAN RIGHTS COMMISSION	
Procedural Rules	
56 Ill. Adm. Code 5300.....	8545
INSURANCE, DEPARTMENT OF	
Acquisition of Control of a Domestic Company	
50 Ill. Adm. Code 651.....	8546
JUVENILE JUSTICE, DEPARTMENT OF	
Public Relations	
20 Ill. Adm. Code 2203.....	8555
PROPERTY TAX APPEAL BOARD	
Practice and Procedure for Appeals Before the Property Tax Appeal Board	
86 Ill. Adm. Code 1910.....	8564
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions	
23 Ill. Adm. Code 2700.....	8567
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
Executive Order 2021-14 (COVID-19 Executive Order No. 83)	

2021-14.....	8570
PROCLAMATIONS	
Gubernatorial Disaster Proclamation	
2021-122.....	8576

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 2021

Issue#	Rules Due Date	Date of Issue
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021

21	May 10, 2021	May 21, 2021
22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
44	October 18, 2021	October 29, 2021
45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
240.728	Amendment
240.729	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4.01(11) and 4.02 of the Illinois Act on Aging [20 ILCS 105/4.01(11) and 4.02].
- 5) A Complete Description of the Subjects and Issues Involved: Part 240 rulemaking will be amended to reflect rate adjustments to maximum payment levels for CCP in-home service and adult day service providers.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? The underlying information for the proposed amendments was recently approved and provided by the federal Centers for Medicare and Medicaid Services (CMS). CMS' approval of the Elderly Waiver amendment allows implementation of the requested rate increases for CCP in-home service and adult day service providers.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62702-1271

217/524-7945

Aging.Rulemaking@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Health Care and Social Assistance
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Department Headquarters Location
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	In-home Service
240.230	Adult Day Service (ADS)
240.235	Emergency Home Response Service
240.237	Automated Medication Dispenser Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Care Coordination Service
240.270	Alternative Provider
240.280	Individual Provider (Repealed)

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Participant Rights and Responsibilities
240.310	Right to Request Services
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Participant /Authorized Representative Cooperation

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 240.360 Reporting Changes
- 240.370 Voluntary Repayment

SUBPART D: APPEALS

- Section
- 240.400 Appeals and Fair Hearings
- 240.405 Representation
- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
- 240.451 Conduct of Hearing
- 240.455 Continuance of the Hearing
- 240.460 Postponement
- 240.465 Dismissal Due to Non-Appearance
- 240.470 Rescheduling the Appeal Hearing
- 240.475 Recommendations of Hearing Officer
- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

SUBPART E: REQUEST FOR SERVICES

- Section
- 240.510 Participant Agreement for Community Care Program
- 240.520 Who May Make Application (Repealed)
- 240.530 Date of Application (Repealed)
- 240.540 Statement to be Included on Participant Agreement and Consent Form
- 240.550 Person-Centered Planning Process

SUBPART F: ELIGIBILITY FOR COMMUNITY CARE PROGRAM SERVICES

Section

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.600	Eligibility Requirements
240.610	Establishing Initial Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Redeterminations Process
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Person-Centered Plans of Care Including In-home Service
240.729	Maximum Payment Levels for Person-Centered Plans of Care Including Adult Day Service
240.730	Person-Centered Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.741	Prerequisites for Automated Medication Dispenser Service
240.750	Citizenship
240.755	Residence
240.760	Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care (Repealed)
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care (Repealed)
240.875	Participant Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients (Repealed)
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	
240.1010	Choices for Care Nursing Facility, Supportive Living Program, and Community-Based Screening
240.1020	Interim Services
240.1040	Intense Service Provision
240.1050	Temporary Service Increase

SUBPART K: TRANSFERS

Section	
240.1110	Participant Transfer Request – Vendor to Vendor – No Change in Service
240.1120	Participant Transfer Request – Vendor to Vendor – With Change in Service
240.1130	Participant Transfers – Care Coordination Unit to Care Coordination Unit
240.1140	Transfers of Pending Requests for Services

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1150	Interagency Transfers
240.1160	Temporary Transfers – Care Coordination Unit to Care Coordination Unit
240.1170	Caseload Transfer – Vendor to Vendor
240.1180	Caseload Transfer – Care Coordination Unit to Care Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section	
240.1210	Administrative Service Contract

SUBPART M: CARE COORDINATION UNITS AND PROVIDERS

Section	
240.1310	Standard Contractual Requirements for Care Coordination Units and Providers
240.1320	Vendor or Care Coordination Unit Fraud/Illegal or Criminal Acts
240.1399	Termination of a Vendor or Care Coordination Unit (CCU)

SUBPART N: CARE COORDINATION UNITS

Section	
240.1400	Community Care Program Care Coordination
240.1410	Care Coordination Unit Administrative Minimum Standards
240.1420	Care Coordination Unit Responsibilities
240.1430	Care Coordination Staff Positions, Qualifications and Responsibilities
240.1440	Training Requirements For Care Coordination Supervisors and Care Coordinators

SUBPART O: PROVIDERS

Section	
240.1505	Administrative Requirements for Certification
240.1510	Provider Administrative Minimum Standards
240.1520	Provider Responsibilities
240.1525	Standard Requirements for In-home Service Providers
240.1530	General In-home Service Staffing Requirements
240.1531	Electronic Visit Verification (EVV) Requirements for In-home Service Providers
240.1535	In-home Service Staff Positions, Qualifications, Training and Responsibilities
240.1541	Minimum Equipment Specifications for Emergency Home Response Service
240.1542	Administrative Requirements for Emergency Home Response Service Providers
240.1543	Minimum Equipment Specifications for Automated Medication Dispenser Service

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1544	Administrative Requirements for Automated Medication Dispenser Service Providers
240.1550	Standard Requirements for Adult Day Service Providers
240.1555	General Adult Day Service Staffing Requirements
240.1560	Adult Day Service Staff
240.1565	Adult Day Service Satellite Sites
240.1570	Service Availability Expansion
240.1575	Adult Day Service Site Relocation
240.1580	Standards for Alternative Providers
240.1590	Standard Requirements for Individual Provider Services (Repealed)

SUBPART P: PROVIDER PROCUREMENT

Section

240.1600	Provider Agency Certification
240.1605	Emergency Certification
240.1607	Standard CCP Provider Agreement
240.1615	Provider Initiated Service Area Modifications
240.1645	Objection to Certification Decision
240.1650	Classification, Identification and Receipt of Provider Service Violations
240.1660	Provider Performance Reviews
240.1661	Provider and Care Coordination Unit Right to Appeal
240.1665	Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CARE COORDINATION UNIT PROCUREMENT

Section

240.1710	Procurement Cycle for Care Coordination Services
240.1720	Care Coordination Unit Performance Review

SUBPART R: ADVISORY COMMITTEE

Section

240.1800	Community Care Program Advisory Committee
----------	---

SUBPART S: PROVIDER RATES

Section

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1910	Establishment of Fixed Unit Rates
240.1920	Contract Specific Variations
240.1930	Fixed Unit Rate of Reimbursement for In-home Service
240.1940	Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950	Adult Day Service Fixed Unit Reimbursement Rates
240.1955	Fixed Unit Rates of Reimbursement for Emergency Home Response Service
240.1957	Fixed Unit Rates of Reimbursement for Automated Medication Dispenser Service
240.1960	Care Coordination Fixed Unit Reimbursement Rates
240.1970	Enhanced Rate for Health Insurance Costs

SUBPART T: FINANCIAL REPORTING

Section	
240.2020	Financial Reporting of In-home Service
240.2023	Financial Reporting of Rate-Based Wage Increases for Direct Service Workers
240.2030	Unallowable Costs for In-home Service
240.2040	Minimum Direct Service Worker Costs for In-home Service
240.2050	Cost Categories for In-home Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) and 4.02 of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008; amended at 33 Ill. Reg. 4830, effective March 23, 2009; amended at 34 Ill. Reg. 3448, effective March 8, 2010; emergency amendment at 34 Ill. Reg. 10854, effective July 15, 2010, for a maximum of 150 days; emergency expired December 11, 2010; emergency amendment at 34 Ill. Reg. 12224, effective August 4, 2010, for a maximum of

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

150 days; emergency expired December 31, 2010; amended at 35 Ill. Reg. 8919, effective June 2, 2011; emergency amendment at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 20130, effective December 6, 2011; emergency amendment at 37 Ill. Reg. 11381, effective July 1, 2013, for a maximum of 150 days; emergency expired November 27, 2013; amended at 38 Ill. Reg. 5800, effective February 21, 2014; amended at 38 Ill. Reg. 14230, effective June 25, 2014; amended at 41 Ill. Reg. 15233, effective January 1, 2018; recodified at 42 Ill. Reg. 817; amended at 42 Ill. Reg. 20653, effective January 1, 2019; amended at 44 Ill. Reg. 2780, effective January 29, 2020; amended at 44 Ill. Reg. 5995, effective April 3, 2020; amended at 44 Ill. Reg. 8609, effective May 13, 2020; amended at 45 Ill. Reg. _____, effective _____.

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.728 Maximum Payment Levels for Person-Centered Plans of Care Including In-home Service

Maximum monthly service dollars are calculated according to the participant's total DON score and approved person-centered plan of care for in-home service or other combination of options, excluding adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers.

SERVICE MAXIMUM LEVEL

(Effective on and after ~~April~~ January 1,

DON SCORE	2021 <u>2020</u>)
29	\$ 587 <u>547</u>
30	657 <u>613</u>
31	728 <u>679</u>
32	798 <u>744</u>
33	868 <u>810</u>
34	939 <u>876</u>
35	1,009 <u>941</u>
36	1,078 <u>1,006</u>
37	1,149 <u>1,072</u>
38	1,219 <u>1,137</u>
39	1,289 <u>1,203</u>
40	1,360 <u>1,269</u>
41	1,430 <u>1,334</u>
42	1,499 <u>1,399</u>
43	1,571 <u>1,466</u>

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

44	<u>1,640</u> 1,530
45	<u>1,712</u> 1,597
46	<u>1,780</u> 1,661
47	<u>1,851</u> 1,727
48	<u>1,922</u> 1,793
49	<u>1,990</u> 1,857
50	<u>2,062</u> 1,924
51	<u>2,132</u> 1,989
52	<u>2,203</u> 2,056
53	<u>2,272</u> 2,120
54	<u>2,340</u> 2,184
55	<u>2,412</u> 2,251
56	<u>2,482</u> 2,316
57	<u>2,554</u> 2,383
58	<u>2,622</u> 2,447
59	<u>2,694</u> 2,514
60	<u>2,764</u> 2,579
61	<u>2,833</u> 2,644
62	<u>2,904</u> 2,710
63	<u>2,975</u> 2,776
64	<u>3,044</u> 2,841
65	<u>3,114</u> 2,906
66	<u>3,186</u> 2,973
67	<u>3,254</u> 3,037
68	<u>3,325</u> 3,103
69	<u>3,395</u> 3,168
70	<u>3,465</u> 3,234
71	<u>3,536</u> 3,300
72	<u>3,606</u> 3,365
73	<u>3,675</u> 3,430
74	<u>3,747</u> 3,497
75	<u>3,816</u> 3,561
76	<u>3,887</u> 3,627
77	<u>3,957</u> 3,693
78	<u>4,027</u> 3,758
79	<u>4,098</u> 3,824
80	<u>4,166</u> 3,888
81	<u>4,238</u> 3,955
82	<u>4,308</u> 4,020

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

83	<u>4,379</u> 4,087
84	<u>4,448</u> 4,151
85	<u>4,520</u> 4,218
86	<u>4,589</u> 4,283
87	<u>4,658</u> 4,347
88	<u>4,730</u> 4,414
89	<u>4,798</u> 4,478
90	<u>4,870</u> 4,545
91	<u>4,940</u> 4,610
92	<u>5,009</u> 4,675
93	<u>5,080</u> 4,741
94	<u>5,151</u> 4,807
95	<u>5,220</u> 4,872
96	<u>5,290</u> 4,937
97	<u>5,362</u> 5,004
98	<u>5,430</u> 5,068
99	<u>5,501</u> 5,134
100	<u>5,572</u> 5,200

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 240.729 Maximum Payment Levels for Person-Centered Plans of Care Including Adult Day Service

Maximum monthly service dollars are calculated according to the participant's total DON score and approved person-centered plan of care for adult day service or other combination of options including adult day service. These maximum monthly service dollars will be adjusted by the Department to be consistent with any future unit rate adjustments for CCP providers.

DON SCORE	SERVICE MAXIMUM LEVEL (Effective on and after December 1, <u>2021</u> 2019)
29	\$ <u>1,200</u> 1,120
30	<u>1,395</u> 1,302
31	<u>1,604</u> 1,497
32	<u>1,810</u> 1,689
33	<u>2,019</u> 1,884
34	<u>2,226</u> 2,077
35	<u>2,353</u> 2,196

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

36	<u>2,4782,312</u>
37	<u>2,6032,429</u>
38	<u>2,7292,547</u>
39	<u>2,8552,664</u>
40	<u>2,9822,783</u>
41	<u>3,1072,899</u>
42	<u>3,2333,017</u>
43	<u>3,3603,136</u>
44	<u>3,4853,252</u>
45	<u>3,6123,371</u>
46	<u>3,7383,488</u>
47	<u>3,8643,606</u>
48	<u>3,9893,723</u>
49	<u>4,1153,840</u>
50	<u>4,2413,958</u>
51	<u>4,3674,075</u>
52	<u>4,4944,194</u>
53	<u>4,6184,310</u>
54	<u>4,7444,427</u>
55	<u>4,8714,546</u>
56	<u>4,9944,661</u>
57	<u>5,1224,780</u>
58	<u>5,2484,898</u>
59	<u>5,3745,015</u>
60	<u>5,4995,132</u>
61	<u>5,6255,250</u>
62	<u>5,7515,367</u>
63	<u>5,8765,484</u>
64	<u>6,0045,603</u>
65	<u>6,1285,719</u>
66	<u>6,2555,838</u>
67	<u>6,3835,957</u>
68	<u>6,5066,072</u>
69	<u>6,6346,191</u>
70	<u>6,7606,309</u>
71	<u>6,8856,426</u>
72	<u>7,0116,543</u>
73	<u>7,1376,661</u>
74	<u>7,2636,778</u>

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

75	<u>7,3886,895</u>
76	<u>7,5157,014</u>
77	<u>7,6407,130</u>
78	<u>7,7677,249</u>
79	<u>7,8937,366</u>
80	<u>8,0177,482</u>
81	<u>8,1447,601</u>
82	<u>8,2707,718</u>
83	<u>8,3957,835</u>
84	<u>8,5227,953</u>
85	<u>8,6498,072</u>
86	<u>8,7728,187</u>
87	<u>8,8998,305</u>
88	<u>9,0248,422</u>
89	<u>9,1498,539</u>
90	<u>9,2778,658</u>
91	<u>9,4018,774</u>
92	<u>9,5298,893</u>
93	<u>9,6569,012</u>
94	<u>9,7799,127</u>
95	<u>9,9079,246</u>
96	<u>10,0339,364</u>
97	<u>10,1599,481</u>
98	<u>10,2849,598</u>
99	<u>10,4109,716</u>
100	<u>10,5369,833</u>

(Source: Amended at 45 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.30 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: On Feb. 22, 2021, the U.S. Department of Education (ED) released a Dear Colleague Letter that provided guidance to states on the issue of administering assessments during the 2020-21 school year. ED announced that it would provide the opportunity for a waiver from the accountability and school identification requirements in the Elementary and Secondary Education Act of 1965 for testing that is required to be administered. 23 Il. Admin. Code 1.30 provides that the state accountability assessment that is required for graduation must be administered to students in "grade 11," which is determined to be "the point in time when a student has earned the number of credits necessary for enrollment in grade eleven." This rulemaking provides the flexibility for students to extend the testing window if a gubernatorial disaster exists and the agency has received a waiver from ED.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1.420	Amendment	44 Ill. Reg. 19383; December 18, 2020
1.630	Amendment	44 Ill. Reg. 19383; December 18, 2020
1.280	Amendment	45 Ill. Reg. 1777; February 16, 2021
1.285	Amendment	45 Ill. Reg. 1777; February 16, 2021
1.Appendix D	Amendment	45 Ill. Reg. 4313; April 9, 2021
1.Appendix D	Amendment	45 Ill. Reg. 4579; April 16, 2021

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1.Appendix D	Amendment	45 Ill. Reg. 6397; May 21, 2021
1.100	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.420	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.440	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.783	Amendment	45 Ill. Reg. 6906; June 11, 2021

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) 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 Amendment begin on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 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 AMENDMENT

- 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
- 1.323 Teacher Evaluation Ratings During a Declared Gubernatorial Disaster
- 1.325 Teacher Remediation Plan During a Declared Gubernatorial Disaster
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.421 Remote and Blended Remote Learning Days
- 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 Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 9-12 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 Reading Teachers and Reading Specialists
- 1.750 Standards for Media Services through June 30, 2004 (Repealed)
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.792 Short-Term Substitute Teacher
- 1.794 Substitute Teachers; Recruiting Firms

- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)
- 1.APPENDIX H Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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 expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; emergency expired December 27, 2020; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17816, effective October 23, 2020, for the remainder of the 150 days; emergency rule as amended expired February 25, 2021; amended at 45 Ill. Reg. 867, effective January 4, 2021; amended at 45 Ill. Reg. 1644, effective January 22, 2021; emergency amendment at 45 Ill. Reg. 4543, effective March 24, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 5362, effective April 12, 2021; amended at 45 Ill. Reg. 5744, effective April 21, 2021; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64a-5 of the School Code [105 ILCS 5]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

- a) Development and Participation
 - 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (2014), published by the American Educational Research Association, 1430 K St., N.W., Suite 1200, Washington, D.C. 20005. (No later amendments to or editions of these standards are incorporated.)
 - 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 3) A school shall generally be selected for participation in these special studies, tryouts and/or pilot testing no more than once every four years, except that participation may be required more frequently as needed to ensure sufficient sample size for validity.
- 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services* and students receiving scholarships to attend nonpublic schools under the Invest in Kids Act [35 ILCS 40] shall be required to participate in the State's accountability assessments, whether by taking the regular assessment, with or without accommodations, or by participating in the State's approved alternate assessment (Sections 2-3.25a and 2-3.64 of the School Code). Assessments in English/language arts and mathematics are administered annually in grades 3 through 11, and, for science, in grades 5, 8 and at least once in high school.
 - A) Students who are served in any locked facility that has a State-assigned region/county/district/type/school (RCDTS) code, and students beyond the age of compulsory attendance whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State's accountability assessment. Students with an IEP who receive an alternate diploma are required to participate in the State's accountability assessment during years of compulsory attendance. These students can be exempted only after participating in the State's final accountability assessment.
 - B) It is the responsibility of each district or other affected entity (e.g., nonpublic school or special education cooperative) to ensure that all students required to participate in the State's accountability assessment do so. (See also Section 1.50.)
- 5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State's accountability

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

assessment by students with disabilities, as reflected in those students' IEPs, ISPs, or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.

b) Assessment Procedures

- 1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)
- 2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the State's accountability assessments, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
- 3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any complaint and shall report to the State Superintendent the results of its investigation.
- 4) Districts shall administer the State's final accountability assessment or its approved alternate assessment, if applicable under subsection (d), to students in grade 11. (See Section 2-3.64 of the School Code.) For the purpose of this subsection (b)(4), "grade 11" means the point in time when a student has earned the number of credits necessary for enrollment in grade 11, as determined by his or her school district in accordance with Sections 1.420(b) and 1.440, or during any time in which the Governor has declared a disaster due to a public health emergency, "grade 11" means any time in grade 11 or grade 12 if the State Board of Education has received a waiver from accountability assessments from the U.S. Department of Education.
- 5) Districts shall ensure that students who have not taken the State's final accountability assessment at the highest grade or level assessed shall not

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

receive a regular high school diploma. In accordance with Section 2-3.64a-5 of the School Code, districts, with approval from the State Board of Education, may issue a regular high school diploma to a student who has not met this requirement.

- 6) To request approval to graduate a student who has not taken the State's final accountability assessment, the school must submit to the State Board:
 - A) Explanation of why the student was not able to be assessed on the State's final approved accountability assessment in either grade 11 or 12, or in the commensurate final stage of a competency-based program.
 - B) Justification that granting the exemption does not represent systemic exclusion from accountability based on gender, race, disability, English Learner status, income or other demographic factors.
 - 7) Schools within a district that exercise this exemption for less than 1 percent of the graduating cohort of that school year (i.e., all students receiving a regular diploma from that school within a single school year) will have these exemption requests approved without requiring additional evidence.
 - 8) Schools within a district that exercise this exemption for more than 1 percent of the graduating cohort of that school year will be asked to submit additional evidence in support of subsection (b)(6)(B) and may receive additional support, monitoring or audits.
- c) Accommodations
- Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15 (Identification of Eligible Students), including students not enrolled in programs of bilingual education, may participate in an accommodated setting for the State's accountability assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State's accountability assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.

- d) **Illinois Alternate Assessment**
The 1 percent of students with the most significant cognitive disabilities whose IEPs identify the State's regular accountability assessment as inappropriate for them even with accommodations shall participate in the State's approved alternative accountability assessment, based on achievement standards aligned to the Illinois Learning Standards, for all subjects tested. (See also Section 1.60(c).)
- e) **Review and Verification of Information**
Each school district, charter school and nonpublic school participating in the Invest in Kids Act shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State's accountability assessment, including information about the participating students as well as the scores achieved.
 - 1) Within 10 business days after the preliminary data from the accountability assessments is made available, each district or charter school shall make any necessary corrections to its data and then use a means prescribed by the State Board to indicate either:
 - A) that both its demographic and preliminary data are correct; or
 - B) that it is requesting rescoring of some or all portions of the assessment for specific students, if available.
 - 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.
 - 3) At the end of the 21-day period discussed in subsection (e)(2), all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95.
- f) **Reports of the State's Accountability Assessment Results**

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Following verification of the data under subsection (e), the State Board shall send each school and district a report containing final information from the results of each administration of the State's accountability assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are youth in care of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.
 - B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
 - C) The scores of students who were enrolled in nonpublic schools through the Invest in Kids Act scholarship program shall be reported to the students' nonpublic schools of record.
- 2) Each report shall include, as applicable to the receiving entity:
 - A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h)).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school with respect to accountability as reflected in the final data.
- h) **Classification of Scores**

Each score achieved by a student on the State's regular or alternate accountability assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".

 - 1) Each score achieved by a student on a regular State assessment shall be classified among categories such as "did not yet meet", "partially meets", "approaching", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
 - 2) Each score achieved by a student on the State's approved alternate accountability assessment shall be classified among categories such as "emerging", "approaching", "at target", or "advanced". Among these scores, those identified as "at target" or "advanced" shall be considered as demonstrating proficiency.
- i) **Scores Relevant to Accountability**

For purposes of determining a school's annual summative accountability rating, scores achieved and measures of growth calculated from those scores on the State's accountability assessment in reading or mathematics from students who attended the "same school within a local educational agency for at least half of a school year" (see section 1111(c)(4)(F)(i) of the Elementary and Secondary Education Act (20 USC 6301 et seq.)), shall be "relevant scores". For schools without grades higher than 2 and 3 (that is, for schools where the State's accountability assessment is not administered, and administered such that student growth can be calculated for attending students), the "relevant scores" used to determine the annual summative accountability rating shall be current year data of students who were enrolled at the impacted school in the nearest year to have current applicable assessment data (i.e., a kindergarten-grade 3 school would map its 2016 grade 3 enrollments to use those students' 2017 grade 4 growth scores; a prekindergarten-grade 2 school would map its 2016 grade 2 enrollments to use those students' 2017 grade 3 English language arts and math proficiency scores,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

and would map its 2015 grade 2 enrollments to use those students' 2017 growth scores).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Agricultural Education Program
- 2) Code Citation: 23 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
75.1	New Section
75.10	Amendment
75.20	Amendment
75.30	Amendment
75.40	Amendment
75.50	Amendment
75.200	Amendment
75.210	Amendment
75.220	Amendment
75.230	Amendment
75.240	Amendment
75.250	Amendment
75.260	Amendment
75.300	Amendment
75.310	Amendment
75.320	Amendment
75.330	Amendment
75.340	Amendment
75.350	Amendment
75.400	Amendment
75.410	Amendment
75.420	Amendment
75.430	Amendment
75.435	Amendment
75.440	Amendment
75.500	Repealed
75.510	Amendment
75.520	Amendment
75.600	Repealed
- 4) Statutory Authority: 105 ILCS 5/2-3.80 and 2-3.80b
- 5) A Complete Description of the Subjects and Issues Involved: These proposed changes are driven primarily by feedback from the Illinois Committee for Agricultural Education

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

who recommended the most notable changes in the rulemaking, including the inclusion of middle school agricultural education activities, an increase in the percentage of expenditures allowed for consumable items from 10% to 25%, and the addition of Regional Offices of Education, Intermediate Service Centers, and nonprofit organizations as eligible applicants for the FCAE grant. The rulemaking also includes general cleanup and updates to terminology.

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

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 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 b: PERSONNEL

PART 75

AGRICULTURAL EDUCATION PROGRAM

SUBPART A: DEFINITIONS75.1 Definitions

SUBPART B: GROWING AGRICULTURAL SCIENCE TEACHER (GAST) GRANTS

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 C: 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 D: 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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 75.330 Determination of Individual Grant Allocations
- 75.340 Application Procedure
- 75.350 Terms of the Grant

SUBPART E: 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 F: AGRICULTURAL EDUCATION TEACHER
THREE CIRCLE GRANT PROGRAM (FFA and SAE)

Section

- 75.500 Definitions ([Repealed](#))
- 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 G: AGRICULTURAL EDUCATION
PRE-SERVICE TEACHER INTERNSHIP PROGRAM

Section

- 75.600 Definitions ([Repealed](#))
- 75.610 Purpose and Applicability
- 75.620 Eligible Applicants
- 75.630 Implementation Grants – Procedures and Content of Proposals
- 75.640 Criteria for Review and Approval of Implementation Proposals
- 75.650 Application Content and Approval Criteria for Continuation Programs

AUTHORITY: Implementing Sections 2-3.80 and 2-3.80a of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 32 Ill. Reg. 19170, effective November 26, 2008; amended at 35 Ill. Reg. 16839, effective September 29, 2011; amended at 36 Ill. Reg. 18903, effective December 17, 2012; amended at 37 Ill. Reg. 15932, effective September 27, 2013; amended at 41 Ill. Reg. 14099, effective November 3, 2017; amended at 44 Ill. Reg. 14770, effective August 27, 2020; Subparts A, B, C, D, E, and F recodified at 45 Ill. Reg. 7988; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONSSection 75.1 Definitions

"ACTE" means the Association of Career and Technical Education.

"Approvable Agricultural Education Program at the Middle School Level" means an agricultural education program that includes at least one State-approved introductory agricultural education course with an appropriately licensed teacher in an agricultural education career pathway that connects to a secondary program. This introductory course must include a career exploration component with SAE as a part of instruction. A middle school program shall also connect either to a stand-alone middle school or a secondary FFA chapter.

"Approvable Agricultural Education Program at the Secondary Level" means an agricultural education program that includes one foundational (from Group 1. Orientation or Group 2. Introductory) course and one skill course, taught by an appropriately licensed teacher, for which no less than two credits are awarded for the successful completion of the course sequence, as defined in 23 Ill. Adm. Code 1.440(c). SAE shall be included as a part of instruction and the program shall be a State and nationally affiliated chapter of the National FFA Organization with student paid membership.

"Curricular/Intra-curricular Related Activities" means activities that are connected to the classroom instruction. Grant funds from 23 Ill. Adm. Code 75.Subpart F shall be used only to support activities related to the classroom outside of the regularly scheduled teaching duties for the benefit of agricultural education. Examples of these activities include, but are not limited to, professional development, professional organization conferences, curriculum development or improvement, and classroom and laboratory facilities maintenance. The

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

recommended maximum level of activity for this component is 16 days or 128 hours.

"FFA" means a State and federally recognized career and technical student organization for students in State-approved agricultural education programs. (Formerly known as Future Farmers of America, now the National FFA Organization.)

"FFA Activities" means those activities that demonstrably relate to the intra-curricular nature of the career and technical student organizations and focus on premier leadership, personal growth, or career success. Examples of these activities include leadership training or events, community service or education activities, career development event preparation or competitions, chapter program management, program/chapter recruitment and marketing activities, alumni meetings and professional events, program fundraising events, and public events related to agricultural education. The recommended minimum level of activity for this component is 17 days or 136 hours.

"Full-Time Teacher" means an agricultural education teacher with at least a nine-month (180 day) contract based on an eight-hour day when the teacher is teaching at least one approved agricultural education class published in the Agricultural, Food, and Natural Resources course matrix.

"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.

"IAVAT" means the Illinois Association of Vocational Agriculture Teachers.

"Middle School" means students in grades five through eight.

"New Education Program" means an education program approved by the State Board of Education in a school district that has not had an education program for a period of 10 years or more prior to the date of application for a grant. [105 ILCS 5/2-3.80b(a)]

"Personal Services Cost" means the cost (salary and benefits) of a teacher providing 60 additional days, which shall mean 400 additional hours, outside the teacher's regularly scheduled teaching duties for the benefit of education. The

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

400 additional hours shall be any activity that is to the benefit of education, as defined by the State Board in 23 Ill. Adm. Code 75.Subpart E, regardless of the time of year the activity occurs. [105 ILCS 5/2-3.80b(a)]

"Post-secondary Agricultural Courses" means college courses directly relating to technical industry knowledge in Agriculture, Food, and Natural Resources (AFNR) as well as those relating to the teaching of agricultural concepts to classes, groups, and organizations.

"Post-secondary Agricultural Program of Study" means a community college or university that offers a series of courses in agriculture, foods, or natural resources that may be transferred to other universities or enables a student to pursue either a minor or major concentration in one of those areas of study.

"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.

"Restart program" means an agricultural education program approved by the State Board of Education in a school district that has not had an agricultural education program for a period of 9 years or less prior to the date of application for a grant.

"School Code" or "Code" means the Illinois School Code [105 ILCS 5].

"School District" means a public school district or area career center.

"Supervised Agricultural Experience" or "SAE" means activities that are work-based learning activities such as degree/award preparation, SAE visits, record book instruction, training or assistance. The recommended minimum level of activity for this component is 17 days or 136 hours.

"Three Circle Model" means a model used to identify the central components of an agricultural education program. The central components are:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Classroom/laboratory instruction: Including contextual, inquiry-based instruction and learning.

FFA: Fostering the development of premier leadership, personal growth, and career success through engagement in its programs and activities.

SAE: Including experiential, service, and work-based learning.

"Work-based Learning" means an activity or interaction among the teacher, student, or employer or industry representative who provides experience related to an agricultural career interest. Work-based learning includes, but is not limited to, SAEs, job shadowing, internships, apprenticeships, school-based enterprises, industry-led projects and challenges or competitions.

(Source: Added at 45 Ill. Reg. _____, effective _____)

SUBPART B: GROWING AGRICULTURAL SCIENCE TEACHER (GAST) GRANTS

Section 75.10 Purpose and Applicability

This Subpart BA establishes the application procedure and criteria for the allocation of grant funds to eligible institutions of higher education under the agricultural science teacher education program established pursuant to Section 2-3.80a of the School Code [105 ILCS 5/2-3.80a].

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.20 Eligible Applicants

Eligible applicants under this Subpart BA shall be as specified in Section 2-3.80a of the School Code, provided that institutions of higher education that offer State-approved agricultural science teacher preparation programs and public community colleges that provide an articulated agriculture science teacher education course of study [105 ILCS 5/2-3.80a] are only those that offer at least:

- a) the introductory agricultural education course for which transfer credit is accepted by the public universities under the Illinois Articulation Initiative (see the information posted by the Illinois Board of Higher Education at www.itransfer.org); and

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) a one-semester-hour internship or other, equivalent field experience.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.30 Application Procedure

- a) When State funding is expected to be available for the agricultural science teacher education program for a given fiscal year, the State Superintendent of Education shall issue a request for applications from eligible entities. This request shall:
- 1) indicate the amount or expected amount of the appropriation for the program and the expected range for grant awards;
 - 2) describe the required content and format of applications and identify the activities that will receive priority consideration for funding, if applicable;
 - 3) identify the data that recipients will be required to collect and report regarding the activities conducted with the funds provided and the results of those activities, as well as the timelines for reporting;
 - 4) include such certifications, assurances, and program-specific terms of the grant as the State Superintendent may require; and
 - 5) indicate the deadline for submission of applications, which shall provide applicants with at least 30 days in which to respond.
- b) Each application shall be signed by an authorized representative of the institution, and each [application](#) shall be accompanied by a letter of support signed by the head of the agriculture department and, as applicable, the head of the education department or other department responsible for the education program at the applicant institution.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of the approved proposal shall be incorporated into a grant agreement to be signed by the applicant's authorized representative and the State Superintendent.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- d) Each participating institution's eligibility to receive funding in fiscal years following the initial appropriation for this program, or following the institution's initial receipt of funding, as applicable, shall be contingent upon the submission of:
- 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the grant agreement;
 - 2) an updated project narrative that discusses the services and activities for which the funding will be used and a rationale for the activities to be undertaken;
 - 3) an updated budget summary and payment schedule for the coming fiscal year, including a narrative budget breakdown;
 - 4) signed certifications, assurances, and program-specific terms of the grant, as applicable to the renewal period.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.40 Program Specifications; Allowable Expenditures

Funds provided pursuant to this Subpart [BA](#) may be expended only for activities and initiatives conducted in accordance with Section 2-3.80a(b) of the School Code and this Section.

- a) For purposes of this Subpart [BA](#), "teacher education candidate recruitment and retention initiatives" include:
- 1) the identification of students in grades 11 and 12 who may be interested in pursuing agricultural education as a profession; and
 - 2) activities and strategies that are designed to attract these and other students to teaching in agricultural education, including, but not limited to:
 - A) introducing the students to multiple aspects of agricultural work and agricultural education in Illinois;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) providing mentors or other forms of personal support to the students as they determine whether to pursue careers as agricultural education teachers and as they progress through the teacher preparation program; and
 - C) providing scholarships, stipends, or other forms of financial or in-kind support that will make completion of a teacher preparation program in agricultural education more affordable and accessible to students from a broad range of backgrounds.
- b) Each institution that elects to deliver professional development experiences for new teachers shall first seek approval as a provider of professional development for teachers in this field under the applicable provisions of the rules of the State Board of Education for Educator Licensure (see 23 Ill. Adm. Code 25.855 and 25.872).
- c) For purposes of this Subpart [BA](#):
- 1) a "master teacher" is a teacher with no fewer than six years of teaching experience, ending no more than ten years prior to submission of an application under this Subpart [BA](#), in the field of agricultural education, exclusive of teaching experience on an educator license with stipulations endorsed for either career and technical educator or provisional career and technical educator; and
 - 2) a "practitioner" is an individual who, as demonstrated by the institution's proposal narrative:
 - A) is currently engaged, or has been engaged within the previous 10 years, in an agricultural occupation requiring knowledge and skills in agricultural science, agricultural mechanization, agricultural business, horticulture, or agricultural resources; or
 - B) holds an educator license with stipulations endorsed for provisional career and technical educator for a skill area related to agricultural education and is currently teaching, or has taught within the previous 10 years, in a position requiring that educator license.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- d) A university shall expend no more than 5 percent of the grant funds received for professional development for the staff of its agricultural education teacher preparation program.
- e) Activities shall be supported by funding under this Subpart [BA](#) only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the community college or university. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Subpart [BA](#).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.50 Criteria for the Review of Proposals; Allocation of Funds

Each applicant may propose to expend grant funds for one or more of the four types of activities discussed in subsection (b) of Section 2-3.80a of the School Code. Subsection (a) of this Section includes review criteria for all four types of activities; however, the individual criteria that are not relevant to the activities included in a particular proposal shall be disregarded in its review. The State Superintendent of Education shall make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative and the amounts necessary to fund high-quality proposals that are most responsive to the area or areas of priority identified in the request for applications.

- a) Quality of the Plan (80 points)
 - 1) Proposed recruitment and retention strategies appear likely to:
 - A) promote increased awareness of agricultural education as a potential career among students from varied backgrounds and communities;
 - B) create enhanced incentives for individual students to enter and persist in teacher preparation programs in agricultural education; and
 - C) help eliminate barriers that may otherwise prevent individuals from completing preparation programs in this field.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Proposed expenditures for the services of master teachers and practitioners as support for student teaching will enhance candidates' understanding of agricultural education as a profession and broaden their awareness of the varied facets of Agriculture, Food, and Natural Resources (AFNR) ~~agriculture~~ and agriculturally based and related careers.
 - 3) Plans for delivery of professional development for new teachers provide evidence that the training is designed in response to the expressed needs of individuals who are in their first five years of teaching in the field of agricultural education and the school districts or area career center~~secooperatives~~ where they are employed.
 - 4) Planned expenditures for professional development for a community college's or university's agricultural education staff are demonstrably related to the needs of those individuals.
- b) Cost-Effectiveness (20 points)
The proposal represents a cost-effective use of State resources, as evidenced by the amounts requested for the proposed activities in relation to the numbers of students or teachers to be served and the services to be provided.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART C: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section 75.200 Purpose and Applicability

This Subpart CB establishes the application procedure and criteria for the allocation of grant funds to eligible school districts and area career~~vocational~~ centers under Section 2-3.80 of the School Code [105 ILCS 5/2-3.80] to expand and improve the academic content areas within agricultural education.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.210 Eligible Applicants

Eligible applicants under this Subpart CB shall be as specified in Section 2-3.80 of the School Code. For purposes of eligibility, an "approved agricultural education program" is one that:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) offers a series of courses that are sequential in one or more ~~pathways~~fields of study listed at <https://www.ilaged.org/courseoutlines> ~~<http://www.agriculturaleducation.org/Ag-Ed%20Programs/Course-Career%20Pathways>~~ and includes:
- 1) at least one introductory course and one ~~skills (Group 3)~~higher-level course for which no less than two credits are awarded for the successful completion of the course sequence, as defined in 23 Ill. Adm. Code 1.440(c) (Additional Criteria for High Schools), are awarded for the successful completion of the course sequence; and
 - 2) courses with content that aligns with the courses approved by the State Board of Education and listed at <https://www.ilaged.org/courseoutlines>~~<http://www.agriculturaleducation.org/Ag-Ed%20Programs/Course-Career%20Pathways>~~;
- b) unless otherwise exempt under the provisions of Section 2-3.80 of the School Code, includes a State and nationally affiliated chapter of the National FFA Organization;
- c) provides for supervised agricultural experiences including record keeping (also see Section 75.220(d)~~of this Part~~); and
- d) employs qualified instructional staff, each of whom either:
- 1) holds a current and valid professional educator license endorsed for teaching for grades 6 through 12 and for agricultural education as set forth in 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) and has 2,000 hours of work experience in a field related to agriculture, food or natural resources; or
 - 2) holds an educator license with stipulations endorsed for career and technical educator or provisional career and technical educator issued pursuant to 23 Ill. Adm. Code 25 (Educator Licensure) and endorsed for a skill area ~~unrelated to~~ agricultural education. (See 23 Ill. Adm. Code 25.70 or 25.72, respectively.)

(Source: Amended at 45 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 75.220 Program Goals and Minimum Standards

This Section presents the goals and the accompanying minimum standards of each goal that are associated with high-quality agricultural education programs offered in high school settings.

- a) Goal 1: The agricultural education teacher is licensed by the State Board of Education for agricultural education. ~~Teachers are qualified and licensed by the State Board of Education to teach the programs and courses assigned.~~

Minimum Standards: ~~Each of the teaching staff is appropriately licensed for the coursework in which he or she is providing instruction under the agricultural education program during the grant year.~~

- 1) The teacher has a Professional Educator License with a content endorsement for high school agricultural education; or
- 2) The teacher has an Educator License with Stipulations with an endorsement as a Career and Technical Educator or a Provisional Career and Technical Educator in high school agricultural education.

- b) Goal 2: Support services are available to all students in agricultural programs.

Minimum Standards:

- 1) The agricultural education teacher shall meet at least annually with each student enrolled in the agricultural education program to provide advice and counseling relative to the student's career objectives.
- 2) The agricultural education teacher shall meet annually with the school's guidance counselor to review information at <http://www.ilaged.org> ~~<http://www.agriculturaleducation.org>~~ regarding career opportunities, scholarships, course offerings and other pertinent information that will assist students in meeting postsecondary and career objectives.

- c) Goal 3: The instructional programs in AFNRagriculture are competency-based and include skills, knowledge and attitudes required for gainful employment in the occupations identified in the career pathways and are sequentially structured.

Minimum Standards:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) The program shall offer a balance of classroom, laboratory, field-based and industry-based ~~agricultural~~ experiences in AFNR (also see subsection (d) of this Section).
 - 2) Written lesson plans for all courses shall contain clearly stated goals, objectives, activities and experiences that relate to the school's School Improvement Plan.
- d) Goal 4: Each agricultural education teacher ~~incorporates~~uses an ongoing ~~Supervised Agricultural Experience (SAE) Program~~supervised agricultural experience program as part of the instructional program. SAE experiences are incorporated into agricultural education courses or awarded as a separate SAE Workplace Experience course for credit.

Minimum Standards:

- 1) Each program shall include a supervised agricultural experience program that requires students to apply the lessons presented in the classroom or laboratory instruction to activities and projects beyond the classroom.
 - 2) A minimum of 50% of students enrolled in agricultural education participate in a Foundational or Immersion SAE Program.
- e) Goal 5: The National FFA Organization is an integral part of the instructional program in ~~AFNR~~agriculture.

Minimum Standards:

- 1) The program shall incorporate into the curriculum opportunities to develop leadership skills through local, State and national FFA activities as planned in an annually documented Program of Activities (POA). ~~chapters in the agricultural education program.~~
- 2) The program has submitted a Chapter Strategic Plan to the Illinois FFA Center no later than the published annual deadline (November 30).
- 3) The FFA Chapter must submit the online membership roster to the Illinois FFA Center by the published annual deadline (October 1). Membership

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

dues payment and administrator approval must be submitted to the Illinois FFA Center or payment must be mailed to the Illinois FFA Center, postmarked no later than November 1.

- f) Goal 6: Each school conducting an agricultural education program provides adequate and safe classroom facilities, learning laboratories, equipment storage; and supplies for effective operation of the program.

Minimum Standards: The facilities, equipment and supplies available to students shall enable them to have hands-on experiences that replicate up-to-date, realistic situations similar to what is occurring in the AFNRagriculture careers for which training is provided.

- g) Goal 7: The program of instruction in agricultural education is advised by a committee that is representative of all agricultural interests of the community.

Minimum Standards:

- 1) The school shall establish an agricultural advisory committee whose membership shall consist of representatives of the agriculture industries operating in the community. The committee shall meet at least once a year to advise the school on the program being offered.

- 2) A list of advisory council members and meeting minutes are kept on file by the local entity, school, or ACC.

- h) Goal 8: The agricultural education teacher is involved in assessing the areas needed for literacy and agricultural education for the prekindergarten through adult audiences and provides or assists in providing programs to meet the needs identified in the community.

Minimum Standards: The agricultural education teacher assists in the coordination of agricultural education awareness and agriculture literacy activities for prekindergarten through adult audiences.

- i) Goal 9: The agricultural education program is actively developing the engagement of middle school students in AFNR coursework, SAE Programs, and the National FFA Organization.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Minimum Standard: The agricultural education program of instruction offered includes courses for middle school students equal to at least ten percent of the local full-time equivalent work load.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.230 Quality Indicators

Each quality indicator is intended to measure an applicant's achievement of the goal to which it applies. (See Section 75.220 ~~of this Part.~~) The application for funding required under Section 75.250 ~~of this Part~~ shall list the specific quality indicators to be considered in a given funding cycle and their values, which shall range from 0 to 10. The total value of an individual application shall be considered on a 100 percent basis. That is, the percentage of the total represented by any quality indicator will be such that the total percentages of all quality indicators equal 100 percent.

- a) Goal 1: Not to exceed 30 percent of the total value available. Include, at a minimum, consideration of the teacher's affiliation with professional organizations, length of employment, leadership activities, professional development and other continuing education activities, college-level teaching or mentoring, and industry recognized credentials taught or utilized in the curriculum. ~~"highly qualified" status as determined under 23 Ill. Adm. Code 25.Appendix D (Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances).~~
- b) Goal 2: Not to exceed 10 percent of the total value available. Include, at a minimum, maintenance of student portfolios ~~and~~/or career plans, provision of accommodations for students with disabilities or other special needs, and assistance raising students' awareness about agricultural careers or postsecondary agricultural education.
- c) Goal 3: Not to exceed 25 percent of the total value available. Include, at a minimum, acceptance of at least one AFNRagriculture course to meet high school graduation requirements; State-approved courses, as defined in Section 75.220 ~~of this Part~~, that are offered separately or as part of other coursework; curriculum planning and course integration aligned to the Illinois State Goals for Learning (23 Ill. Adm. Code 1.Appendix D) and supportive of the applicant's School Improvement Plan; articulation with or provisions for dual credit with postsecondary institutions; inclusion of technology-based instruction, recruitment

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

activities and career development events; use of standardized instructional and assessment systems; credentials that are earned by students as part of enrollment in or completion of agricultural education courses; and teacher participation in international activities, the purpose of which is directly related to AFNRagriculture, as evidenced by an itinerary, certification of participation, correspondence from activity organizers, etc., presented as part of the application.

- d) Goal 4: Not to exceed 25 percent of the total value available. Include, at a minimum, involvement in supervised agricultural experience programs that include classroom instruction, independent study, applied learning experiences, and record-keeping activities, starting in the first semester of the school year; experiences may include award and degree contests and agricultural education fairs or exhibits.
- e) Goal 5: Not to exceed 25 percent of the total value available. Include, at a minimum, instruction and activities specific to leadership development and participation of the agricultural education teacher and program in various activities and programs of a locally, State or nationally sponsored FFA organization or related agricultural organizations.
- f) Goal 6: Not to exceed 15 percent of the total value available. Include, at a minimum, classroom space of at least 600 square feet and adjacent laboratory facilities and equipment suitable for a range of agriculture specialties (e.g., plant, animal, mechanics, computer, greenhouse, aquaculture, landscape, garden, and agricultural science laboratoriesagri-science); suitable office and storage space; inventory of equipment and designation of equipment; program budget; and receipt of grant resources other than a grant received under this Subpart B.
- g) Goal 7: Not to exceed 15 percent of the total value available. Include, at a minimum, an agricultural advisory committee that meets at least twice a year, conducts programmatic reviews in conjunction with the school administration, and provides written recommendations about the program to the district.
- h) Goal 8: Not to exceed 15 percent of the total value available. Include, at a minimum, activities specific to enhancing prekindergarten through grade 12 students' awareness about and career exploration in AFNRagriculture (e.g., fairs and expositions, job-shadowing); and offering adult community education; and offering courses in grades 7 and 8, with National FFA Organization membership.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- i) Goal 9: Not to exceed 10 percent of the total value available. Include, at a minimum, activities specific to middle school participation in agricultural education activities.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.240 Determination of Individual Grant Allocations

Individual grant allocations shall be determined by the applicant's achievement of one or more of the minimum standards and of one or more of the quality indicators established for each standard the applicant achieves. (See Sections 75.220 and 75.230 ~~of this Part.~~)

- a) Programs in operation for three or more years
- 1) The grant allocation to which each eligible applicant is entitled shall be determined no later than September 15 of each fiscal year.
 - 2) A multiplier shall be used to weight each quality indicator that the applicant has achieved and for which achievement has been verified by State Board of Education staff through the application review process.
 - 3) A dollar value for the multiplier shall be calculated by dividing the appropriation for the funding year by the total value of all quality indicators claimed and verified in the applications received as of the due date specified in Section 75.250 ~~of this Part.~~
 - 4) To determine an individual applicant's grant allocation, the dollar value of the multiplier shall be multiplied by the total value of quality indicators that the applicant has achieved and State Board of Education staff has verified.
- b) All programs in operation for two years or fewer shall receive a flat grant, the amount of which shall be set forth in the application for each funding cycle. An applicant's achievement of any of the minimum standards and quality indicators shall not affect the amount to which it is entitled.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.250 Application Procedure

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

The grant application is a measure of the components of a high-quality agricultural education program that the applicant currently has in place, and it is intended to help the applicant identify areas in which the program can be enhanced and improved.

- a) The State Superintendent of Education shall provide the electronic application format for the agricultural education incentive grant.
- b) The application shall be completed by the applicant's agricultural education teachers and submitted to the State Board of Education's [Department of CTE and Innovation](#) ~~Division of Career and Technical Education~~ no later than July 15. The application shall contain:
 - 1) an indication of the applicant's achievement, in the year previous to the year for which funding is requested, of one or more of the minimum standards and of one or more of the accompanying quality indicators for the minimum standard achieved;
 - 2) evidence or other documentation of the applicant's achievement of any standard or quality indicator, which shall be kept on file and provided to the staff of the State Board of Education's [Department of CTE and Innovation](#) ~~Division of Career and Technical Education~~ upon request; and
 - 3) such certifications, assurances, and program-specific terms of the grant as the State Superintendent may require (also see Section 75.260 ~~of this Part~~).
- c) No later than October 15, the applicant shall submit to the [Department of CTE and Innovation](#) ~~Division of Career and Technical Education~~ a budget description for the grant year that will be based either on the applicant's grant allocation or flat grant amount for programs in operation for two years or fewer. (See Section 75.240 ~~of this Part~~.) The budget description shall at least list for each line item a detailed explanation of each expenditure.
 - 1) Allowable expenditures include, but are not limited to, activities that support the improvement of instruction or program improvements (e.g., curriculum development, [classroom and laboratory equipment](#), [instructional supplies](#), [software or online subscriptions](#), [textbooks](#), professional development, field support services, program coordination,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

including affiliation fees, and pilot projects and lodging for the Illinois Association of Vocational Agriculture Teachers (IAVAT) Conference).

Mileage may be charged to the grant only for travel associated with supervised agricultural experience visits. The rate of reimbursement will be specified in the application.

- 2) Nonallowable expenditures include, but are not limited to, teacher professional organization or union dues; college tuition; ~~purchase of agricultural inputs (e.g., crop, animal);~~ operation, maintenance, or repair costs of school laboratory machines and implements; utilities (e.g., heating, cooling, telephone); ordinary, non-specialized classroom furniture; and food and lodging, other than food and lodging for the IAVAT Conference (see Section 75.250(c)(1)).
- 3) No more than 50 percent of the applicant's allocation shall be expended for teacher extended contracts (i.e., those that exceed nine months) or stipends, and no more than ~~25+0~~ percent of the allocation shall be expended for consumables. Consumable items shall include, but are not limited to, ink cartridges, soil, seed, plants, plant pots, fertilizer, animals, feed, lab supplies, welding rods, and utilities.
- d) Applicants may be requested to clarify various aspects of their proposals. The content of the approved proposal shall be incorporated into a grant agreement to be signed by the applicant's authorized representative and the State Superintendent of Education or designee.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.260 Terms of the Grant

- a) The grantee shall maintain on file documentation specific to its achievement of each quality indicator set forth on the application for funding; the documentation shall be made available for programmatic review and auditing purposes. Up to 10 percent of grantees receiving funding under this Subpart ~~CB~~ in each fiscal year may be selected for an on-site review ~~and/or~~ audit.
- b) In the event that the grantee closes its agricultural education department, all instructional materials, tools and equipment purchased with funds provided under this Subpart ~~CB~~ shall be relocated by the grantee's Education for Employment

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Regional Delivery System to other agricultural education programs located in that system upon approval of the State Superintendent of Education or designee.

- c) No subcontracting will be allowed without the prior written approval of the State Superintendent of Education.
- d) Each grantee shall complete electronically a final performance report that summarizes the grant activities completed during the term of the grant and the accomplishments achieved. The report shall be completed no later than 90 days after the end of the grant period. Funding in any subsequent grant period shall not be approved until the performance report is received.
- e) A grantee that employs any teacher who holds an educator license with stipulations endorsed for provisional career and technical educator shall ensure that the teacher submits documentation to the State Board of Education of his or her completion, during the validity period of the license, of the coursework that is required under 23 Ill. Adm. Code 25.72 (Endorsement for Provisional Career and Technical Educator).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART D: INCENTIVE GRANTS FOR AGRICULTURAL
TEACHER PREPARATION PROGRAMS

Section 75.300 Purpose and Eligible Applicants

This Subpart [DE](#) establishes the application procedure and criteria for the allocation of grant funds under Section 2-3.80 of the School Code to regionally accredited institutions of higher education or not-for-profit entities that offer teacher preparation programs in agricultural education approved pursuant to 23 Ill. Adm. Code 25 (Educator Licensure).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.310 Program Goals and Minimum Standards

This Section presents the goals for teacher preparation programs in agricultural education and the accompanying minimum standards of each that are associated with high-quality preparation programs.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) Goal 1: A continuing program of recruitment is undertaken to ensure that a sufficient number of competent agricultural education teachers are prepared to meet the demand for new teachers in Illinois.

Minimum Standards:

- 1) A program is offered in which students may transfer credit earned in agricultural education coursework from other postsecondary institutions.
- 2) Each student who progresses to student teaching must have a 3.5 grade point average on a 5.0 scale or a 2.5 grade point average on a 4.0 scale.
- 3) A minimum of one faculty member of the program is responsible for recruitment of students, including women and minorities, for the agricultural education teacher preparation program, as outlined in a written recruitment plan developed in conjunction with the program advisory committee.

- b) Goal 2: Practicing professionals and outstanding undergraduate students in [AFNRagriculture](#) are identified, selected and supported to develop their leadership potential through master's and, when appropriate, doctoral study in numerous areas of need in [AFNRagriculture](#).

Minimum Standards: Graduate-level credit is awarded to students seeking advanced degrees in agricultural education through courses ~~and~~/or workshops taught by agricultural education faculty.

- c) Goal 3: The agricultural education faculty have regular contact with students majoring in agricultural education to ensure that they are progressing in their degree program and toward obtaining teacher licensure; faculty answer questions and solve problems of currently enrolled students and provide counsel to prospective students for a degree program in agricultural education.

Minimum Standards: All students enrolled in agricultural education are advised by agricultural education faculty.

- d) Goal 4: Students preparing to teach [AFNRagriculture](#) are knowledgeable about a variety of teaching methods prior to beginning the student teaching experience. Teacher quality is demonstrated by technical and professional competence.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Teacher preparation graduates must possess a well-developed repertoire of teaching skills.

Minimum Standards:

- 1) A methods course in teaching agriculture is required prior to beginning the student teaching experience.
 - 2) A minimum of 12 weeks is spent student teaching under the guidance of a cooperating teacher who meets the requirements set forth in Section 75.210(d) of this Part and 23 Ill. Adm. Code 25.620 (Student Teaching).
 - 3) ~~Adult education principles are taught as a part of a required agricultural education course.~~
- e) Goal 5: Students preparing to teach AFNRagriculture are technically competent in their specialty teaching area.

Minimum Standards:

- 1) All agricultural education graduates must complete at least 40 hours of agricultural courses. Agricultural courses shall be those directly relating to technical industry knowledge in Agriculture, Food, and Natural Resources as well as those relating to the teaching of agricultural concepts to classes, groups, and organizations.
 - 2) Chemistry/physical sciences and biology/life science courses are required for agricultural education students.
- f) Goal 6: The agricultural education staff provides a clearinghouse and counseling service for graduating seniors and other newly qualified agricultural education teachers to ensure that the highest proportion of newly trained teachers are placed in agricultural teaching positions.

Minimum Standards: One agricultural education faculty member is responsible for coordinating activities for placing agricultural education teachers into jobs; these activities include maintaining an up-to-date list of agricultural education teacher positions in Illinois in cooperation with other teacher preparation institutions offering agricultural education.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- g) Goal 7: Professional development activities are available for all agricultural education students and faculty as an integral part of their academic program.

Minimum Standards:

- 1) An agricultural education student organization is integrated into the instructional program and is available to all students majoring in agricultural education.
- 2) Faculty are involved in scholarly and professional activities and/or participate in organizations related to teacher training leadership, technical training, ~~and~~ or dissemination of research results.

- h) Goal 8: Agricultural education students understand the importance of and are able to assist high school students in developing and carrying out supervised agricultural experience programs (including maintaining records).

Minimum Standards:

- 1) All ~~pre-service teachers~~~~student teachers~~ receive instruction about the requirements for obtaining the employment certification that a student may need to perform specific workplace learning activities.
- 2) All agricultural education students receive instruction in planning, developing, implementing and evaluating supervised agricultural experiences, which include record-keeping methods, in a required agricultural education course.

- i) Goal 9: Agricultural education students are knowledgeable about the National FFA Organization and its use as an integral part of a complete agricultural education program, as well as the role of the FFA advisor.

Minimum Standards:

- 1) Agricultural education students participate in at least two FFA events prior to the completion of their student teaching.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) All students develop a program of activities for an FFA chapter prior to the completion of their student teaching.
- 3) All students assist in completing FFA degree and award applications prior to the completion of student teaching.
- 4) Agricultural education faculty attend the State and national FFA conventions.
- j) Goal 10: Students in agricultural education programs understand the role of and gain experience in leading an agricultural advisory committee.

Minimum Standards:

- 1) Methods and strategies for organizing and using advisory committees is part of the instruction offered in a course required for agricultural education.
- 2) All ~~pre-service teachers~~~~student teachers~~ observe and participate in at least one agricultural advisory committee during their student teaching. Pre-service teacher observation and participation in their respective University Agricultural Education Advisory Committee meeting must meet this minimum standard requirement.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.320 Quality Indicators

Each quality indicator is intended to measure an applicant's achievement of the goal to which it applies. (See Section 75.310 ~~of this Part.~~) The application for funding required under Section 75.340 ~~of this Part~~ shall list the specific quality indicators to be considered in a given funding cycle and their values, which shall range from 0 to 10. The total value of an individual application shall be considered on a 100 percent basis. That is, the percentage of the total represented by any quality indicator will be such that the total percentages of all quality indicators equal 100 percent.

- a) Goal 1: Not to exceed 15 percent of the total value available. Include, at a minimum, provision of scholarships for agricultural teacher preparation programs; communication with teachers in high schools and community colleges (e.g.,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

newsletters, website, brochures); speaking engagements involving representatives of the agricultural teacher preparation program and high school students; on-campus recruitment activities for high school students; and receipt of a grant under Subpart A of this Part.

- b) Goal 2: Not to exceed 10 percent of the total value available. Include, at a minimum, graduate assistantships for students specializing in teacher preparation; enrollment of students in the graduate agricultural education program; graduate courses (other than online courses) that complement schedules of secondary teachers of agriculture; master's of education program and additional coursework leading to an endorsement in agricultural education; and online coursework in agricultural education that is available to graduate students.
- c) Goal 3: Not to exceed 10 percent of the total value available. Include, at a minimum, assignment to each agricultural education faculty of no more than 25 undergraduates; interview conducted by a panel prior to each student beginning his or her student teaching; and qualification of graduates being eligible for dual endorsements (i.e., in agriculture and another subject area) due to the faculty providing candidates with information about endorsement options and requirements.
- d) Goal 4: Not to exceed 25 percent of the total value available. Include, at a minimum, requiring student teachers to develop a minimum of one lesson plan a week, ~~provide instruction to at least one adult education class~~, and participate in at least three cooperative teaching/learning experiences (including, but not limited to, teaching with community college instructors, agricultural extension personnel, agricultural commodity groups, agricultural literacy project coordinators, or farm organizations) during their student teaching component; faculty observation and evaluation of student's teaching, with results shared with the student teacher (at least three half-day visits ~~with at least one on-site to the site required~~); developing teaching skills related to online and other electronic learning; information about the structure of Illinois' agricultural education system integrated into a required agricultural education course; and activities available to all students related to assessing community needs, developing lesson plans for cooperative teaching with nonagricultural education staff, and designing a sequential course of study in an agricultural field.
- e) Goal 5: Not to exceed 10 percent of the total value available. Include, at a minimum, completion of at least one course in each technical agricultural

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

education field (i.e., agronomy, animal science, horticulture, agricultural business and agricultural mechanics technology); credit provided for technical internships in [AFNRagriculture](#); and completion by graduates of requirements necessary to obtain an endorsement on a professional educator license for agricultural education and for a related science or mathematics field of study, as identified in the application for funding.

- f) Goal 6: Not to exceed 10 percent of the total value available. Include, at a minimum, conferences at least annually for supervisors of student teachers focused on their roles and responsibilities; requiring students to develop professional portfolios; maintaining placement records of graduates in the agricultural education files; and placement of at least 40 percent of graduates in teaching positions at secondary or postsecondary institutions.
- g) Goal 7: Not to exceed 25 percent of the total value available. Include, at a minimum, ensuring agricultural education students are members of the Illinois Association of Vocational Agriculture Teachers (IAVAT) Student Branch, and that they demonstrate commitment to professionalism, as evidenced by their participation in various professional activities (e.g., IAVAT Student Branch conference, Central States Research Conference, Alpha Tau Alpha Student Teacher Conference, Intra-University Student Teacher Exchange); faculty members also attend and participate in professional conferences and meetings (i.e., IAVAT annual conference, Central States Research Conference and Illinois Team Ag Ed meetings) and connect to instruction at the secondary level.
- h) Goal 8: Not to exceed 15 percent of the total value available. Include, at a minimum, that ~~pre-service~~[student](#) teachers, during their [clinical and](#) student teaching [experiences](#), conduct supervised agricultural experience visits (e.g., outside of the school), provide instruction relative to supervised agricultural experience record-keeping, plan and develop a school-based supervised agricultural experience for their students, and participate in National FFA Organization proficiency award judging beyond the local chapter level; instruction about agricultural-based supervised agricultural experiences is integrated into a required agricultural education course at the postsecondary level.
- i) Goal 9: Not to exceed 15 percent of the total value available. Include, at a minimum, student ~~teachers'~~ attendance at State ~~or~~[and](#) national FFA conventions and at least three leadership and/or career development events; agricultural education students' completion of award applications specified in the application

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

for funding; students' membership in post-secondary agriculture organizations~~Collegiate FFA and/or National Postsecondary Agricultural Student Organization.~~

- j) Goal 10: Not to exceed 10 percent of the total value available. Include, at a minimum, an advisory committee of the agricultural teacher preparation program that meets at least two times a year and has representation of agricultural organizations, agricultural business and industry, teachers and a student teacher, and produces an annual report that includes recommendations to be given to the teacher preparation program and presented at the annual IAVAT conference.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.330 Determination of Individual Grant Allocations

Individual grant allocations shall be determined as set forth in Section 75.240(a)~~of this Part.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.340 Application Procedure

Applications shall be submitted in accordance with the procedures set forth in Section 75.250~~of this Part~~, except that the applicant shall submit a budget summary and payment schedule and a budget description that includes a detailed explanation of each expenditure.

- a) Allowable expenditures must relate directly to the agricultural education program or support of pre-service agriculture education teachers. ~~This and that~~ includes, but is not limited to, activities that support the improvement of instruction or program improvements (e.g., purchased professional services, registration and travel for professional events, temporary or overtime salaries, instructional materials, and equipment and software).
- b) Indirect costs are ~~not~~ allowed for colleges and universities provided that under no circumstance shall the indirect cost rate exceed 8 percent.
- c) No more than 50 percent of the applicant's allocation shall be expended for extended contracts (i.e., those that exceed nine months) or stipends, and no more than 30 percent of the allocation shall be expended for travel expenses (e.g., mileage, lodging) other than for student visits.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.350 Terms of the Grant

- a) The grantee shall maintain on file documentation specific to its achievement of each quality indicator set forth on the application for funding. The documentation shall be made available for programmatic review and auditing purposes. Up to 25 percent of grantees receiving funding under this Subpart ~~DE~~ in each fiscal year may be selected for an on-site review ~~and~~/or audit.
- b) In the event that the grantee discontinues its agricultural teacher preparation program, all instructional materials, tools and equipment purchased with funds provided under this Subpart ~~DE~~ shall be relocated by the State Board of Education to other agricultural teacher preparation programs in the State.
- c) No subcontracting will be allowed without the prior written approval of the State Superintendent of Education.
- d) Activities shall be supported by funding under this Subpart ~~DE~~ only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the grantee. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Subpart ~~DE~~.
- e) No later than 20 days after the end of the grant period, each grantee shall submit a final narrative report, in a format specified by the State Superintendent of Education, regarding the services and activities provided and their impact on the agricultural teacher preparation program.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART E: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION**Section 75.400 Purpose and Objectives**

- a) This Subpart ~~ED~~ establishes the application procedure and criteria for award of one or more grants to eligible applicants for the following purposes, set forth in Section 2-3.80(d) of the School Code:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) *development of a curriculum and strategy for the purpose of establishing a source of trained and qualified individuals in agriculture;*
 - 2) *a strategy for articulating the State program in agricultural education throughout the public school system; and*
 - 3) *a consumer education outreach strategy regarding the importance of agricultural education in Illinois.*
- b) In order to facilitate and coordinate agricultural education programs offered in public elementary and secondary schools in Illinois, projects funded under this Subpart ED shall meet at least the following objectives:
- 1) implementation of agricultural education initiatives as part of career and technical education through the use of a sufficient number of qualified professional and support staff, including designation of a director, who are located in identified regions of the State that at least include representation in each of the five districts established by the Illinois Association of Vocational Agriculture Teachers (see https://www.ilaged.org/IAVAT/http://isbe.net/career/pdf/iavat_dist_map.pdf);
 - 2) review of existing or development of new curriculum and assessments, ensuring alignment to the Illinois Learning Standards ~~State Goals for Learning~~.
 - A) Agricultural education curriculum and assessments will be evaluated, revised, as needed, and disseminated to programs and teachers in prekindergarten through grade 12, as applicable; and
 - B) Professional learning ~~Inservice training~~ will be provided to assist teachers with planning, developing and implementing the resources ~~materials~~ using currently available technology;
 - 3) coordination of statewide consumer education outreach initiatives with a focus on agriculture (including urban agriculture and community food systems) and designed to increase literacy in and awareness of agriculture at all grade levels;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 4) coordination of a statewide system of professional ~~learning development~~ and provision of on-site technical assistance for agricultural education teachers at all grade levels;
- 5) coordination of the identification, compilation and dissemination of information and resources that include data collection from agricultural education programs ~~(including information relating to student participation in SAE programs)~~ and maintenance of the ~~agriculture education~~ ~~agriculture~~ website found at www.ilaged.org; ~~and~~
- 6) coordination of efforts between the business community and educators to improve agricultural education; ~~and~~
- 7) ~~coordination of statewide recruitment strategies and retention initiatives for agricultural education teachers; and~~
- 8) ~~coordination of statewide contracts as economically advantageous for agricultural education programs.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.410 Eligible Applicants

Eligible applicants under this Subpart ~~ED~~ are ~~public~~ community colleges and universities that offer an agricultural program of study. ~~Regional Offices of Education, Intermediate Service Centers, and nonprofit organizations.~~ ~~For purposes of this Subpart D, an "agricultural program of study" is one that offers a series of courses in agriculture, foods or natural resources that may be transferred to other universities or enables a student to pursue either a minor or major concentration in one of those areas of study.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.420 Application Procedure for Initial Proposals

Programs established under this Subpart ~~ED~~ shall be funded for a ~~three~~five-year period. Funding in each year subsequent to the initial grant year is subject to a sufficient appropriation for the program and satisfactory progress of the grantee in the previous grant year. (See Section 75.435 ~~of this Part.~~)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) When State funding is expected to be available under this Subpart ~~ED~~ for a given fiscal year, the State Superintendent of Education shall issue a request for proposals to eligible entities. This request shall:
- 1) indicate the amount or expected amount of the appropriation for the program and the expected range for grant awards;
 - 2) describe the required content and format of proposals and identify the services and activities that will receive priority consideration for funding, if applicable;
 - 3) identify the data that recipients will be required to collect and report regarding the services and activities conducted with the funds provided and the results of those services and activities, as well as the timelines for reporting;
 - 4) identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget description that provides a detailed explanation of each line item of expenditure;
 - 5) include the information to be provided regarding any subcontractors proposed to provide services or conduct activities;
 - 6) include certifications, assurances, and program-specific terms of the grant that the State Superintendent may require (also see Section 75.440 ~~of this Part~~); and
 - 7) indicate the deadline for submission of proposals, which shall provide applicants with at least 30 days in which to respond.
- b) Each proposal shall be signed by an authorized representative of the applicant entity.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of the approved proposal shall be incorporated into a grant agreement to be signed by the applicant's authorized representative and the State Superintendent of Education or designee.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.430 Criteria for the Review of Initial Proposals; Allocation of Funds

Proposals submitted for funding under this Subpart D shall be evaluated in accordance with the following criteria.

- a) Quality of the Plan (80 points)
 - 1) The proposed professional development and technical assistance activities appear likely to accomplish the purposes and objectives set forth in Section 75.400 ~~of this Part~~. The approaches selected are comprehensive in scope and will provide effective and relevant professional development and technical assistance activities.
 - 2) The proposal demonstrates an understanding of the agriculture, food and natural resource industry, generally, and of agricultural education in prekindergarten through adult, specifically. The services and activities that are proposed will be accessible to teachers and others throughout the State.
 - 3) Sufficient evidence is presented of the applicant's capabilities to review, modify, and develop, as needed, agricultural education curriculum and other instructional resources designed to improve and enhance the quality of agricultural education programs. Understanding of the relationship of agricultural education to the Illinois Learning Standards ~~State Goals for Learning~~ is evident.
 - 4) Skills related to website management are clearly articulated and adequate for maintaining and updating, as needed, the FCAE Agricultural Education website (www.ilaged.org) and support content for the State Board of Education's agricultural education web page ~~State Board of Education's agricultural education website~~.
 - 5) The qualifications of staff and any proposed subcontractors demonstrate extensive experience in delivering the services and activities proposed. The applicant has presented convincing evidence of its ability to manage large-scale programs on a statewide or comparable basis.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 6) The evaluation strategies are likely to gauge the effectiveness of the services provided and measure the impact that the activities will have on agricultural education statewide, while yielding sufficient data that can be used to improve agricultural education through the project.
- 7) The applicant proposes innovative use of existing resources, leveraging a variety of State and local resources in delivering and coordinating its activities and work.
- b) Cost-Effectiveness (20 points)
The proposal represents a cost-effective use of State resources, as evidenced by the amounts requested for the proposed activities in relation to the numbers to be served and the services to be provided, and sufficient evidence is presented of the applicant's financial stability.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular RFP.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.435 Application Content and Approval for Continuation Programs

- a) Each grantee's eligibility to receive funding during the grant period in each year following the grantee's initial receipt of funding shall be contingent upon the submission of:
 - 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the grant agreement;
 - 2) an updated project narrative that discusses the services and activities for which the funding will be used and a rationale for the activities to be undertaken;
 - 3) an updated budget summary and payment schedule for the coming fiscal year, including a narrative budget description;
 - 4) information about any subcontractors proposed to provide services or conduct activities; and

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 5) signed certifications, assurances, and program-specific terms of the grant, as applicable to the renewal period.
- b) A program established under this Subpart [ED](#) shall be approved for continuation, provided that:
 - 1) a need continues to exist for the program, as evidenced by the proposed number of secondary agricultural education programs whose needs are not currently being met;
 - 2) the activities and services proposed will be effective in facilitating curriculum development, ensuring the availability of trained and qualified individuals in agriculture, articulating the State program in agricultural education throughout the public school system and raising awareness about the importance of agricultural education in Illinois;
 - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
 - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart [ED](#).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.440 Terms of the Grant

- a) Subcontracting is allowed with prior written approval of the State Superintendent of Education.
- b) Activities shall be supported by funding under this Subpart [ED](#) only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the grantee. The use of grant funds for administrative expenditures shall be limited to amounts demonstrably necessary for the implementation or coordination of additional activities under this Subpart [ED](#).

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) The grantee shall submit a mid-term report and final narrative report regarding the services and activities provided and their impact on agricultural education in a format and according to timelines specified by the State Superintendent of Education or designee. The final report shall include either one copy of printed materials developed through the project or electronic access to those materials.
- d) The grantee shall designate a project director, who will have responsibility for:
 - 1) coordinating all grant activities with staff in the State Board of Education's Department of CTE and Innovation~~Division of Career and Technical Education~~, which shall include attendance at monthly project meetings with the agency's AFNR Education principal~~head agriculture~~ consultant; and
 - 2) the preparation, submission and maintenance of all written project documentation, including, but not limited to, budget amendments, mid-year and final reports, expenditure reports and other information related to personnel.
- e) The grantee shall be required to attend the meetings of the Illinois Leadership Council for Agricultural Education and the Illinois Committee for Agricultural Education established pursuant to Section 2-3.80 of the School Code.
- f) Funds may not be used for out-of-state travel unless first approved by the State Board of Education at least 30 days in advance of the first day of travel. Requests for approval shall contain the name or description of the function that personnel will be attending, number of travelers, projected cost, dates of travel and benefit to the project. Out-of-state travel will be approved only if it is related to or benefits the project.
- g) The initial RFP and each continuation application shall specify the specific indirect cost rate to be used for the grant period, provided that in no case shall the indirect cost rate exceed 8 percent.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART F: AGRICULTURAL EDUCATION TEACHER
THREE CIRCLE GRANT PROGRAM (FFA and SAE)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 75.500 Definitions (Repealed)

~~"Approvable Agricultural Education Program at the Middle School Level" means an agricultural education program that includes at least one State approved introductory agricultural education course with an appropriately licensed teacher in an agricultural education career pathway that connects to a secondary program. This introductory course shall include a career exploration component with SAE as a part of instruction. A middle school program shall also connect either to a stand alone middle school or a secondary FFA chapter.~~

~~"Curricular/Intra-curricular Related Activities" means activities that are connected to the classroom instruction. Grant funds shall only be used to support activities related to the classroom outside of the regularly scheduled teaching duties for the benefit of agricultural education. Examples of these activities include, but are not limited to, professional development, professional organization conferences, curriculum development or improvement, and classroom and laboratory facilities maintenance. The recommended maximum level of activity for this component is 16 days or 128 hours.~~

~~"FFA" means a State and federally recognized career and technical student organization for students in State approved agricultural education programs. (Formerly known as Future Farmers of America, now the National FFA Organization.)~~

~~"FFA Activities" means those activities that demonstrably relate to the intra-curricular nature of the career and technical student organizations and focus on premiere leadership, personal growth and/or career success. Examples of these activities include leadership training or events, community service or education activities, career development event preparation or competitions, chapter program management, program/chapter recruitment and marketing activities, alumni meetings and professional events, program fundraising events, and public events related to agricultural education. The recommended minimum level of activity for this component is 17 days or 136 hours.~~

~~"Full Time Teacher" means an agricultural education teacher with at least a nine-month (180 day) contract based on an eight hour day when the teacher is teaching at least one approved agricultural education class.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~"New Agricultural Education Program" means an agricultural education program approved by the State Board of Education in a school district that has not had an agricultural education program for a period of 10 years or more prior to the date of application for a grant.~~

~~"Personal Services Cost" means the cost (salary and benefits) of a teacher providing 60 additional days, which shall mean 400 additional hours, outside the teacher's regularly scheduled teaching duties for the benefit of agricultural education. The 400 additional hours shall be any activity that is to the benefit of agricultural education, as defined by the State Board in in this Subpart E, regardless of the time of year the activity occurs. [105 ILCS 5/2-3.80b(a)]~~

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

~~"School District" means a public school district or area vocational center.~~

~~"Supervised Agricultural Experience" or "SAE" means activities that are work-based learning activities such as degree/award preparation, SAE visits, record book instruction, training or assistance. The recommended minimum level of activity for this component is 17 days or 136 hours.~~

~~"Three Circle Model" means a model used to identify the central components of an agricultural education program. The central components are:~~

~~Classroom/laboratory instruction: Including contextual, inquiry-based instruction and learning.~~

~~FFA: Fostering the development of premiere leadership, personal growth, and career success through engagement in its programs and activities.~~

~~SAE: Including experiential, service and work-based learning.~~

~~"Work-based Learning" means an activity or interaction among the teacher, student and/or employer or industry representative who provides experience related to an agricultural career interest. Work-based learning includes, but is not limited to, SAEs, job shadowing, internships, apprenticeships, school-based enterprises, industry led projects and challenges or competitions.~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 45 Ill. Reg. _____, effective _____)

Section 75.510 Purpose and Objectives

This Subpart ~~FE~~ establishes the application procedure and criteria for the allocation of formula grant funds to eligible school districts and area ~~careervocational~~ centers created pursuant to Section 10-22.31a of the School Code to support personal service costs of teachers' time spent outside the regularly scheduled teaching duties in order to expand and improve their ability to carry out activities based on the three circle model for agricultural education.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 75.520 Eligible Applicants

Eligible applicants under this Subpart ~~FE~~ shall be Illinois school districts and area vocational centers created pursuant to Section 10-22.31a of the School Code that employ full-time middle or secondary school teachers in a State approvable agricultural education program, as defined by Section 75.210, or ~~in~~ an approvable middle school program.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART G: AGRICULTURAL EDUCATION
PRE-SERVICE TEACHER INTERNSHIP PROGRAM

Section 75.600 Definitions (Repealed)

~~"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~~

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

~~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: Repealed at 45 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
110.1	New Section
110.4	Amendment
110.20	Amendment
110.30	Amendment
110.40	Amendment
110.60	Amendment
110.70	Amendment
110.90	Repealed
110.95	Amendment
110.100	Amendment
110.105	New Section
110.110	Amendment
110.120	Amendment
110.140	Amendment
110.150	Amendment
110.160	Amendment
110.165	Amendment
110.170	Amendment
110.180	Amendment
110.185	Amendment
110.190	New Section
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40]; Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835]; Section 5 of the State Parks Designation Act [20 ILCS 840]; Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805]; and Section 5 of the Crematory Regulation Act [410 ILCS 18].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to codify the practices that the Department has and adds new policies that the Department is required to implement under statute.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 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 proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- John Fischer, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield IL 62702
- 217/782-1809
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any entity that is selling items or charging a fee for an event on Department -owned, -leased or -managed property pursuant to a Permit to Sell or during an encampment.
- B) Reporting, bookkeeping or other procedures required for compliance: Filing an application and tracking the total monetary amount collected by the seller.
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 44-45 Retail Trade
- 71 Arts, Entertainment, and Recreation
- 72 Accommodation and Food Services

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

- ii. regulatory requirements;
- v. licensing fees;
- viii. record keeping;

15) Regulatory Agenda on which this rulemaking was summarized: January 2021

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

SUBPART A: GENERAL PROVISIONS

Section

110.1	Definitions
110.4	Department Activity Permits, Site Fees and Charges, Facility Usage Fees and Special Events
110.5	Unlawful Activities (Repealed)
110.20	Alcoholic Beverages – Possession, Consumption, Influence
110.30	Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals; Livestock; Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas – Usage Limitation
110.60	Camping – Campfires – Firewood
110.70	Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects-Collection of Artifacts
110.90	Group/Activity Permits (Repealed)
110.95	Demonstrations
110.100	Littering
110.105	Scattering of Cremated Human Remains
110.110	Prohibited Fishing Areas – Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
110.165	Bicycles – Operation on Roadway – Designated Trails
110.170	Weapons and Firearms – Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule
110.185	Emergency Modification of Site Rules
110.190	Approval of Friends Groups for Department Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ADOPT-A-TRAIL

Section

110.200	Purpose
110.210	Definitions
110.215	Registration
110.220	Application
110.225	Agreements
110.230	Type of Work Permitted
110.235	Form of Submittal of Adopt-a-Trail Applications
110.240	Department Approval
110.245	Coordination
110.250	Volunteer Responsibilities

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40]; Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835]; Section 5 of the State Parks Designation Act [20 ILCS 840]; Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805]; and Section 5 of the Crematory Regulation Act [410 ILCS 18].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 19376, effective November 30, 2006; amended at 32 Ill. Reg. 174, effective December 19, 2007; amended at 37 Ill. Reg. 6652, effective May 1, 2013; amended at

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

43 Ill. Reg. 1624, effective January 17, 2019; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 110.1 Definitions

Conservation event – An event that furthers the mission of the Department and that is in line with outdoor education or conservation.

Department – The Illinois Department of Natural Resources

Director – The Director of the Illinois Department of Natural Resources

Encampment – An event which reenacts what life was like in the State of Illinois during the time periods of the 18th and early 19th centuries.

Event – An outing that is planned by the public on Department property and seeks to claim parts of the site to conduct during a specified time.

Primitive camping – Any shelter that resembles a camping structure as would have been used in the 18th century and is being used during an encampment.

(Source: Added at 45 Ill. Reg. _____, effective _____)

Section 110.4 ~~Department Activity Permits, Site Fees and Charges, Facility Usage Fees and Special Events~~**a) Activity Permits**

1) It shall be unlawful for any group of more than 20 persons to use Department-owned, -leased or -managed property and facilities unless the group complies with this Section and obtains an activity permit.

2) All groups of more than 20 persons seeking to host an event on Department-owned, -leased or -managed property shall submit an Activity Permit application, on a form provided by the Department, and pay a \$25 activity permit application fee at the time of submittal. The requirements to obtain an activity permit is in addition to any other permits or fees

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

required under this Section.

- A) For groups of persons under the age of 18, it is required that at least one adult (age 18 years or older) accompany no more than 15 minor individuals.
- B) Any groups of more than 20 persons may be denied an activity permit if it is determined by the Site Superintendent that:
 - i) the site's physical layout and infrastructure is not suitable for the group activity, or
 - ii) may be detrimental to the public health and safety of other site visitors or the natural resources at the site.
- C) The Department may also require a group of more than 20 persons to provide protection against liability claims by:
 - i) purchasing a liability insurance policy (at an amount set by the Department), which shall include Dram Shop coverage if alcohol of any type is being sold or served during a group's event; and
 - ii) agreeing to indemnify and hold harmless the Department, its officers, employees and agents for any damage to property and persons as a result of the willful and/or negligent acts of the group and/or its members and/or those in attendance. The Department will provide the Release, Waiver and Indemnification form for the group to sign and submit to the Site Superintendent.
- D) The Site Superintendent will evaluate the availability of parking, conflicts with other visitor uses, acreage, toilet facilities and suitable roadways in determining whether to grant an activity permit for the requested group activity.

b) Department Site Charges

The following fees will be charged for use or reservation of designated facilities listed below in this subsection effective May 11, 1992, except that Illinois

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

residents who are veterans and disabled or a former prisoner of war (~~see~~ 20 ILCS 805/805-305)63a23] shall be exempt from subsections (1a) and (2b) ~~below of this Section:~~

- 1a) All persons entering a designated swim beach area shall pay a ~~\$2\$1~~ fee unless otherwise posted at the swim beach area. Illinois Beach State Park beaches are not designated swim beach fee areas.
- 2b) All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay ~~\$50\$25~~ each day a shelter is reserved. Reservations are non-refundable unless the area is closed by the Department. Checks are to be made payable to the Illinois Department of Natural Resources (site name). Reservations are not final until payment is received. Upon vacating the site, shelter users are required to remove all personal belongings and place all trash in the appropriate receptacles located at the site. Those who fail to do so will be charged a disposal fee of \$50. Shelter users who fail to pay the disposal fee will be denied future reservations until the fee is paid in full.
- c) Facility Usage Fees for Exclusive Use
The Department reserves the right to charge a facility usage fee for exclusive utilization of Department site space and that site space is not available to be reserved by use of an online reservation program. The flat fee will be reflective of the impact to the site, fair market value for the region, and based on evaluative criteria listed in this subsection (c):~~Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].~~

 - 1) time of day and time of year;
 - 2) amount of Department staff involvement required;
 - 3) number of people using the facility;
 - 4) level of demand for particular site space;
 - 5) impact on the site, natural resources, and other site users.
- d) Permit to Sell

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) All persons or entities seeking to charge fees to participants, provide items for sale, or otherwise collect money or items as part of an event located on Department-owned, -leased or -managed property shall complete a permit to sell application form. All revenue generated from the event shall be subject to a 10% fee payable to the Department upon completion of the event. The activity permit application fee may be deducted from the permit to sell fees owed the agency at the completion of the event. All funds received will be allocated to the site at which the fees were collected. Activity permit, permit to sell, and facility usage fees will be waived if the group is a formally recognized Friends Group of the site at which the event is being held (see Section 110.190).
- 2) All persons or entities seeking to charge fees, to provide items for sale, or otherwise collect money or items as part of the Illinois State Fair or the DuQuoin State Fair and such activity will be located at an area that is under the control or management of the Department shall complete a permit to sell application form. All revenue generated from the permitted activity shall be subject to a 15% fee payable to the Department upon completion of the event. The activity permit application fee for the Illinois State Fair or the DuQuoin State Fair may be deducted from the permit to sell fees owed the agency at the completion of the event. All funds received will be allocated to the site at which the fees were collected.
- e) The Department reserves the right to waive or reduce fees listed in subsections (c), (d) and (f) based on:
 - 1) amount of staff time required;
 - 2) overall impact on the site and Department resources;
 - 3) the event is hosted by a school or educational institution; or
 - 4) the event furthers the Department's mission or is a conservation event.
- f) Encampments
All individuals or entities that are participating in an encampment for the following activities shall file a completed application or agreement for the activity that they are participating in, as provided by the Department, at least 30 days

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

before the encampment and shall submit the required fee, if any, with the completed application or pay the required percentage for items that were sold by the vendor at the encampment. Upon review of the applications and agreements required by this paragraph (1), the Department may grant permission to engage in the activity so applied for. All approved applicants shall follow the rules set out for their approved activity as listed in the application for the activity so approved.

- 1) Primitive Camping
A Primitive Camping application.
- 2) Food Vendor
 - A) A Food Vendor Fee Application. This application shall include all food items to be sold at the encampment and the price of the listed items. Any changes to the menu of items to be sold after an application has been approved must be approved by the Department.
 - B) A Food Vendor Fee Agreement.
 - C) Gross sales
 - i) Pay 10% of the gross sales made by the applicant during the encampment. This payment shall be made to the Department at the close of the last day of the encampment.
 - ii) Pay 5% of the gross sales made by a Not-for-Profit applicant. This payment shall be made to the Department at the close of the last day of the encampment. All applicants wishing to apply as Not-for-Profit entities must submit documentation along with their application showing that they are a 501(c)(3) tax exempt organization.
- 3) Merchant
 - A) A Merchant Application.
 - B) A fee of \$200.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 4) Blanket Trader
 - A) A Blanket Trader Application.
 - B) A fee of \$100.
- 5) Traditional Craftsman
 - A) A Traditional Craftsman Application.
 - B) A fee of \$100.
- g) World Shooting Recreation Complex

The Department reserves the right to charge a facility usage fee for exclusive utilization of any part of the World Shooting and Recreation Complex. The flat fee will be reflective of the impact to the site, fair market value for the region, and based on evaluative criteria listed in this subsection (g):

 - 1) time of day and time of year;
 - 2) amount of Department staff involvement required;
 - 3) number of people using the facility;
 - 4) level of demand for particular site space;
 - 5) impact on the site, natural resources, and other site users.
- h) This Section shall not apply to any activity or event that has been undertaken with the Department in compliance with and pursuant to the Illinois Procurement Code (30 ILCS 500).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.20 Alcoholic Beverages – Possession, Consumption, Influence

It shall be unlawful, on Department-owned, -leased or -managed property for any person to possess or consume intoxicating beverages, including beer or wine, in any Department-owned, -leased or -managed ~~controlled~~ property that ~~which~~ is posted with signs indicating that the such

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

possession or consumption is unlawful.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals; Livestock; Animal Waste

It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person to allow an unleashed dog, cat or other domesticated animal on any area and further for any person to allow any dog, cat or other domesticated animal in any area, on a leash longer than 10 feet, except that:
 - 1) unleashed hunting dogs are allowed during the hunting season for all wildlife species except deer and wild turkey on any Department areas open to hunting and so posted;
 - 2) at field trials unleashed dogs are allowed at sites designated by the Department in accordance with 17 Ill. Adm. Code 910;
 - 3) unleashed hunting dogs are allowed by individual permit for dog training at sites designated by the Department in accordance with 17 Ill. Adm. Code 950;
 - 4) search and rescue dog training is allowed by activity permit. The permit will designate specific areas and times so as not to conflict with other site activities; and
 - 5) dogs on a maximum 50 foot leash being used to track wounded deer are allowed at sites in accordance with 520 ILCS 5/2.26 and 17 Ill. Adm. Code 510—~~General Hunting and Trapping on Department-Owned or -Managed Sites.~~
- b) For any leashed or tied animal to be left unattended and not under the specific physical control of the owner or person designated by the owner.
- c) For any person to bring any domesticated animal onto Department lands without the animal being current on any required federal, State or local vaccinations or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

health certifications. Proof of required vaccinations or health certifications must be provided to any Department employee upon demand.

- d) For any person to keep a noisy, ~~or~~ vicious, or dangerous dog or animal, or one ~~that~~which is disturbing to other persons, on Department-~~owned, -leased or -managed-of Natural Resources-controlled~~ properties, and to remain on the property~~therein~~ after being asked by the Site Superintendent or assigned employee to leave.
- e) For any person to ride or lead any equine in any area, other than a designated equestrian trail or area, except horse drawn conveyances authorized by a Department Activity Permit~~permit by the Department of Natural Resources. The decision to grant or deny a permit will be based upon the impact upon the site and the public.~~ Horse patrols of the Department in the performance of their duties are not excluded from any area under the control of the Department. Hikers on equestrian trails must yield to equines.
- f) For any person to allow livestock to roam or graze on any Department-~~owned, -leased or -managed property~~controlled lands except when authorized by proper lease, license or written agreement approved by the ~~Illinois~~ Department-~~of Natural Resources~~ in accordance with 17 Ill. Adm. Code 150.
- g) For any person responsible for an animal in a campground or day use area not to dispose of his animal's waste excrement directly into a Department garbage container with a tight fitting lid or have the excrement put into a closed water tight bag or water tight container with the lid closed and placed into an open Department trash container. At equestrian campgrounds, equestrians must deposit their animal's waste in a designated manure collection area.
- h) For any person to allow a dog, cat, or other domesticated animal on any area designated as "NO PETS", except for animals that are being utilized in conformance with the Americans With Disabilities Act (42 USC 12101) or Illinois law with respect to Service Animal Access [720 ILCS 5/48-8]. ~~This~~Such prohibition of dogs, cats or other animals designation will be reserved for beach areas, concession areas, and certain areas within campgrounds and picnic areas where there are concentrations of large numbers of people or the presence of food or children.
- i) For any person to erect or use temporary corrals, except when:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) there are insufficient hitching posts or tie line areas;~~;~~
 - 2) there is a large enough open area that can be utilized for a corral without causing damage to State property;~~;~~ and
 - 3) permission has been obtained from the Site Superintendent. Such permission may be given for use of a corral constructed with rope or gates. Electrified fences or wires are prohibited, unless used for emergency grazing of livestock. Emergency grazing of livestock may occur on Department-owned, -leased or -managed property only after permission has been obtained from the Director.
- j) To tether equines or canines to trees. Tie lines between trees are permissible if sites do not provide hitching posts, tie line posts or tethering structures within campgrounds, day use areas or rest areas. Tie lines, if used, must not allow animals to reach or otherwise do damage to either tree.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.40 Boats and Other Watercraft

For purposes of this Section, the term "watercraft" means a watercraft or vessel as defined in the Boat Registration and Safety Act [625 ILCS 45]. It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person to operate any ~~sailboat, rowboat, houseboat, pontoon boat or boat propelled by machinery or other~~ watercraft in any pond, lake, river, canal or other body of water where posting clearly indicates that certain specific boating usage is prohibited. However, Department ~~of Natural Resources~~ employees operating watercraft in carrying out official duties and personnel of cooperating agents or agencies operating watercraft as authorized by the Department ~~of Natural Resources~~ are exempt from boating regulations in this Section 110.40 or in specific site rules as determined by Department ~~of Natural Resources~~ supervisory managers in order to provide management actions for enhancing or saving the resource base or the safety and welfare of the using public.
- b) For any person to use a motor driven ~~watercraft~~boat on any body of water under the jurisdiction of the Department that has less than ~~4060~~ surface acres. However,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

this does not exclude the use of motor driven boats to gain access to duck blinds during blind building activities and during the waterfowl hunting season or electric trolling motors on these bodies of water.

- c) For any person to ~~operate~~use a motor driven ~~watercraft at greater than no wake speed~~boat with a motor of a size larger than 10 H.P. on any body of water posted as no wake, under the jurisdiction of the Department that has 60 or more surface acres of water area except:

- 1) ~~departmentally supervised waters of over 500 acres;~~
- 2) ~~on the following lakes that are between 60-500 acres, motors of any size are allowed (10 H.P. and under may operate at full speed while motors larger than 10 H.P. must operate at no wake, idle speed):~~

~~Argyle Lake—Argyle Lake State Park (McDonough County)~~

~~Dawson Lake—Moraine View State Recreation Area (McLean County)~~

~~Mermet Lake—Mermet Lake State Fish and Wildlife Area (Massac County)~~

~~Pierce Lake—Rock Cut State Park (Winnebago County)~~

~~Prairie Lake—Jim Edgar Panther Creek State Fish and Wildlife Area (Cass County)~~

~~Wolf Lake—William W. Powers State Conservation Area (Cook County); and~~

- ~~d3)~~ Horsepower restrictions~~portions of canals having specific regulations posted on boat motor size and boat use allowed and except that an outboard horsepower restriction~~ shall not apply at posted boat launch ramps while loading or unloading a trailered watercraft; provided that the watercraft over the H.P. limit is operated at a no-wake speed within 150 feet of the loading ramp itself.
- ~~ed)~~ For any person to allow his or her watercraft~~boat or other watercraft~~ to remain on any of the public recreational and fishing areas under the jurisdiction of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department ~~between December 1 through 31~~~~beyond the date of December 1st of~~
each year.

- ~~fe)~~ For any person to~~Te~~ remain on any Department lake after posted closing time.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.60 Camping – Campfires – Firewood

It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person to use a tent or trailer, or any other type of camping device, except in designated camping areas, ~~Persons and persons~~ camping in ~~such~~ designated areas shall obtain a camping authorization slip from authorized site personnel as provided by 17 Ill. Adm. Code 130 or for encampments, approval of the Primitive Camping application and instructions as to where the approved applicant is permitted to camp.
- b) For any person to build any fire:
 - 1) in any area except in camp stoves~~campstoves~~ provided by the Department ~~of Natural Resources~~ or in charcoal or other types of metal grills ~~which are~~ furnished by the visitor at a specific designated campfire site; ~~designated~~ or
 - 2) where bans on open fires are posted by the Department ~~of Natural Resources~~.
- c) For any person to possess or discharge any type of fireworks or other explosive devices, including, but not limited to, model rockets or aerial displays, without a written permit issued by the Department. The decision to grant or deny a permit will be based upon public safety, legal considerations, the impact on public use/enjoyment of parks, and the potential impact on natural resources, such as fire or the disturbance of nesting or feeding patterns.
- d) For any person to bring or possess on Department ~~owned, -leased or -managed of~~ Natural Resources properties firewood from any geographical area where wood exportation has been prohibited by either the State of Illinois or federal quarantine, in violation of 505 ILCS 90/22~~or any county adjacent to a county~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

~~included in such a quarantine area~~, or to sell or distribute firewood on Department-owned, -leased or -managed properties without prior written agreement with the Department pursuant to 17 Ill. Adm. Code 150—~~Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions. Department staff may confiscate any firewood brought onto Department properties found to be in violation of this Part.~~

- e) For any person to bring firewood onto Department-owned, -leased or -managed properties when the firewood was obtained from greater than 50 miles from the site unless it is U.S. Department of Agriculture certified wood or wood that is certified by an agency of the State of Illinois. Firewood may not be brought into Illinois from any location outside of Illinois unless it is U.S. Department of Agriculture certified wood or wood certified by another state's regulatory agency.
- f) A Conservation Police Officer may confiscate any firewood brought onto Department-owned, -leased or -managed properties found to be in violation of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural Objects – Collection of Artifacts

It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person to injure or remove any animal, plant or part thereof, or attempt to disturb any agricultural crop, except:
 - 1) as otherwise provided by permit, law or regulation;
 - 2) as provided by a Department-sponsored program or activity under the direct supervision of an authorized employee; ~~or~~
 - 3) in the collection of edible fungi, nuts and berries (not including ginseng berries, removal of which will remain unlawful) on Department-~~Department~~-owned, -leased or -managed lands where ~~thesuch~~ collection would not be incompatible with resource management activities or recreational programs at the site; Collection shall not~~not~~ be in conflict with the Natural Areas Preservation Act [525 ILCS 30]; and shall occur

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

only when the~~where such~~ collection is for personal use only and not for re-sale.

- A) Collection hours for edible fungi, nuts and berries shall be allowed during the site's regular hours of operation only, except collection is not permitted at any site during the open hours of established hunting seasons at that site.
- B) Collection contests shall not be allowed on any State site.
- b) For any person to remove, take, alter, hide, construct, mutilate, deface, damage or destroy any natural or man-made property, equipment, improvement, sign, trail or building when he or she does so to any such item which is supported, purchased or maintained by the State without the consent of the State when the value of or damage to the property is \$150 or less, except as otherwise provided by permit, law, regulation, or by Department program activity under the direct supervision of an authorized employee.
- c) For any person to collect or take artifacts and/or mutilate, destroy, deface or excavate any archaeological site, except as provided by permit issued according to 17 Ill. Adm. Code 370.
- d) For any person to withdraw or pump water from any Department-~~owned, -leased or -managed-controlled~~ lake, canal, wetland, river or stream except as authorized by Department permit. The decision to grant or deny a permit will be based upon a balancing between the need of the permittee and the protected water level or flow.
- e) For any person to climb, stand, sit or walk on any structure, building, shelter, fence, gate, post, flagpole, picnic table, wall, refuse container, or parts thereof, or any equipment, object or apparatus owned by the Department that is not designed or intended for that use.
- f) For any person to take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin, or parts thereof, or any object of antiquity, the total value of such items being less than \$150 without prior written permission of the Director.
- g) For any person to throw, carry, cast, drag, push or deposit any container or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

receptacle, picnic table, barricade, or any other Department-owned, -leased or -managed property into any waterway or upon the frozen waters, or otherwise move, stack or hide such property in a way that renders it unavailable to the general public for its intended use.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.90 Group/Activity Permits (Repealed)

~~It shall be unlawful for groups of more than 25 persons to use Department of Natural Resources facilities unless written permission is obtained in advance from the Site's Superintendent or site manager. Further, for groups of persons under the age of 18, it is required that at least one adult (age 18 years or older) accompany no more than 15 of these minor individuals. Groups of more than 25 persons may be denied permission to gather if it is determined by the Site Superintendent that the site's physical layout and infrastructure is not suitable for the group activity or may be detrimental to the public health and safety of other site visitors or the natural resources at the site. The Site Superintendent will evaluate the availability of parking, conflicts with other visitor uses, acreage, toilet facilities and suitable roadways in determining whether to grant permission for the requested group activity. The Department may also require groups of any size to provide protection against liability claims if the planned activity involves the consumption of alcoholic beverages or is a hazardous recreational activity as defined in Section 3-109 of the Local Government and Governmental Employees Tort Immunity Act [745 ILCS 10/3-109].~~

(Source: Repealed at 45 Ill. Reg. _____, effective _____)

Section 110.95 Demonstrations

The holding or conducting of any public protest, demonstration, public meeting, gathering or parade to express opinions of governmental policies or practices and views on public issues on Department -owned, -leased or -managed property ~~owned or managed by the Department~~ is prohibited unless a permit for such activity is issued by the Department.

- a) A written request addressed to the Site Superintendent must be submitted at least 5 days in advance of the event. The written request shall state the name of the individual, organization, corporation, association, society, club, or group of whatever kind or nature seeking to use Department -owned, -leased or -managed property. The request shall also list the names and addresses of all officers or leaders, the dates and times sought, equipment to be used, if any, and the estimated number of participants.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- b) Any group seeking a permit for 100 or more participants shall guarantee one person per 25 participants identified as marshals who will be responsible for meeting the conditions of the permit, ensure the demonstration remains peaceful and orderly and the participants remain within the physical boundaries of the permit.
- c) The Department may refuse to issue a permit for the intended activity if it is determined that the intended activity will:
 - 1) create or cause a safety hazard to the participants or other visitors to the site or create a hazard to the natural resources protected by the Department;
 - 2) impede the performance of public business to be conducted in the area;
 - 3) conflict in date, time, and place with a previously scheduled activity of another group; or
 - 4) damage or threaten to damage physical property, cultural resources or other physical attributes of the site.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.100 Littering

It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person using Department-~~of Natural Resources~~ facilities to discard, abandon, place, or deposit on Department ~~of Natural Resources~~ properties, except in containers provided, any wire, cans, bottles, glass, shotgun shells, paper trash, rubbish, garbage, cardboard, wood boxes or other insoluble animal, vegetable, metal, or mineral materials. This prohibition shall not apply to the scattering of cremated human remains in accordance with a valid permit issued pursuant to Section 110.105.
- b) For any person to bring ~~onto~~~~into~~ Department-~~owned, -leased or -managed-of~~ ~~Natural Resources~~ property any of the items listed in subsection (a), with the express purpose of disposing, abandoning, or leaving any of these types of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

materials on Department-owned, -leased or -managed property, whether they are left or placed in proper containers or not.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.105 Scattering of Cremated Human Remains

- a) The scattering of cremated human remains is prohibited, except pursuant to the terms and conditions of a permit issued by the Department. The scattering of cremated human remains shall not be permitted within 100 feet of archaeological sites, within Illinois nature preserves, Illinois land and water reserves, and Illinois Natural Areas Inventory sites, or at State Historic Sites, State Memorials, and Miscellaneous Properties designated pursuant to 20 ILCS 3405/6.
- b) A person seeking a permit for scattering cremated human remains shall submit an application to the Department, on a form approved by the Department, at least 14 days before the requested scattering date, to allow for Department review of the proposed scattering location and to avoid significant archaeological sites and/or environmentally sensitive areas. Applications for a permit for scattering cremated human remains shall be available on the Department's website, at Department headquarters and regional offices, and at State park offices.
- c) The following conditions apply to the permitted scattering of cremated human remains, in addition to any terms and conditions specified in the permit:
 - 1) The proposed scattering location must be out of sight of any public use areas, including, but not limited to, roads, walkways, trails, picnic areas, campgrounds and parking lots.
 - 2) The proposed scattering location must be at least 200 feet from any lake, stream, watercourse or creek bed (running or dry).
 - 3) Persons conducting the scattering of cremated human remains shall have a copy of the permit in their possession at all times during scattering activities.
 - 4) Scattering of cremated human remains shall be conducted so as not to disturb other park users.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 5) Ashes from cremated human remains must be spread over an area large enough to avoid leaving an identifiable accumulation or remains. The cremation identification disc must not be dispensed or left on site during or after scattering activity.
- 6) No container, urn, cross, symbol or memorial markers of any kind may be left on Department-owned, -leased or -managed property. The placement or planting of real or artificial flowers and/or memorial trees is also prohibited.
- 7) Nothing in the permit shall relieve persons conducting the scattering of cremated human remains from the obligation to comply with any and all other applicable laws and regulations affecting the disposal of human remains and the use of Department-owned, -leased or -managed property.
- d) Violation of the terms and conditions of a permit issued in accordance with this Section is prohibited and may result in the suspension or revocation of the permit in addition to any other applicable penalty.

(Source: Added at 45 Ill. Reg. _____, effective _____)

Section 110.110 Prohibited Fishing Areas – Cleaning of Fish

It shall be unlawful for any person to take fish from the waters of any Department-~~owned, -leased or –managed property-controlled area~~ contrary to the rules and regulations of the Department in accordance with 17 Ill. Adm. Code 810, and further, any fish or parts of fish remaining from cleaning must be placed in a proper refuse container with a ~~tight-fitting~~tight fitting lid or removed from the area upon leaving.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.120 Restricted Areas

It shall be unlawful, on Department-owned, -leased or –managed property:

- a) For any person not authorized by the Department to enter or remain in any area or on any trail when ~~that~~such area or trail has, in whole or in part, been temporarily closed to use by visitors. Such closure shall be posted at the area or trail. Site Superintendents and Law Enforcement Officers of the Department ~~of Natural~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Resources, as well as other peace officers, are authorized to prohibit the use of ~~such~~ closed areas, and it shall be unlawful for any person to disobey the rules and regulations posted relative to ~~the~~~~such~~ closed area or the instruction/direction of authorized personnel.

- b) For any person to enter or remain on any portion of a dedicated nature preserve area where posted rules and regulations prohibit ~~such~~ entry to protect the natural fauna or flora within ~~the~~~~such~~ area.
- c) For any person to operate a non-handheld metal or mineral detection device, ~~except that person may use hand-carried devices on Department of Natural Resources properties that are not classified or zoned as State Historical, Archaeological, Military or Nature Preserve sites. In addition, Persons~~persons must obtain a permit from the Department through the Chief of Lands~~Site Superintendent~~, in advance, indicating the location where ~~handheld~~~~these~~ devices ~~will~~~~shall~~ be used. Further, only a small pen knife, ~~ice~~~~pick~~~~ice-pick~~ or screwdriver shall be used by the permittee to recover any find in the area designated. After completing detection activity, the permittee must return the work area to its original state. No shovels, picks or entrenching devices of any size shall be used.
- d) For any person to collect firewood or operate a chain saw ~~or sound amplification system which would draw on the site's electrical system~~ in any area ~~that~~~~which~~ has been closed or posted to prohibit ~~that~~~~such~~ use. Department Site Superintendents ~~of the Department of Natural Resources~~ shall prohibit such use in any area that does not allow the collecting of firewood, ~~that~~ has experienced illegal cutting of timber ~~or at which the noise will disturb other site users~~.
- e) For any person to use electronic or electrical speakers or sound amplification system that emits~~which emit~~ sound into the use area of others at a volume ~~that~~~~which~~ is disturbing or annoying to a reasonable person, except as authorized by Department permit. The decision to grant or deny a permit will be based upon the reason for the request and the time, date and type of activity, balanced against public enjoyment of the park.
- f) ~~For any person to use shower buildings and/or restrooms other than as gender designated except those situations where parents or guardians may attend children or those with physical/mental challenges that need assistance.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 110.140 Soliciting/Advertising/Renting/Selling

- a) It shall be unlawful for any person to place signs or distribute advertising of any type on Department-owned, -leased or -managed property except as provided in subsection (b).
- b) It shall be unlawful for any person to make or solicit sales or rentals of any kind or place signs or advertisements of any kind on Department -owned, -leased or -managed property without first obtaining written permission from the Director or his/her designee or a Department permit to sell in accordance with Section 110.4(d), a lease and/or license in writing in accordance with 17 Ill. Adm. Code 150 or in the case of lands managed by the Department without first obtaining a permit, lease, and/or license from the owner of the property and the Department.
- c) The Department shall only approve commercial signs, displays or advertisements that comply with the following guidelines (except as provided by contract with Department concessionaires):
 - 1) all advertisements will be limited to an area designated by the site;
 - 2) maximum size of advertisement will be 8½" X 12";
 - 3) advertisements shall not be posted for more than 30 consecutive days;
 - 4) vendor will be limited to one advertisement during the 30-day period. Posting will be on a first-come first-served basis; and
 - 5) advertisement cannot espouse any illegal act.
- d) Approval of advertising or displays on Department -owned, -leased or -managed property does not constitute endorsement of the advertised product, service, event or organization.
- e) Signs, placards, banners, displays or any other form of advertisement related to a demonstration or protest are regulated by permit in accordance with Section 110.95 of this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 110.150 Swimming/Wading/Diving

It shall be unlawful for any person to swim, wade or bodily enter into the water at any Department-owned, -leased or -managed property~~location~~. The exceptions to this rule include only the following:

- a) areas designated by posting as allowing swimming. Where lifeguards are not posted, no person under 17 years of age may swim or be on the beach without supervision of a parent, guardian, or responsible adult (18 years of age or older) present. Designated swimming beaches shall conform to all rules and regulations of the Illinois Department of Public Health regarding public swimming beaches (77 Ill. Adm. Code 820.360);
- b) areas where a Department employed lifeguard is on duty;
- c) areas posted for other uses such as waterfowl hunting, water skiing, wade fishing or riding personal watercraft or inflatable devices; or
- d) areas authorized for scuba diving. Scuba divers must have in their possession valid diving permits issued by the Site Superintendent. Permits are issued to keep track of name and location of divers, to ensure that divers are certified by a nationally recognized scuba certifying organization and to minimize user conflicts at sites.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit

It shall be unlawful, on Department-owned, -leased or -managed property:

- a) For any person to operate any motor vehicle other than on roadways or trails designated for that activity~~specifically posted as trafficways by the Department of Natural Resources~~, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate vehicles on areas other than roadways specifically posted as trafficways. These exceptions ~~will~~ include, but are not ~~be~~ limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sites; and access by volunteers to project or program areas that~~which~~ assist

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

the site.

- 1) For any person to operate a snowmobile in any area other than on posted trails, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate snowmobiles on other than posted trails. These exceptions ~~will~~ include, but are not ~~be~~ limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sites; and access by volunteers to project or program areas ~~that~~which assist the site.
 - 2) For any person to operate any motor driven bicycle (as defined by Section 1-145.001 of the Illinois Vehicle Code [625 ILCS 5]), mini-bike, moped (as defined by Section 1-148.2 of the Illinois Vehicle Code [625 ILCS 5]), motorcycle or off-road vehicle unless it is on a roadway designated for vehicular use or on a designated area established by the Department for off-road vehicular use, except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals to operate ~~thesesuch~~ vehicles on areas other than those designated for off-road vehicular use. These exceptions ~~will~~ include, but are not ~~be~~ limited to, access by lessees to leased property or adjacent private property; access by contractors to the contract work sites; and access by volunteers to project or program areas ~~that~~which assist the site.
- b) For any person to operate, or cause to be operated, any motor vehicle (as defined by Section 1-146 of the Illinois Vehicle Code [625 ILCS 5]) upon any road, path, drive in any manner that is greater than~~exceed a speed of 20 M.P.H. unless it is otherwise posted by sign on any paved, concrete, asphalt or other all-weather roadway, or to exceed 10 M.P.H. unless otherwise posted by sign on any unpaved, gravel or dirt roadway or in any parking area.~~
 - c) For any person to operate, or cause to be operated, any~~park a~~ motor vehicle (as defined by Section 1-146 of the Illinois Vehicle Code [625 ILCS 5]) upon any~~in any area which is not posted as a parking area in any manner that is greater than 10 M.P.H. unless otherwise posted, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.~~
 - d) For any person to operate, or cause to be operated, any motor vehicle (as defined by Section 1-146 of the Illinois Vehicle Code [625 ILCS 5]) upon any road, path,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

parking area or drive and at a speed which is greater than is responsible and proper with regard to traffic conditions and the use of the road, path, parking area, or drive, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the road, path, parking area or drive in compliance with legal requirements and the duty of all persons to use due care.

- e) For any person to disobey a traffic control device.
- f) For any person to park a motor vehicle in any area that is not posted as a parking area, or to park a vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area immediately.
- gd) For any person to exceed a combined vehicle and content weight limit of 20,000 lbs. (10 ton) unless it is otherwise posted by sign on any Department roadway except that Site Superintendents shall, if it is to the Department's benefit, grant written permission to individuals or contractors to operate ~~thesesuch~~ vehicles on posted roadways. These exceptions ~~will~~ include, but are not be limited to, access by lessees utilizing farm equipment to get to leased property or adjacent private property; access by contractors to the contract work sites; access by vendors delivering materials.
- he) At Department-owned, -leased or managed properties where snowmobiles are allowed to operate, for~~For~~ any person to operate a snowmobile in any portion of a park or recreation area with less than four inches of snow cover.
- if) Except in cases of emergency, for any person to land or attempt to land any aircraft on Department-~~owned, -leased or -managed~~ property without prior authorization for each landing or attempted landing from the Department.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.165 Bicycles – Operation on Roadway – Designated Trails

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

It shall be unlawful , on Department-owned, -leased or -managed property:

- a) for any person to ride a bicycle or low-speed electric bicycle as defined by Section 1-140.10 of the Illinois Vehicle Code [625 ILCS 5], except on a roadway designated for vehicular use, parking lot, or posted bicycle trail or in a direction opposite of a posted one-way trail that bicycles or low-speed electric bicycles are authorized to use. An authorized employee of the Department may close the trail for safety reasons or to prevent damage to the trail or natural resources.
- b) For any person to operate, or cause to be operated, any bicycle or low-speed electric bicycle upon any road, path, bicycle trail, or drive in any manner that is greater than 20 M.P.H. unless otherwise posted.
- c) For any person to operate, or cause to be operated, a bicycle or low-speed electric bicycle upon any parking area in any manner that is greater than 10 M.P.H. unless otherwise posted.
- d) For any person to operate, or cause to be operated any bicycle or low-speed electric bicycle upon any road, path, bicycle trail, parking area or drive and at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the road, path, bicycle trail, parking area or drive, or endangers the safety or any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather, highway or trail conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the road, path, bicycle trail, parking area, or drive in compliance with legal requirements and the duty of all persons to use due care.
- e) For any person while operating, or causing to be operated, a bicycle or low-speed electric bicycle to disobey a traffic control device.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.170 Weapons and Firearms – Display and Use

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Unless otherwise allowed by statute, it# shall be unlawful for any person, other than authorized peace officers, to display or use a weapon or firearm on Department-~~owned, -leased or -managed properties~~controlled lands, except as authorized by the Department ~~for~~on hunting (reference 17 Ill. Adm. Code 510, 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740), at field trials (reference 17 Ill. Adm. Code 910), or at target or special event areas. This includes, but not is not limited to, any firearmgun including shotgun, rifle, pistol, revolver, air or BB gun, and sling shot, bow and arrow, switchblade knife with spring loaded blade, throwing knife, tomahawk or throwing axe, or martial arts devices.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.180 Violation of Rule

- a) ~~Any person who violates any provision of this Part shall be guilty of a Class B Misdemeanor (see 20 ILCS 835/6).~~
- ab) Any person who violates any provision of this Part or Illinois law shall be subject to arrest and/or removal from the premises at which such violation occurred~~under applicable statutes including Section 21-5 of the Criminal Code of 1961 [720 ILCS 5/21-5], Criminal Trespass to State Supported Land.~~
- b) Anyone who is arrested, removed from Department lands, or cited for a violation of this Part and who has paid an activity fee or a permit fee shall not receive a refund of such fee.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.185 Emergency Modification of Site Rules

In the event of a national or State emergency, declared as such by the federal or State government, that directly or indirectly affects the operations or programs at State parks or other properties of the Department, including leased properties, any site specific administrative regulations affected by the emergency situation may be modified by posting the modification at the site and by issuance of a public announcement. The modification shall not extend beyond the period of the declared emergency or disaster, unless adopted through amendment of Department rules ~~underimplemented through~~ the Illinois Administrative Code. Rescission~~Recession~~ of the modification shall be posted at the site and publicly announced.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 110.190 Approval of Friends Groups for Department Sites

- a) The Department's Friends Group Program consists of Department approved groups that are dedicated to enhancing, preserving and protecting Department-owned, -leased or -managed sites, including, but not limited to, providing interpretive and educational activities. Groups that participate in the Program volunteer on a regular basis for approved projects and activities to promote, support, rehabilitate, repair and further develop Department-owned, -leased or -managed sites. Groups may also sponsor activities and outdoor recreation at the site and are exempt from activity permit, permit to sell, and facility usage fees. A Friends Group shall reinvest in, or return to, the site all profits made from:
- 1) fundraisers;
 - 2) recreational events;
 - 3) educational events;
 - 4) the sale of all items, including, but not limited to, souvenirs and other gifts; and
 - 5) monetary donations.
- b) Application Process for becoming a Department Friends Group. A group seeking recognition as a Friends Group shall submit to the Department:
- 1) a letter of intent to organize an official Department Friends Group;
 - 2) the organization's mission statement;
 - 3) the organization's bylaws;
 - 4) documentation of good standing as a not-for-profit corporation under the General Not-For-Profit Corporation Act of 1986 [805 ILCS 105]; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 5) documentation that the organization is a 501(c)(3) entity under federal tax law.
- c) Approval Criteria. Upon receipt of a complete application packet as described in subsection (b), the Department shall consider the following when making a determination to approve or deny a Friends Group request:
 - 1) current needs of the site;
 - 2) the organization's experience and past accomplishments;
 - 3) size of the organization; and
 - 4) the organization's intent and ability to enhance, preserve and protect Department-owned, -leased or -managed sites, including, but not limited to providing interpretive and educational activities.
- d) The Department reserves the right to approve or deny Friends Group applications based on the criteria listed in subsection (c).
- e) Upon approval, the Department will provide the organization with a Memorandum of Understanding for execution. Violation of the Memorandum of Understanding by the approved Friends Group may result in loss of Friend's Group status and privileges.

(Source: Added at 45 Ill. Reg. _____, effective _____)

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 725
- 3) Section Number: 725.TABLE B Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 4.01 of the Illinois Act on the Aging [20 ILCS 105].
- 5) Effective Date of Rule: June 24, 2021
- 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 amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: As this is a Title 2 internal rulemaking, First Notice publication was not required.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: As this is a Title 2 internal rulemaking, First Notice publication was not required.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? As this is a Title 2 internal rulemaking, there was no Agreement letter issued by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the organization chart in Subpart C.

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENT

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

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/524-7945

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER II: DEPARTMENT ON AGINGPART 725
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

725.10	Rules of General Application
725.20	Operating Manuals
725.30	Public Information
725.40	Materials to Aid Users with Finding and Using Department Rules
725.50	Individual Case Record Information

SUBPART B: RULEMAKING

Section

725.110	Identification of Need for Rulemaking
725.120	Requests for Adoption of Rules
725.130	Rulemaking Proceedings

SUBPART C: ORGANIZATION STRUCTURE

Section

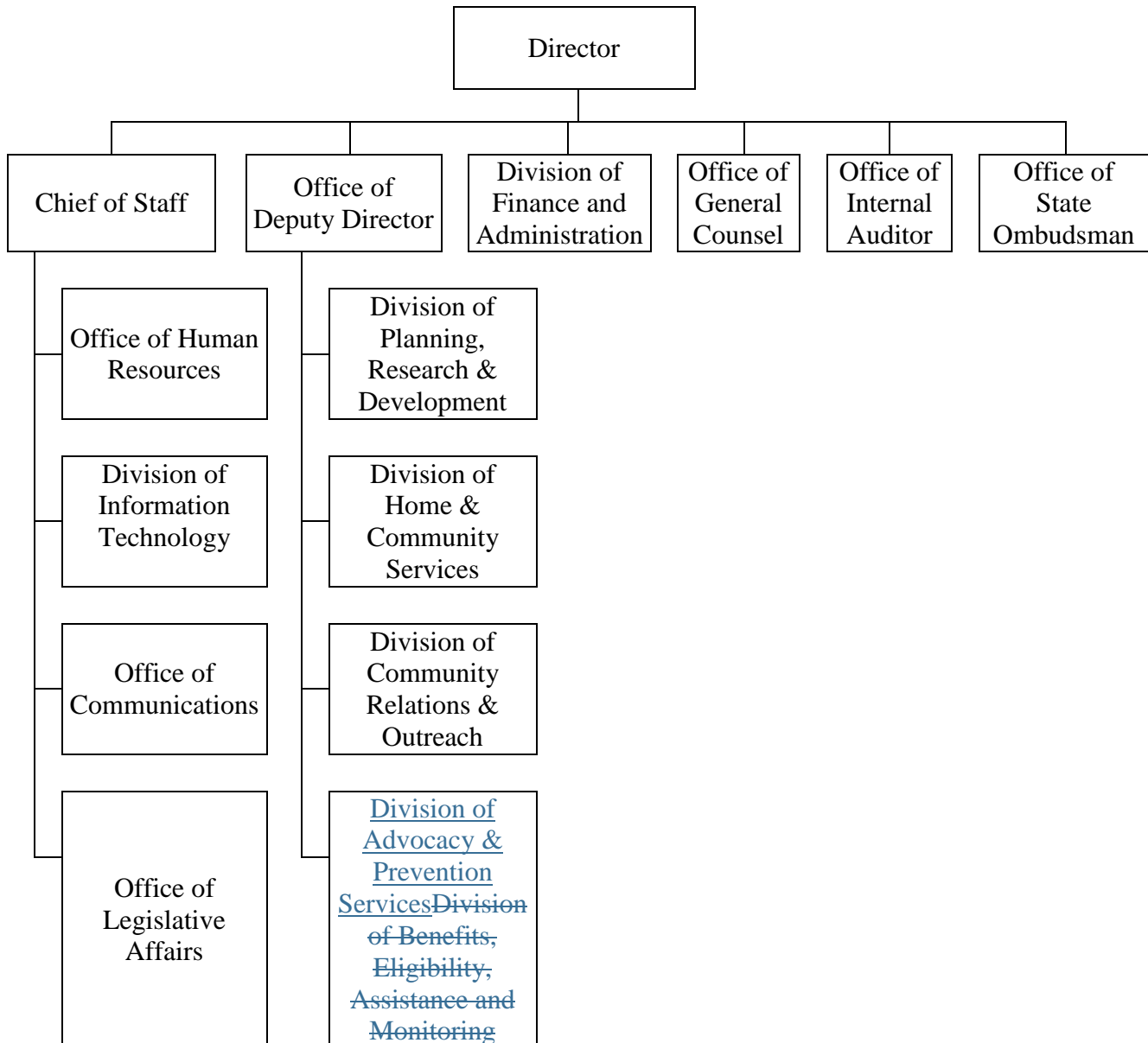
725.210	Department Organization
725.TABLE A	Rulemaking Chart
725.TABLE B	Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 4.01 of the Illinois Act on the Aging [20 ILCS 105].

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; codified at 8 Ill. Reg. 12885; amended at 43 Ill. Reg. 13289, effective October 30, 2019; amended at 45 Ill. Reg. 8276, effective June 24, 2021.

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENT

Section 725.TABLE B Organization Chart

(Source: Amended at 45 Ill. Reg. 8276, effective June 24, 2021)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED 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>Adopted Actions:</u>
1.280	Amendment
1.285	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: June 24, 2021
- 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 *Illinois Register*: 45 Ill. Reg. 1777; February 16, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1.285(d)(5)(F), "or 2022-2023" is deleted.
- 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 any 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>Illinois Register Citations:</u>
1.420	Amendment	44 Ill. Reg. 19383; December 18, 2020
1.630	Amendment	44 Ill. Reg. 19383; December 18, 2020
1.280	Amendment	45 Ill. Reg. 1777; February 16, 2021
1.285	Amendment	45 Ill. Reg. 1777; February 16, 2021
1.Appendix D	Amendment	45 Ill. Reg. 4313; April 9, 2021

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1.Appendix D	Amendment	45 Ill. Reg. 4579; April 16, 2021
1.Appendix D	Amendment	45 Ill. Reg. 6397; May 21, 2021
1.100	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.420	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.440	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.783	Amendment	45 Ill. Reg. 6906; June 11, 2021

- 15) Summary and Purpose of Rulemaking: Currently, Section 1.285 allows for the use of both prone and supine restraints under certain parameters. However, those parameters will expire effective July 1, 2021. The rules are amended to prohibit the use of prone restraints and supine restraints unless certain parameters are met.
- 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 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 ADOPTED 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
- 1.323 Teacher Evaluation Ratings During a Declared Gubernatorial Disaster
- 1.325 Teacher Remediation Plan During a Declared Gubernatorial Disaster
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.421 Remote and Blended Remote Learning Days
- 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 Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 9-12 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 Reading Teachers and Reading Specialists
- 1.750 Standards for Media Services through June 30, 2004 (Repealed)
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1.762	Supervision of Speech-Language Pathology Assistants
1.770	Standards for Special Education Personnel
1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782	Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher
1.792	Short-Term Substitute Teacher
1.794	Substitute Teachers; Recruiting Firms
1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)
1.APPENDIX H	Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; emergency expired December 27, 2020; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17816, effective October 23, 2020, for the remainder of the 150 days; emergency rule as amended expired February 25, 2021; amended at 45 Ill. Reg. 867, effective January 4, 2021; amended at 45 Ill. Reg. 1644, effective January 22, 2021; emergency amendment at 45 Ill. Reg. 4543, effective March 24, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 5362, effective April 12, 2021; amended at 45 Ill. Reg. 5744, effective April 21, 2021; amended at 45 Ill. Reg. 8280, effective June 24, 2021.

SUBPART B: SCHOOL GOVERNANCE

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code .
- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code. Under no circumstance shall the policy authorize the use of isolated time out, time out, or physical restraint as a form of discipline or punishment.
- c) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 45 Ill. Reg. 8280, effective June 24, 2021)

Section 1.285 Requirements for the Use of Isolated Time Out, Time Out, and Physical Restraint

Isolated time out, time out, and physical restraint, as defined in this Section, shall be used only when the student's behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm. Isolated time out, time out, or physical restraint shall not be used as discipline or punishment, convenience for staff, retaliation, a substitute for appropriate educational or behavioral support, a routine safety matter, or to prevent property damage in the absence of imminent danger of serious physical harm to the student or others.

a) Isolated Time Out or Time Out

- 1) "Isolated time out" means the involuntary confinement of a student alone in a time out room or other enclosure outside the classroom without a supervising adult in the time out room or enclosure. Isolated time out is allowed only under limited circumstances. If all other requirements under this Section are met, isolated time out may be used only when the adult in the time out room or enclosure is in imminent danger of serious physical harm because the student is unable to cease actively engaging in extreme physical aggression.
- 2) "Time out" means a behavior management technique for the purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under subsection (i) for part of the school day, only for a brief time, in a non-locked setting.
- 3) "Isolated time out" or "time out" does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) Any enclosure used for isolated time out or time out shall:
 - A) meet all of the health/life safety requirements of 23 Ill. Adm. Code 180;
 - B) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being placed in isolated time out or time out but also, if applicable, any other individual who is required to accompany that student under this Section;
 - C) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls;
 - D) be designed to permit continuous visual monitoring of and communication with the student; and
 - E) if fitted with a door, be fitted with either a steel door or a wooden door of solid-core construction. If the door includes a viewing panel, the panel shall be unbreakable. The door shall not be fitted with a locking mechanism or be physically blocked by furniture or any other inanimate object at any time during the isolated time out or time out.
- 5) For an isolated time out, an adult who is responsible for supervising the student must remain within two feet of the enclosure. The supervising staff member must always be able to see, hear, and communicate with the student. The door shall not be locked or held to block egress. A student in isolated time out shall not be supervised using cameras, audio recording, or any other electronic monitoring device.
- 6) For time out, an adult trained under subsection (i) who is responsible for supervising the student must remain in the same room as the student at all times during the time out.
- 7) A student placed in isolated time out or time out must have reasonable

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

access to food, water, medication, and toileting facilities. Except in circumstances in which there is a risk of self-injury or injury to staff or others, a student in isolated time out or time out shall not have his or her clothing removed, including, but not limited to, shoes, shoelaces, boots, or belts.

- b) "Physical restraint" means holding a student or otherwise restricting a student's movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques.
- c) The requirements set forth in subsections (d) through (i) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
 - 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
 - 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
- d) The use of physical restraint shall be subject to the following requirements and limitations.
 - 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
 - A) *the student poses a physical risk to himself, herself, or others,*
 - B) *there is no medical contraindication to its use, and*
 - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (i) of this Section.*
 - 2) Physical restraint must end immediately when:
 - A) the threat of imminent danger of serious physical harm ends; or

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) the student indicates that he or she cannot breathe or staff supervising the student recognizes that the student may be in respiratory distress.
- 3) The staff involved in physically restraining a student must periodically halt the restraint to evaluate if the imminent danger of serious physical harm continues to exist. If the imminent danger of serious physical harm continues to exist, staff may continue to use the physical restraint and the continued use may not be considered a separate instance of physical restraint.
- 4) A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak. If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.
- 5) "Prone physical restraint" means a physical restraint in which a student is held face down on the floor or other surface and physical pressure is applied to the student's body to keep the student in the prone position. Prone physical restraint is prohibited except in special education nonpublic facilities under Section 14-7.02 of the School Code when all of the following conditions are met:
- A) the student's Behavior Intervention Plan specifically allows for prone restraint of the student;
- B) the Behavior Intervention Plan was put into place before January 1, 2021;
- C) the student's Behavior Intervention Plan has been approved by the IEP team;
- D) the school staff member or staff members applying the use of prone restraint on a student have been trained in its safe application under this Section;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

E) the special education nonpublic facility must be able to document and demonstrate to the IEP team that the use of other de-escalation techniques provided for in the student's Behavior Intervention Plan were ineffective; and

F) the use of prone restraint occurs in the 2021-2022 school year.

6) "Supine physical restraint" means a physical restraint in which a student is held face up on the floor or other surface and physical pressure is applied to the student's body to keep the student in the supine position.

Supine~~Until July 1, 2021, prone and supine~~ physical restraint is prohibited, unless all of the following criteria are met:

- A) Before using a ~~prone or~~ supine physical restraint, the school district or other entity serving the student shall review and determine if there are any known medical or psychological limitations that contraindicate the use of a ~~prone or~~ supine physical restraint.
- B) The school district or other entity serving the student deems the situation an emergency, defined as a situation in which immediate intervention is needed to protect a student or other individual from imminent danger of serious physical harm to himself, herself, or others and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.
- C) Supine~~Prone or supine~~ physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's primary mode of communication.
- D) Supine~~Prone or supine~~ physical restraint is used only by personnel who have completed required training under subsection (i).
- E) Supine~~Prone or supine~~ physical restraint is used only if those interventions are the least restrictive and intrusive interventions to address the emergency and stop the imminent danger of serious physical harm to the student or others. During each incident, one school staff person trained in identifying the signs of distress must

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

be assigned to observe and monitor the student during the entire incident. That staff person may not be involved in the physical holding of the student. The number of staff involved in physically restraining the student may not exceed the number necessary to safely hold the student. Staff involved in the restraint must use the least amount of force and the fewest points of contact necessary and must afford the student maximum freedom of movement while maintaining safety.

- F) The ~~prone or~~ supine physical restraint ends immediately when the threat of imminent danger of serious physical harm ends, but in no event shall ~~prone or~~ supine physical restraint last longer than 30 minutes. If after 30 minutes the emergency has not resolved, or if an additional emergency arises the same school day that meets the standards of this subsection (d), a school administrator, in consultation with a psychologist, social worker, nurse, or behavior specialist, may authorize the continuation of the restraint or an additional ~~prone or~~ supine physical restraint. No restraint may be continued, nor may additional restraints be applied, unless continuation is authorized by a school administrator.
- G) If the student is restrained in a ~~prone or~~ supine physical restraint in at least 2 separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a Restraint Review, which is a review of the effectiveness of the procedures used. If the personnel involved in the restraints do not include a psychologist, social worker, nurse, or behavior specialist, at least one of those staff members shall be included in the Restraint Review. The Restraint Review must include, but is not limited to:
- i) conducting or reviewing a functional behavioral analysis, reviewing data, considering the development of additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the student's individualized educational program, federal Section 504 plan, behavior intervention plan, or other plan of care, as appropriate; and

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- ii) reviewing any known medical or psychological limitations that contraindicate the use of a restrictive procedure, considering whether to prohibit that restrictive procedure, and, if applicable, documenting any prohibitions in the student's individualized education program, federal Section 504 plan, behavior intervention plan, or other plan of care.
- ~~76~~) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to immediately carry out the threat.
- ~~87~~) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections, the Illinois Department of Juvenile Justice, or the Illinois Department of Human Services), mechanical restraint or chemical restraint, as defined in subsection (d)(12) or (d)(13), shall not be employed.
- ~~98~~) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
- ~~109~~) Any application of physical restraint shall take into consideration the safety and security of the student. Physical restraint shall not rely upon pain as an intentional method of control.
- ~~1140~~) In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising adult shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
- ~~1244~~) "Chemical restraint" means the use of medication to control a student's behavior or restrict a student's freedom of movement. Chemical restraint is

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

prohibited. "Chemical restraint" does not include medication that is legally prescribed and administered as part of a student's regular medical regimen to manage behavioral symptoms and treat medical symptoms.

~~1312~~) "Mechanical restraint" means the use of any device or equipment to limit a student's movement or hold a student immobile. Mechanical restraint is prohibited. "Mechanical restraint" does not include any restraint used to:

- A) treat a student's medical needs;
- B) protect a student known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness;
- C) position a student with physical disabilities in a manner specified in the student's individualized education program, federal Section 504 plan, or other plan of care;
- D) provide a supplementary aid or service or an accommodation, including, but not limited to, assistive technology that provides proprioceptive input or aids in self-regulation; or
- E) promote student safety in vehicles used to transport students.

e) Time Limits

- 1) A student shall be released from isolated time out or time out immediately upon determination by the staff member that the student is no longer an imminent danger of serious physical harm to the student or others. No less than once every 15 minutes, an adult trained under subsection (i) must assess whether the student has ceased presenting the specific behavior for which the time out was imposed.
- 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing serious physical harm to the student or others.

f) Documentation and Evaluation

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) In a form and manner prescribed by the State Superintendent, a written record of each episode of isolated time out, time out, or physical restraint shall be maintained in the student's temporary record. The official designated under this Section shall also maintain a copy of each of these records. Each record shall include, but is not limited to, all of the following:
 - A) the student's name;
 - B) the date of the incident;
 - C) the beginning and ending times of the incident;
 - D) a description of any relevant events leading up to the incident;
 - E) a description of any interventions used prior to the implementation of isolated time out, time out, or physical restraint;
 - F) a description of the incident or student behavior that resulted in isolated time out, time out, or physical restraint, including the specific imminent danger of serious physical harm to the student or others;
 - G) for isolated time out, a description of the rationale of why the needs of the student cannot be met by a lesser restrictive intervention and why an adult could not be present in the time out room;
 - H) a log of the student's behavior in isolated time out, time out, or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
 - I) a description of any injuries (whether to students, staff, or others) or property damage;
 - J) a description of any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of isolated time out,

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

time out, or physical restraint;

- K) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out, time out, or physical restraint; and
 - L) the date on which parental or guardian notification took place, as required by subsection (g).
- 2) The school official designated under subsection (j)(3) shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- 3) The requirements of this subsection (f)(3) shall apply whenever an episode of isolated time out or time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
- A) A licensed educator or licensed clinical practitioner knowledgeable about the use of isolated time out or time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
 - B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
 - C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated under subsection (j)(3).
- 4) When a student experiences instances of isolated time out, time out, or physical restraint on 3 days within a 30-day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program, for special education eligibility, or, for a student already eligible for special education, for a change in program.

- A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
- B) The notification shall inform the parents or guardians that the student's potential need for special education, an alternative program, or, for students already eligible for special education, the student's potential need for a change in program, will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents or Guardians

- 1) A district whose policies allow for the use of isolated time out, time out, or physical restraint shall notify parents or guardians to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code.
- 2) If a student is subject to isolated time out, time out, or physical restraint, the school must make a reasonable attempt to notify the student's parent or guardian on the same day the isolated time out, time out, or physical restraint is imposed.
- 3) Within one business day after any use of isolated time out, time out, or physical restraint, the school district or other entity serving the student shall send the form required under subsection (f)(1) to the student's parents or guardians.

h) Report to the State Superintendent

- 1) No later than 2 school days after any use of isolated time out, time out, or physical restraint, the school district or other entity serving the student shall, in a form and manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Superintendent.

- 2) The State Superintendent reserves the authority to require districts to submit the information required under subsection (f)(1) for previous school years.
- i) Requirements for Training
 - 1) Any adult who is supervising a student in isolated time out or time out, or who is involved in a physical restraint, shall receive at least 8 hours of developmentally appropriate training annually. Except for training on physical restraint, online training may be utilized for all training areas under this subsection (i)(1). Training is required in the following areas:
 - A) crisis de-escalation;
 - B) restorative practices;
 - C) identifying signs of distress during physical restraint and time out;
 - D) trauma-informed practices; and
 - E) behavior management practices.
 - 2) All adults trained under this subsection (i) must be provided a copy of the district's policies on isolated time out, time out, and physical restraint.
 - 3) Isolated time out, time out, or physical restraint, as defined in this Section, shall be applied only by individuals who have received annual systematic training on less restrictive and intrusive strategies and techniques to reduce the use of isolated time out, time out, and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective. This training must include all the elements described in this subsection (i) and must result in the receipt of a certificate of completion or other written evidence of participation. No individual may use isolated time out, time out, or physical restraint before receiving the required training and certificate. An individual who applies isolated time out, time out, or physical restraint shall use only techniques in which he or she has

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

received prior annual training, as indicated by written evidence of participation.

- 4) The training required under this subsection (i) with respect to isolated time out, time out, or physical restraint may be provided either by the employer or by an external entity.
 - A) All persons or entities who provide training must be trained and certified in the:
 - i) effective use of less restrictive and intrusive alternatives to prevent imminent danger of serious physical harm to the student or others; and
 - ii) safe application of isolated time out, time out, and physical restraint when less restrictive and intrusive alternatives have been tried and proven ineffective.
 - B) The training shall include, but need not be limited to:
 - i) the dangers associated with the use of isolated time out, time out, and physical restraint and the need to use interventions that are less restrictive and intrusive to reduce the risk of harm to students;
 - ii) appropriate procedures for preventing the need for isolated time out, time out, or physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
 - iii) recognizing and responding appropriately to the antecedent of a student's behavior;
 - iv) recognizing contraindications and other conditions and events that increase risk of death;
 - v) a description and identification of dangerous behaviors on the part of students that may indicate the need for isolated time out, time out, or physical restraint and methods for

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

- vi) the simulated experience of administering and receiving a variety of isolated time out, time out, and physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
 - vii) instruction regarding the effects of isolated time out, time out, and physical restraint on the person in restraint, isolated time out, or time out, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - viii) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - ix) demonstration by participants of proficiency in administering isolated time out, time out, and physical restraint.
- 5) An individual may provide training to others in a particular method of time out and physical restraint only if he or she has received written evidence of completing training in those techniques that meet the requirements of this subsection (i) within the preceding one-year period.
- j) Any use of isolated time out, time out, or physical restraint permitted by a board's policy shall be implemented in accordance with written procedures that include:
- 1) the circumstances under which isolated time out, time out, or physical restraint will be applied;
 - 2) a written procedure to be followed by staff in cases of isolated time out, time out, or physical restraint;
 - 3) designation of a school official who will be informed of incidents and maintain the documentation required under this Section when isolated time out, time out, or physical restraint is used;

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) the process the district or other entity serving public school students will use to evaluate any incident that results in an injury to the affected student; and
 - 5) a description of the district's or other entity's annual review of the use of isolated time out, time out, or physical restraint, which, at a minimum, shall include:
 - A) the number of incidents involving the use of these interventions;
 - B) the location and duration of each incident;
 - C) identification of the staff members who were involved;
 - D) any injuries or property damage that occurred; and
 - E) the timeliness of parental or guardian notification, timelines of agency notification, and administrative review.
- k) Complaint Procedures
- 1) Any parent or guardian, individual, organization, or advocate may file a signed, written complaint with the State Superintendent alleging that a local school district or other entity serving the student has violated this Section. The complaint shall include all of the following:
 - A) the facts on which the complaint is based;
 - B) the signature and contact information for the complainant;
 - C) if known, the names and addresses of the students involved and the name of the school of attendance;
 - D) a description of the nature of the problem, including any facts relating to the problem; and
 - E) a proposed resolution of the problem to the extent known.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) The State Superintendent shall only consider a complaint if it alleges a violation occurring not more than one year prior to the date in which the complaint is received.
- 3) After receiving a complaint that meets the requirements of this subsection (k), the State Superintendent shall:
 - A) carry out an independent on-site investigation, if deemed necessary by the State Superintendent;
 - B) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
 - C) require that the public entity that is the subject of the complaint submit a written response to the complaint. The public entity shall submit its response and all other documentation to the State Superintendent and the parent, individual, or organization filing the complaint no later than the date indicated in the written correspondence received under this subsection (k).
- 4) The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and that contains all of the following:
 - A) findings of fact and conclusion;
 - B) the reasons for the State Board of Education's final decision; and
 - C) orders for any action, including technical assistance.
- 5) The complaint procedure under this subsection (k) does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students.

(Source: Amended at 45 Ill. Reg. 8280, effective June 24, 2021)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Student Online Personal Protection
- 2) Code Citation: 23 Ill. Adm. Code 380
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
380.5	New Section
380.10	New Section
380.20	New Section
380.30	New Section
- 4) Statutory Authority: 105 ILCS 85/33(c)(2)
- 5) Effective Date of Rules: June 24, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 1802; February 16, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 380.10, "a school may" is changed to "a school shall".

In Section 380.20(b), "A school that receives a request under this Section must require a parent to provide proof of identity and relationship to the student before access to the covered information is granted" is deleted.

In Section 380.20(d), "one request" is replaced with "two requests per student".

The first sentence of Section 380.30(b) is changed to "If a parent requests a paper copy of a student's covered information, a school may charge the parent the actual cost for

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

providing a copy of such information, provided that there will be no cost for the first 50 pages and that the cost charged for additional pages shall not exceed \$0.15 per page."

- 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 Public Act 101-516, which will become effective July 1, 2021. It requires the State Board of Education to adopt rules on the methodology and frequency of requests made by a parent of a student to the student's school for a paper or electronic copy of the student's covered information. The large increase in the use of educational technology has prompted parental groups to become concerned about the types of data being collected on students and how schools were using this data. PA 101-516 was enacted to address these concerns and to specifically allow parents a means to request copies of the electronic data collected by the schools.
- 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 Rule 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 k: SCHOOL RECORDS

PART 380

STUDENT ONLINE PERSONAL PROTECTION

Section

380.5	Definitions
380.10	Rights of Parents and Students
380.20	Requests for Covered Information
380.30	Cost for Copies

AUTHORITY: Implementing and authorized by Section 33 of the Student Online Personal Protection Act [105 ILCS 85].

SOURCE: Adopted at 45 Ill. Reg. 8304, effective June 24, 2021.

Section 380.5 Definitions

"Covered Information" means personally identifiable information or material or information that is linked to personally identifiable information or material in any media or format that is not publicly available and is any of the following:

created by or provided to an operator by a student or the student's parent in the course of the student's or parent's use of the operator's site, service, or application for K through 12 school purposes;

created by or provided to an operator by an employee or agent of a school or school district for K through 12 school purposes; or

gathered by an operator through the operation of its site, service, or application for K through 12 school purposes and personally identifies a student, including, but not limited to, information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, a social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

"K through 12 School Purposes" means purposes that are directed by or that customarily take place at the direction of a school, teacher, or school district; aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents; or are otherwise for the use and benefit of the school.

"Operator" means, to the extent that an entity is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K through 12 school purposes and was designed and marketed for K through 12 school purposes. (Section 5 of the Student Online Personal Protection Act)

"Parent" has the meaning given to that term under the Illinois School Student Records Act [105 ILCS 10].

"School" means any preschool, public kindergarten, elementary or secondary educational institution, vocational school, special educational facility, or any other elementary or secondary educational agency or institution; or any person, agency, or institution that maintains school student records from more than one school. (Section 5 of the Student Online Personal Protection Act)

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

"SOPPA" means the Student Online Personal Protection Act [105 ILCS 85].

"State Board" means the State Board of Education.

"Student" has the meaning given to that term under the Illinois School Student Records Act.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

Section 380.10 Rights of Parents and Students

In addition to any rights granted to parents or students with respect to covered information under Section 33 of the SOPPA or school records under 23 Ill. Adm. Code 375, a school shall afford to parents or students any rights granted under this Part.

Section 380.20 Requests for Covered Information

- a) In accordance with any applicable federal regulations, a school must provide a student's parent a paper or electronic copy of the student's covered information, including any covered information maintained by an operator or the State Board, within 45 days of receiving a request for such information, as provided under subsection (b). If a parent requests an electronic copy of the student's covered information, the school must provide an electronic copy of that information, unless the school does not maintain the information in an electronic format and reproducing the information in an electronic format would be unduly burdensome to the school.
- b) Each request under this Section must be submitted by a parent on a signed and dated request form that includes the parent's name, address, phone number, student's name, and the name of the school from which the request is being made.
- c) If covered information requested by a parent under this Section includes data on more than one student, the parent may inspect and review only the covered information relevant to the parent's student.
- d) A parent may make no more than two requests per student under this Section per State fiscal quarter.

Section 380.30 Cost for Copies

This Section applies to requests made under Section 380.20.

- a) A school may not charge a parent for an electronic copy of a student's covered information.
- b) If a parent requests a paper copy of a student's covered information, a school may charge the parent the actual cost for providing a copy of such information, provided that there will be no cost for the first 50 pages and that the cost charged

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

for additional pages shall not exceed \$0.15 per page. No parent shall be denied a requested paper copy of covered information due to the parent's inability to bear the cost of the copying.

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: 2835.70 Adopted Action: New Section
- 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: June 23, 2021
- 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*: 45 Ill. Reg. 2563; March 5, 2021
- 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 2835.70 is modified to read as: "Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and Mixed Earner Unemployment Compensation (MEUC) Programs, and the First Week of Benefits Funded by the Federal Government".
 - Title of Section 2835.70 is modified to read as: "Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and Mixed Earner Unemployment Compensation (MEUC) Programs, and the First Week of Benefits Funded by the Federal Government".

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- Section 2835.70(a) is modified to read as: "The Department will waive recovery of any overpayment under the Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and/or Mixed Earner Unemployment Compensation (MEUC) programs, and the first week of benefits funded by the federal government under any State or federal unemployment program, paid to a recipient if the Department determines that:".
- In Section 2835.70(b)(3), "could" is changed to "would".
- Section 2835.70(d), before the EXAMPLE, is modified to read as: "A claimant's request for a waiver of recovery of an overpayment under PUA, PEUC, or the first week of benefits funded by the federal government under any State or federal unemployment program, during the time period in which the FPUC program provided a supplement to the claimant's weekly benefit amount, and for which the FPUC supplemental amount is included in the overpayment amount, shall be treated as a request to waive recovery of the FPUC overpayment as well as recovery of the overpayment based on the PUA or PEUC programs, or first week of benefits funded by the federal government under any State or federal unemployment program. The determination or decision shall set forth the findings for allowing or denying waiver of recovery of the overpayment based on the PUA or PEUC programs, or the first week of benefits funded by the federal government and the FPUC overpayment separately, including the reason for the determination or decision, and when waiver is allowed, the time period of the waiver and the amount waived.".
- Section 2835.70(f) is modified to read as: "When a claimant requests a waiver of recovery of an overpayment of the first week of benefits funded by the federal government under any State or federal unemployment program, the determination for waiver of recovery of the overpayment of that first week of benefits shall be made as provided in this Section. However, the determination shall indicate that waiver of recovery of the overpayment of benefits paid after the first week pursuant to the underlying unemployment program (other than PUA or PEUC) is not authorized by law and is denied.".
- Section 2835.70(g) is modified to read as: "A determination by an adjudicator for a waiver of recovery of a PUA, FPUC, PEUC, or MEUC overpayment, or an overpayment for the first week of benefits funded by the federal government

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

under any State or federal unemployment program, overpayment may be based on the claimant's interview or written responses contained in a request form or questionnaire generated by the Department. An interview need not be conducted unless the adjudicator determines that more information is needed to make the determination."

- Section 2835.70(h) is added and reads as: "A determination on a claimant's request for a waiver of recovery of a PUA, FPUC, PEUC, MEUC overpayment, or an overpayment for the first week of benefits funded by the federal government under any State or federal unemployment program, shall be subject to reconsideration and appeal as set forth in Sections 703, 800, 801, and 803 of the Unemployment Insurance Act [820 ILCS 405].".

- Section 2835.70(i) is added and reads as:

"(i) Notwithstanding the provisions of this Section, based upon authority provided by the U.S. Department of Labor the Department will waive recovery of the following overpayments under a single set of facts ("blanket waiver") without a claimant requesting a waiver:

- 1) When an individual is eligible for payment under an unemployment benefit program for a given week, but through no fault of the individual that individual was paid incorrectly under either the PUA or PEUC program at a higher weekly benefit amount (WBA); or
- 2) Specific to PUA, when, through no fault of the individual that individual was paid a minimum WBA higher than the minimum WBA set by federal law and U.S. Department of Labor guidance."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Provisions of the federal Continued Assistance Act (PL 116-260) and U.S. DOL guidance allow for the States to waive recovery of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

overpayments of benefits pertaining to unemployment that are funded by the federal government, so long as conditions are met. This rule implements the procedures to enable the State to make such waiver determinations.

- 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
<u>2835.70</u>	<u>Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and Mixed Earner Unemployment Compensation (MEUC) Programs, and the First Week of Benefits Funded by the Federal Government</u>

SUBPART B: DETECTION OF OVERPAYMENTS

Section

2835.100	Cross-Matching
2835.TABLE A	Recoupment Matrix

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

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

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 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; emergency amendment at 45 Ill. Reg. 2274, effective February 8, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 8310, effective June 23, 2021.

SUBPART A: GENERAL PROVISIONS

Section 2835.70 Waiver of Recovery of Overpayments Under Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and Mixed Earner Unemployment Compensation (MEUC) Programs, and the First Week of Benefits Funded by the Federal Government

- a) The Department will waive recovery of any overpayment under the Pandemic Unemployment Assistance (PUA), Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and/or Mixed Earner Unemployment Compensation (MEUC) programs, and the first week of benefits funded by the federal government under any State or federal unemployment program, paid to a recipient if the Department determines that:
 - 1) The overpayment was without fault on the part of the recipient; and

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 2) Recovery would be contrary to equity and good conscience.
- b) For purposes of subsection (a), recovery of the overpayment will be considered to be against equity and good conscience if:
 - 1) It would cause financial hardship to the person from whom it is sought;
 - 2) Regardless of the recipient's financial circumstances, the recipient can show that, based on the overpayment or notice that a benefit payment would be made, the recipient has:
 - A) relinquished a valuable right; or
 - B) changed positions for the worse; or
 - 3) Recovery would be unconscionable under the circumstances.
- c) If the Department has previously recovered overpayment funds from a recipient and that recipient is granted a waiver pursuant to this Section, then that recipient shall be refunded those monies.
- d) A claimant's request for a waiver of recovery of an overpayment under PUA, PEUC, or the first week of benefits funded by the federal government under any State or federal unemployment program, during the time period in which the FPUC program provided a supplement to the claimant's weekly benefit amount, and for which the FPUC supplemental amount is included in the overpayment amount, shall be treated as a request to waive recovery of the FPUC overpayment as well as recovery of the overpayment based on the PUA or PEUC programs, or first week of benefits funded by the federal government under any State or federal unemployment program. The determination or decision shall set forth the findings for allowing or denying waiver of recovery of the overpayment based on the PUA or PEUC programs, or the first week of benefits funded by the federal government and the FPUC overpayment separately, including the reason for the determination or decision, and when waiver is allowed, the time period of the waiver and the amount waived.

EXAMPLE: A claimant files a request for waiver and provides related information to waive a PUA overpayment from the week beginning June 7, 2020 through the week ending August 15, 2020. In this case, the FPUC program

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

provided a \$600 supplement to the claimant's weekly benefit amount for weeks between June 7, 2020 through the week ending July 25, 2020, and the FPUC supplements are included as part of the overpayment. The adjudicator determines that the claimant's request meets the criteria for a waiver of both PUA and FPUC, and states in the determination: the reasons for the waivers; that a waiver of the PUA overpayment is granted from the week beginning June 7, 2020 through the week ending August 15, 2020; that the FPUC waiver is granted from the week beginning June 7, 2020 through the week ending July 25, 2020; and the amount waived for each program.

- e) When a claimant requests a waiver of recovery of an FPUC overpayment that supplemented a weekly benefit amount of an underlying unemployment program other than PUA and PEUC, the determination for waiver of recovery of the FPUC amount shall be made as provided by this Section. However, the determination shall indicate that waiver of recovery of the overpayment of benefits paid pursuant to the underlying unemployment program (other than PUA or PEUC) is not authorized by law and is denied.
- f) When a claimant requests a waiver of recovery of an overpayment of the first week of benefits funded by the federal government under any State or federal unemployment program, the determination for waiver of recovery of the overpayment of that first week of benefits shall be made as provided in this Section. However, the determination shall indicate that waiver of recovery of the overpayment of benefits paid after the first week pursuant to the underlying unemployment program (other than PUA or PEUC) is not authorized by law and is denied.
- g) A determination by an adjudicator for a waiver of recovery of a PUA, FPUC, PEUC, or MEUC overpayment, or an overpayment for the first week of benefits funded by the federal government under any State or federal unemployment program, overpayment may be based on the claimant's interview or written responses contained in a request form or questionnaire generated by the Department. An interview need not be conducted unless the adjudicator determines that more information is needed to make the determination.
- h) A determination on a claimant's request for a waiver of recovery of a PUA, FPUC, PEUC, MEUC overpayment, or an overpayment for the first week of benefits funded by the federal government under any State or federal unemployment program, shall be subject to reconsideration and appeal as set forth

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

in Sections 703, 800, 801, and 803 of the Unemployment Insurance Act [820 ILCS 405].

- i) Notwithstanding the provisions of this Section, based upon authority provided by the U.S. Department of Labor the Department will waive recovery of the following overpayments under a single set of facts ("blanket waiver") without a claimant requesting a waiver:
 - 1) When an individual is eligible for payment under an unemployment benefit program for a given week, but through no fault of the individual that individual was paid incorrectly under either the PUA or PEUC program at a higher weekly benefit amount (WBA); or
 - 2) Specific to PUA, when, through no fault of the individual that individual was paid a minimum WBA higher than the minimum WBA set by federal law and U.S. Department of Labor guidance.

(Source: Added at 45 Ill. Reg. 8310, effective June 23, 2021)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Number: 146.910 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 28, 2021
- 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 rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 1096; January 22, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes between the proposed amendment and adopted amendment include: none.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement was necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
146.540	Amendment	45 Ill. Reg. 4205; April 2, 2021
146.550	Amendment	45 Ill. Reg. 4205; April 2, 2021
- 15) Summary and Purpose of Rulemaking: This adoption amends 89 Ill. Adm. Code 146.910 and implements a change made to 210 ILCS 49/5-106 by P.A. 101-0636 (the FY2021 Budget Implementation Act), by clarifying the therapeutic visit reimbursement rate for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

facilities licensed or provisionally licensed by June 1, 2018 under the Specialized Mental Health Rehabilitation Act of 2013 is 75% of the facility's current paid rate instead of 75% of the rate in effect on July 27, 2018.

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

Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLP Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section

146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section

146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS
WITH DEMENTIA CARE UNITS

Section

146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
146.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

Section	
146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015 through June 30, 2015; emergency amendment at 42 Ill. Reg. 13733, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16311, effective August 13, 2018, for the remainder of the 150 days; emergency expired November 28, 2018; amended at 42 Ill. Reg. 16731, effective August 28, 2018; emergency amendment at 42 Ill. Reg. 17935, effective September 24, 2018, for a maximum of 150 days; emergency expired February 20, 2019; amended at 43 Ill. Reg. 6803, effective May 28, 2019; Subpart B and Subpart E recodified at 43 Ill. Reg. 7014; amended at 44 Ill. Reg. 2331, effective January 15, 2020; emergency amendment at 44 Ill. Reg. 12825, effective July 17, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 19760, effective December 11, 2020; amended at 45 Ill. Reg. 5877, effective April 26, 2021; amended at 45 Ill. Reg. 8319, effective June 28, 2021.

SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section 146.910 Reimbursement

- a) Facilities licensed under Specialized Mental Health Rehabilitation Act of 2013 shall be reimbursed at:
 - 1) the rate in effect on June 30, 2014, less \$7.07 for each facility previously licensed under the Nursing Home Care Act on June 30, 2013;
 - 2) the rate in effect on June 30, 2013 for each facility licensed under the Specialized Mental Health Rehabilitation Act on June 30, 2013;
 - 3) effective for services provided on or after July 1, 2017, the rate in effect on June 30, 2017 increased by 2.8%; or

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 4) effective for services provided on or after July 1, 2018, the rate in effect on June 30, 2018 increased by 4%.
- b) Any adjustment in the support component or the capital component for facilities licensed by the Department of Public Health under the Nursing Home Care Act shall apply equally to facilities licensed by the Department of Public Health under the Specialized Mental Health Rehabilitation Act of 2013.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 153, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 shall receive a payment in the amount of \$29.43 per licensed bed, per day, for the period beginning June 1, 2014 and ending June 30, 2014.
- d) Facilities licensed or provisionally licensed under the Specialized Mental Health Rehabilitation Act of 2013 on or before June 1, 2018 will be reimbursed for therapeutic visits that have been indicated by an interdisciplinary team as therapeutically beneficial at the following:
 - 1) Effective for dates of service June 4, 2018 through July 26, 2018, therapeutic visits are reimbursed at a rate of 75% of the facility's rate as of June 4, 2018.
 - 2) Effective for dates of service on or after July 27, 2018 through June 30, 2020, therapeutic visits are reimbursed at a rate of 75% of the facility's rate as of July 27, 2018.
 - 3) Effective for dates of service on or after July 1, 2020, therapeutic visits are reimbursed at a rate of 75% of the facility's current rate.
 - ~~43~~) Facilities may not be reimbursed for more than 10 consecutive days of therapeutic visits and no more than 20 days of therapeutic visits per State fiscal year.

(Source: Amended at 45 Ill. Reg. 8319, effective June 28, 2021)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Reimbursement For Nursing Costs For Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Number: 147.310 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 28, 2021
- 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 rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 1103; January 22, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes between the proposed amendment and adopted amendment include: none.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement was necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adoption changes the long-term care regional wage adjustor.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Steffanie Garrett
General Counsel

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

147.5	Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System (Repealed)
147.15	Comprehensive Resident Assessment (Repealed)
147.25	Functional Needs and Restorative Care (Repealed)
147.50	Service Needs (Repealed)
147.75	Definitions (Repealed)
147.100	Reconsiderations (Repealed)
147.105	Midnight Census Report
147.125	Nursing Facility Resident Assessment Instrument (Repealed)
147.150	Minimum Data Set (MDS) Based Reimbursement System (Repealed)
147.175	Minimum Data Set (MDS) Integrity (Repealed)
147.200	Minimum Data Set (MDS) On-Site Review Documentation (Repealed)
147.205	Reimbursement for Ventilator Dependent Residents (Repealed)
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300	Payment to Nursing Facilities Serving Persons with Mental Illness
147.301	Sanctions for Noncompliance
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310	Implementation of a Case Mix System
147.315	Nursing Facility Resident Assessment Instrument
147.320	Definitions
147.325	Resident Reimbursement Classifications and Requirements
147.330	Resource Utilization Groups (RUGs) Case Mix Requirements
147.335	Enhanced Care Rates
147.340	Minimum Data Data Set On-Site Reviews
147.345	Quality Incentives
147.346	Appeals of Nursing Rate Determination
147.350	Reimbursement for Additional Program Costs Associated With with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

147.355 Reimbursement for Residents with Exceptional Needs (Repealed)

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level (Repealed)
147.TABLE B	MDS-MH Staff Time (in Minutes and Allocation by Need Level) (Repealed)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007; emergency amendment at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 3114, effective February 13, 2008; emergency suspension withdrawn in part at 32 Ill. Reg. 4399, effective February 26, 2008 and 32 Ill. Reg. 4402, effective March 11, 2008 and 32 Ill. Reg. 9765, effective June 17, 2008; amended at 32 Ill. Reg. 8614, effective May 29, 2008; amended at 33 Ill. Reg. 9337, effective July 1, 2009; emergency amendment at 33 Ill. Reg. 14350, effective October 1, 2009, for a maximum of 150 days; emergency amendment modified in response to the objection of the Joint Committee on Administrative Rules at 34 Ill. Reg. 1421, effective January 5, 2010, for the remainder of the 150 days; emergency expired February 27, 2010; amended at 34 Ill. Reg. 3786, effective March 14, 2010; amended at 35 Ill. Reg. 19514, effective December 1, 2011; amended at 36 Ill. Reg. 7077, effective April 27, 2012; emergency amendment at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days; Sections 147.335(a)(7)(B) and 147.355(b) of the emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3385, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5898, effective March 7, 2014; emergency amendment modified in response to JCAR Objection at 38 Ill. Reg. 6707, effective March 7, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 12173, effective May 30, 2014; emergency amendment at 38 Ill. Reg. 15723, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23778, effective December 2, 2014; amended at 45 Ill. Reg. 8326, effective June 28, 2021.

Section 147.310 Implementation of a Case Mix System

- a) P.A. 98-0104 requires the Department to implement, effective January 1, 2014, an evidence-based payment methodology for the reimbursement of nursing services. The methodology shall take into consideration the needs of individual residents, as assessed and reported by the most current version of the nursing facility Minimum Data Set (MDS), adopted and in use by the federal government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- b) This Section establishes the method and criteria used to determine the resident reimbursement classification based upon the assessments of residents in nursing facilities. Resident reimbursement classification shall be established utilizing the 48-group, Resource Utilization Groups IV (RUG-IV) classification scheme and weights as published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (federal CMS). An Illinois specific default group is established in subsection (f)(3) and identified as AA1 with an assigned weight equal to the weight assigned to group PA1.
- c) The pool of funds available for distribution by case mix shall be determined using the formula contained below. Base rate spending pool shall be:
- 1) The base year resident days, which are calculated by multiplying the number of Medicaid residents in each nursing facility based on MDS comprehensive assessments for Medicaid residents on March 31, 2012, multiplied by 365 days.
 - 2) Each facility's nursing component per diem in effect on July 1, 2012 shall be multiplied by the number determined in subsection (c)(1).
 - 3) Thirteen million is added to the result of subsection (c)(2) ~~of this Section~~, to adjust for the exclusion of nursing facilities defined as Class I IMDs.
- d) For each nursing facility with Medicaid residents as indicated by the MDS data defined in subsection (c)(1) ~~of this Section~~, weighted days adjusted for case mix and regional wage adjustment shall be calculated. For each nursing facility this calculation is the product of:
- 1) Base year resident days as calculated in subsection (c)(1).
 - 2) The nursing facility's regional wage adjustor based on the Health Service Areas (HSA) groupings and adjustors in effect on April 30, 2012.
 - 3) Facility weighted case mix, which is the number of Medicaid residents as indicated by the MDS data defined in subsection (c)(1) multiplied by the associated case weight for the RUG-IV 48-group model using standard RUG-IV procedures for index maximization.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 4) The sum of the products calculated for each nursing facility in subsections (d)(1) through (d)(3) shall be the base year case mix, rate adjusted weighted days.
- e) The statewide RUG-IV nursing base per diem rate effective on:
 - 1) January 1, 2014 shall be the quotient of subsection (c) divided by the sum calculated under subsection (d)(4) and is \$83.49.
 - 2) July 1, 2014 shall be the rate calculated in subsection (e)(1) increased by \$1.76.
- f) Nursing Component Per Diem~~For services provided on or after:~~
 - 1) For services provided on or after January 1, 2014, the Department shall compute and pay a facility-specific nursing component of the per diem rate as the arithmetic mean of the resident-specific nursing components, as determined in subsection (d), assigned to Medicaid-enrolled residents on record, as of 30 days prior to the beginning of the rate period, in the Department's Medicaid Management Information System (MMIS), or any successor system, as present in the facility on the last day of the second quarter preceding the rate period. The RUG-IV nursing component per diem for a nursing facility shall be the product of the statewide RUG-IV nursing base per diem rate, the facility average case mix index to be calculated quarterly, and the regional wage adjustor. Transition rates for services provided between January 1, 2014 and December 31, 2014 shall be as follows:
 - A) The transition RUG-IV per diem nursing rate for nursing facilities whose rate calculated in this subsection (f) is greater than the nursing component rate in effect July 1, 2012 shall be paid the sum of:
 - i) The nursing component rate in effect July 1, 2012; plus
 - ii) The difference of the RUG-IV nursing component per diem calculated for the current quarter minus the nursing component rate in effect July 1, 2012, multiplied by 0.88.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- B) The transition RUG-IV per diem nursing rate for nursing facilities whose rate calculated in this subsection (f) is less than the nursing component rate in effect July 1, 2012 shall be paid the sum of:
 - i) The nursing component rate in effect July 1, 2012; plus
 - ii) The difference of the RUG-IV nursing component per diem calculated for the current quarter minus the nursing component rate in effect July 1, 2012, multiplied by 0.13.
 - C) Effective January 1, 2020, the regional wage adjustor referenced in this subsection (f)(1) cannot be lower than 0.95.
 - D) Effective July 1, 2020, the regional wage adjustor referenced in this subsection (f)(1) cannot be lower than 1.0.
- 2) Effective for dates of service on or after July 1, 2014, a per diem add-on to the RUGS methodology will be included as follows:
- A) \$0.63 for each resident who scores I4200 Alzheimer's Disease or I4800 non-Alzheimer's Dementia.
 - B) \$2.67 for each resident who scores "1" or "2" in any items S1200A through S1200I and also scores in the RUG groups PA1, PA2, BA1 and BA2.
- 3) The Department shall determine the group to which a resident is assigned using the 48-group RUG-IV classification scheme with an index maximization approach. A resident for whom RUGs resident identification information is missing, or inaccurate, or for whom there is no current MDS record for that quarter, shall be assigned to default group AA1. A resident for whom an MDS assessment does not meet the federal CMS edit requirements as described in the Long Term Care Resident Assessment Instrument (RAI) Users Manual or for whom an MDS assessment has not been submitted within 14 calendar days after the time requirements in Section 147.315 shall be assigned to default group AA1.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 4) The assessment used for the purpose of rate calculation shall be identified as an Omnibus Budget Reconciliation Act (OBRA) assessment on the MDS following the guidance in the RAI Manual.
- 5) The MDS used for the purpose of rate calculation shall be determined by the Assessment Reference Date (ARD) identified on the MDS assessment.
- g) The Department shall provide each nursing facility with information that identifies the group to which each resident has been assigned.

(Source: Amended at 45 Ill. Reg. 8326, effective June 28, 2021)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3) Section Number: 152.100 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 28, 2021
- 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 rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 2571; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes between the proposed amendment and adopted amendment include: none.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement was necessary.
- 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: This adoption amends 89 Ill. Adm. Code 152.100 and allows HFS to continue utilizing the current published fee schedule until the Department determines that it is no longer required to cover fees during a public health emergency.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152.100	Hospital Rate Reductions
152.150	Hospital Payment Documentation and Coding Improvement Adjustment (Repealed)
152.200	Non-DRG Reimbursement Methodologies (Repealed)
152.250	Appeals (Repealed)
152.300	Adjustment for Potentially Preventable Readmissions
152.350	Inpatient and Outpatient Rate Adjustments

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Sections 12-13 and 14-8 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and Sections 12-13 and 14-8].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; emergency amendment at 29 Ill. Reg. 10299, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19997, effective November 23, 2005; emergency amendment at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18703, effective November 27, 2006; emergency amendment at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8730, effective May 29, 2008; amended at 35 Ill. Reg. 10114, effective June 15, 2011; emergency amendment at 36 Ill. Reg. 10410, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 282, effective January 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10517,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

effective June 27, 2013; emergency amendment at 37 Ill. Reg. 13589, effective August 1, 2013, for a maximum of 150 days; emergency amendment at 37 Ill. Reg. 16003, effective September 27, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 882, effective December 23, 2013; amended at 38 Ill. Reg. 15527, effective July 2, 2014; amended at 41 Ill. Reg. 1064, effective January 19, 2017; emergency amendment at 42 Ill. Reg. 13890, effective July 2, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22547, effective November 28, 2018; amended at 43 Ill. Reg. 5734, effective May 2, 2019; emergency amendment at 45 Ill. Reg. 2758, effective February 19, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 8335, effective June 28, 2021.

Section 152.100 Hospital Rate Reductions

Notwithstanding any provision to the contrary in 89 Ill. Adm. Code 148 and 149 and this Part 152, effective for dates of service on or after July 1, 2012, any rate of reimbursement for services to hospitals or other payments to hospitals shall be reduced by an additional 3.5% from the rates that were otherwise in effect on July 1, 2012, and with implementation of SMART hospital payment reform rates in effect on July 1, 2014, except that those reductions shall not apply to:

- a) Rates or payments for hospital services delivered by a Safety Net Hospital under Section 5-5e.1 of the Illinois Public Aid Code [305 ILCS 5].
- b) Rates or payments for hospital services delivered by a Critical Access Hospital as defined in 89 Ill. Adm. Code 148.25(g).
- c) Rates or payments for hospital services delivered by a hospital that is operated by a unit of local government or State university that provides some or all of the non-federal share of the services.
- d) Payments authorized under Section 5A-12.4 of the Illinois Public Aid Code.
- e) Transitional payment authorized in 89 Ill. Adm. Code 148.296.
- f) Notwithstanding any other provision to the contrary in this Part, federally approved rates or payments for services related to a public health emergency that:
 - 1) Appear on the Department's public health emergency published fee schedule; and

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 2) Meet the date of service specifications on the Department's public health emergency published fee schedule.
- 3) The Department's public health emergency published fee schedule shall remain in place until the Department determines the rates or payments described under this subsection (f) are no longer necessary to address a public health emergency, for reasons including, but not limited to: the establishment, termination, or modification of any applicable federal or State disaster declaration, Executive Orders of the Governor, or disaster-related flexibilities granted by federal agencies.

(Source: Amended at 45 Ill. Reg. 8335, effective June 28, 2021)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: June 28, 2021
- 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 rulemaking, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 1112; January 22, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes between the proposed amendment and adopted amendment include: no changes.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreement was necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No (Emergency Rule expired June 4, 2021)
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted amendment 89 Ill. Adm. Code 153.125 implements medical assistance program reimbursement rate increases for facilities licensed under ID/DD Community Care Act and the MC/DD Act as required by P.A. 101-0636.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Steffanie Garrett
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100	Reimbursement for Long Term Care Services
153.125	Long Term Care Facility Rate Adjustments
153.126	Long Term Care Facility Medicaid Per Diem Adjustments
153.150	Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to the Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007; emergency amendment at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 4105, effective March 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7761, effective May 5, 2008; amended at 32 Ill. Reg. 9972, effective June 27, 2008; amended at 33 Ill. Reg. 9347, effective July 1, 2009; emergency amendment at 34 Ill. Reg. 17462, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 6171, effective March 28, 2011; amended at 35 Ill. Reg. 19524, effective December 1, 2011; emergency amendment at 36 Ill. Reg. 10416, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17405, effective December 1, 2012; amended at 37 Ill. Reg. 10529, effective June 27, 2013; emergency amendment at 38 Ill. Reg. 15732, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23799, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6956, effective May 1, 2015 through June 30, 2015; emergency amendment at 41 Ill. Reg. 12632, effective September 25, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4594, effective February 20, 2018; emergency amendment at 42 Ill. Reg. 16562, effective August 27, 2018, for a maximum of 150 days; emergency expired January 23, 2019; amended at 43 Ill. Reg. 2253, effective February 4, 2019; emergency amendment at 45 Ill. Reg. 1191, effective January 6, 2021, for a maximum of 150 days; emergency expired June 4, 2021; amended at 45 Ill. Reg. 8340, effective June 28, 2021.

Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996 shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.
- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001 shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.
 - 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
 - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - 3) For rates effective July 1, 2001 only, rates shall be the greater of the rate

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

computed for July 1, 2001 or the rate effective on June 30, 2001.

- 4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.
- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003 shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004 shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.
- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.
- r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3 percent.
- s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), effective on January 1, 2006 shall be increased by 3 percent.
- t) Notwithstanding the provisions set forth in Section 153.100, for facilities that are federally defined as Institutions for Mental Disease (see Section 145.30), a socio-development component rate equal to 6.6% of the nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. This rate shall become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, the rate shall not be reduced.
- u) Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.
 - 1) Support rates taking effect on January 1, 2008 shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590. The audited cost report data will be used to retroactively update the resulting support rate effective January 1, 2008, after the 45-day appeal period from Section 140.582(b) has passed.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 2) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under this subsection (u) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- v) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 95-0744, for services beginning August 1, 2008, the socio-development component for facilities that are federally defined as Institutions for Mental Disease (see 89 Ill. Adm. Code 145.30) shall equal 6.6% of the facility's nursing component rate as of January 1, 2006, multiplied by a factor of 3.53.
- w) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 95-0744, for services beginning January 1, 2009, the support component for skilled and intermediate care facilities that was effective on January 1, 2008, computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006, shall be increased to the amount that would have been derived using standard Department of Healthcare and Family Services methods, procedures and inflators described in Sections 140.533, 140.551, 140.553 and 140.561.
- x) Notwithstanding the provisions set forth in Section 153.100, effective November 1, 2010, the program and support components of the per diem rate for ICF/MR qualifying under 89 Ill. Adm. Code 144.102 shall be adjusted in accordance with that Section.
- y) Notwithstanding the provisions set forth in Section 153.100, pursuant to Public Act 96-1530, for services beginning May 1, 2011, the socio-development component for facilities that are federally defined as Institutions for Mental Disease (IMD) (see 89 Ill. Adm. Code 145.30) and that are Medicaid certified will have the nursing component of their rate fully funded using the MDS methodology and will also receive an increase to their socio-development component rate. The socio-development component rate increase will be equal to two-thirds of the difference between the highest nursing rate among the Medicaid certified IMD facilities and the individual IMD's nursing rate. This rate change is subject to approval by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- z) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning May 1, 2011, facilities that are federally defined as Institutions for Mental Disease (see 89 Ill. Adm. Code 145.30) and determined to be Subpart T facilities (see 89 Ill. Adm. Code 145.10) will receive an increase to their socio-development component rate of \$.50 per day, per resident.
- aa) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning August 1, 2017, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] as an ID/DD facility and medically complex for the developmentally disabled facilities licensed under the MC/DD Act [210 ILCS 46] as an MC/DD facility will receive an increase to their reimbursement rates sufficient to provide a \$.75 per hour wage increase for non-executive staff. This increase shall apply to the facility per diem rates and developmental training rates.
- bb) Notwithstanding the provisions set forth in Section 153.100, effective for services beginning July 1, 2018, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to the facility per diem rates and developmental training rates as follows:
 - 1) Facilities outside the geographic boundaries of the City of Chicago will receive an increase to their reimbursement rates sufficient to provide a \$.50 per hour wage increase for front-line personnel.
 - 2) Facilities inside the geographic boundaries of the City of Chicago will receive an increase to their reimbursement rates sufficient to provide a \$.54 per hour wage increase for front-line personnel.
- cc) Notwithstanding the provisions set forth in Section 153.100, pursuant to 305 ILCS 5/5-5.4(j), effective for services beginning July 1, 2018, the per diem rate will be increased by \$21.15 for facilities with more than 16 beds licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] and located in the Department of Public Health's Planning Area 7-B.
- dd) Notwithstanding the provisions set forth in Section 153.100, facilities licensed by the Department of Public Health under the ID/DD Community Care Act [210 ILCS 47] or MC/DD Act [210 ILCS 46] will receive an increase to their facility rate:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Effective June 1, 2020, facilities will receive an increase to their reimbursement rates sufficient to provide a \$0.26 per hour wage increase for non-executive staff.
- 2) Effective July 1, 2020, facilities will receive an increase to their reimbursement rates sufficient to provide a \$1.00 per hour wage increase for non-executive staff. Facilities shall use these additional funds to provide a direct increase to wages for non-executive staff by at least \$0.80 per hour, with priority given to direct care staff wages.
- 3) Effective January 1, 2021, facilities will receive an increase to their reimbursement rates sufficient to provide a \$0.50 per hour wage increase for non-executive staff. Facilities shall use these additional funds to provide a direct increase to wages for non-executive staff by at least \$0.40 per hour, with priority given to direct care staff wages.
- 4) Non-executive staff, for purposes of subsection (dd), includes but is not limited to direct care staff (direct support persons (DSPs), front-line supervisors, qualified intellectual disabilities professionals, and nurses) and non-administrative support staff.

(Source: Amended at 45 Ill. Reg. 8340, effective June 28, 2021)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Electronic Prescription Monitoring Program
- 2) Code Citation: 77 Ill. Adm. Code 2080
- 3)

<u>Section Numbers:</u>	Adopted Actions:
2080.20	Amendment
2080.207	New Section
2080.208	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321].
- 5) Effective Date of Rules: June 24, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; 42 USC 1320
- 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. 17587; November 6, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various technical and grammatical changes were made to Sections 2080.20, 2080.207, and 2080.208.
- 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: The Prescription Monitoring Program (PMP) monitors all retail prescriptions for Schedule II, III, IV and V drugs that are dispensed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

except for hospital inpatients within the State of Illinois. This rulemaking is being done to comply with PA 100-564 that requires all Electronic Health Record systems in Illinois to integrate with the PMP through a direct, secure one-to-one connection. The amendments will allow Providers to have easy access to PMP data through the Electronic Health Record systems.

- 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 77: PUBLIC HEALTH

CHAPTER X: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIES

PART 2080

ELECTRONIC PRESCRIPTION MONITORING PROGRAM

Section

2080.10	Authority
2080.20	Incorporation by Reference and Definitions
2080.30	General Description
2080.40	Official Triplicate Prescription Blanks (Repealed)
2080.50	Authorized Prescribers
2080.60	Application (Repealed)
2080.70	Schedule II, III, IV and V Drug Prescription Requirements
2080.80	Prohibited use of the Official Triplicate Prescription Blank (Repealed)
2080.90	Dispensing a Schedule II, III, IV or V Drug
2080.100	Dispenser Responsibility
2080.110	Partial filling of prescriptions (Repealed)
2080.120	Emergency situations (Repealed)
2080.130	Prescriptions from out-of-state prescribers and exempt Federal practitioners (Repealed)
2080.140	Exemptions for prescribers in hospitals and institutions (Repealed)
2080.150	Exemptions for long term care and home infusion services (Repealed)
2080.160	Exemptions for narcotic treatment programs (Repealed)
2080.170	Exemptions for research (Repealed)
2080.180	Investigatory and regulatory referrals (Repealed)
2080.190	Reports
2080.200	Prescriber and Dispenser Inquiry System
2080.207	EHR Integration with the PMP
2080.208	Pharmacy Management Systems Integration with the PMP
2080.210	Access to the Prescription Information Library (PIL)
2080.211	Other State Prescription Monitoring Authority Access
2080.220	Error Reporting
2080.230	Designated Controlled Substances and Other Selected Drugs
2080.240	Mid-Level Practitioners Prescriptive Authority Reporting
2080.250	Mailing of Controlled Substances
2080.320	Prescription Monitoring Program Advisory Committee (PMPAC)
2080.325	Peer Review Subcommittee

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570].

SOURCE: Adopted at 10 Ill. Reg. 4497, effective March 3, 1986; amended at 17 Ill. Reg. 11424, effective July 6, 1993; amended at 20 Ill. Reg. 3107, effective February 2, 1996; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; amended at 26 Ill. Reg. 3975, effective March 4, 2002; amended at 33 Ill. Reg. 17333, effective December 9, 2009; amended at 39 Ill. Reg. 6421, effective April 22, 2015; amended at 40 Ill. Reg. 3737, effective February 29, 2016; amended at 41 Ill. Reg. 11909, effective September 13, 2017; amended at 45 Ill. Reg. 8351, effective June 24, 2021.

Section 2080.20 Incorporation by Reference and Definitions

No incorporations by reference in this Part include any later amendments or editions. The definitions that apply to this Part are those found in the Act.

"Act" means the Illinois Controlled Substances Act [720 ILCS 570].

"Account" refers to the clinical entity that is providing direct patient care and is registered with the PMP to have access to patient specific data through the Prescription Information Library (PIL).

"Account Custodian" means the licensed healthcare professional whose registration may be used by other members of the healthcare group for access to the PIL.

"Birth Date" means medication recipient's birth date.

"Central Repository" means a place designated by the Department where Schedule II, III, IV and V drug data is stored or housed.

"Clinical Director" or "PMP Administrator" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library [720 ILCS 570/102 (d-5)]. The Clinical Director may be assisted by a PMP Assistant Administrator.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Connecting Entity" or "Entity" means the health system, hospital, medical office, clinic, or practice that maintains the Electronic Health Record system or employs the professional making the PMP query.

"Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of the Illinois Controlled Substances Act or a drug or other substance, or immediate precursor, designated as a controlled substance by DHS [720 ILCS 570/102(f)].

"DEA Number" means the United States Drug Enforcement Agency prescriber or dispenser registration number.

"Department" or "DHS" means the Illinois Department of Human Services, or its successor agency.

"DFPR" means the Illinois Department of Financial and Professional Regulation.

"Dispenser" means any practitioner or pharmacy that dispenses a controlled substance to an alternative user or research subject by or pursuant to the lawful order of a prescriber [720 ILCS 570/102(p) and (q)].

"DoIT" means the Illinois Department of Innovation and Technology.

"DPH" means the Illinois Department of Public Health.

"EHR" means electronic health record.

"Electronic Device" means using a computer system to transmit prescriptions from a prescriber directly to a dispenser.

"Electronic Integration" means the process by which ~~an entity with EHRs applies to have its EHRs integrated with the~~ PMP data is directly accessible within the EHR system.

"Exempt Prescribers in Hospitals and Institutions" means prescribers in hospitals or institutions licensed under the Hospital Licensing Act [210 ILCS 85] who authorize the administration or dispensing of Schedule II drugs within the hospital or institution, for consumption within the hospital or institution (e.g., controlled

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

substance prescriptions when a prescriber does not maintain ~~this or her own~~ DEA and State controlled substance license, but prescribes based upon the institution's (hospital's) controlled substance license).

"Facsimile Equipment" means any device capable of sending or receiving facsimiles of documents through connection with a telecommunications network.

"Freestanding Clinic" means urgent care operations or outpatient surgery centers and similar operations that do not provide overnight in-house stays.

"Health IT Module" means any service, component, or combination thereof that can meet the requirements of at least one certification criterion adopted under the Office of the National Coordinator for Health Information Technology (ONC).

"ILPMP" means the Illinois Prescription Management Program.

"Illinois Controlled Substances License Number" means the State license number issued by DFPR permitting prescribers to possess, prescribe or dispense, and permitting dispensers to possess and dispense, controlled substances in Illinois pursuant to the Controlled Substances Act (see 77 Ill. Adm. Code 3100).

"Illinois Healthcare License Number" means the license assigned by DPH to facilities designated to provide specific types or levels of healthcare.

"Licensed Healthcare Entity" means those operations that are licensed to provide health services by either DPH or DFPR.

"Licensed Healthcare Provider" means any individual who meets the professional licensing requirements and follows the standards set forth by DFPR and is authorized to prescribe or dispense controlled substances within Illinois.

"Licensed Professional Administrator" means the clinical director of the Prescription Monitoring Program, who must be licensed to either prescribe or dispense controlled substances.

"Medication Shopping" means the conduct prohibited under Section 314.5(a) of the Act.

"Mid-level Practitioner" means:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987 [225 ILCS 95];

an advanced practice nurse who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatrist, in accordance with Section 65-40 of the Nurse Practice Act [225 ILCS 65]; or

an animal euthanasia agency.

"National Drug Code Identification Number" or "NDC Identification Number" means the number used to provide uniform product identification for all substances recognized as drugs in the United States Pharmacopoeia National Formulary, USP31-NF26 (US Pharmacopoeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852 (2013)).

"NCPDP Protocol" means the computing standards implemented by the National Council for Prescription Drug Programs.

"One-to-One Secure Link" or "One-to-One Connection" means connecting a provider and the PMP through an EHR or a pharmacy management system.

"Patient ID" means the identification of the individual receiving the medication or the responsible individual obtaining the medication on behalf of the recipient or the owner of the animal. The standards for establishing patient ID for the purpose of proper filling of a prescription are established by Section 2080.70(d).

"Patient Location Code" means the location of the patient when receiving pharmacy services.

"Pharmacist-In-Charge" means the licensed pharmacist whose name appears on the pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

"Pharmacy Shopping" means the conduct prohibited under Section 314.5(b) of the Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"PMIX-Based Protocol" means industry and government standards used to facilitate and reduce the cost of participating and sharing the PMP information by requiring end-to-end security, standards-based exchange services, common exchange data and metadata, and hub-to-hub capability.

"PMP Administrator" See definition of "Clinical Director".

"PMP Assistant Administrator" means an employee of the Department with a background in computer and business processes who operates under the designated, specific authority of the Clinical Director.

"PMPnow" means the automated, one-to-one connection service that allows a PMP patient profile request to be generated directly within a Requester's EHR or pharmacy/dental management system.

"Prescribed" means ordered by a prescriber verbally, electronically or in writing.

"Prescriber" means the healthcare professional that is authorized to prescribe medications as set forth in the various professional practices of the State of Illinois.

"Prescription Information Library" or "PIL" means an electronic library containing 12 months of controlled substance, retail, prescription information that is accessible only by prescribers and dispensers for patient treatment usage [720 ILCS 570/102(nn-5)].

"Prescription Monitoring Program" or "PMP" means the entity that collects, tracks, and stores reported data on controlled substances and select drugs [720 ILCS 570/102(nn-10)].

"Prescription Monitoring Program Advisory Committee" or "PMPAC" means a committee consisting of licensed healthcare providers representing all professions that are licensed to prescribe or dispense controlled substances. The committee serves in a consultant context regarding longitudinal evaluations of compliance with evidence based clinical practice and controlled substances. The committee makes recommendations regarding scheduling of controlled substances and recommendations concerning continuing education designed to improve the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

health and safety of the citizens of Illinois regarding pharmacotherapies of controlled substances.

"Provider" means the prescriber or dispenser acting in direct care of the patient.

"Push Reports" means the electronic exchange of patient specific health care information contained in electronic medical records from the PMP, without the requirement of the individual clinician having to "sign" into the PMP and request the patient information.

"Quantities of a Controlled Substance Dispensed" means the total of an NDC product dispensed whether it is in a solid unit such as a tablet or capsule, in a liquid unit such as milliliters, or in another unit as specified within the product identification.

"Recipient's Name" means the given or common name of a person who is the intended user of a dispensed medication. It may also mean the species or common name or common given name of an animal that is the intended user of a dispensed medication. If an animal's name is entered, the owner's name is required also.

"Requester" means the prescriber, dispenser, or registered designee that is initiating a patient query of PMP data. A Requester must be authorized to access PMP data via a valid PMP registered website (www.ilpmp.org) user account.

"RESTful-Based Web Service" means a computing architectural style, consisting of a coordinated set of components, connectors and data elements within a distributed hypermedia system, in which the focus is on component roles and a specific set of interactions between data elements rather than implementation details. Its purpose is to induce performance, scalability, simplicity, modifiability, visibility, portability and reliability.

"Sample Trend Analysis" means the summary reports that look at utilization rates for specific classes of medications over time.

"Schedule Drug" means any substances listed in the federal Controlled Substances Act (21 USC 812) or the Illinois Controlled Substances Act [720 ILCS 570] or by the Department pursuant to its authority under Section 202 of the Illinois Controlled Substances Act [720 ILCS 570/202]. Schedule I, II, III, IV and V

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

substances are listed in section 812 of the federal Controlled Substances Act (21 USC 812(b)(2), (b)(3), (b)(4), (b)(5) and (c)) and Sections 204, 206, 208, 210 and 212 of the Illinois Controlled Substances Act [720 ILCS 570/204, 206, 208, 210 and 212].

"Sex" means the medication recipient's gender.

"SOAP-Based Web Service" means a messaging protocol that allows programs that run on disparate operating systems (e.g., Windows or Linux) to communicate using Hypertext Transfer Protocol (HTTP) and its Extensible Markup Language (XML).

"Vendor" means the company providing EHR or Health IT Module services to its connecting entity customers.

(Source: Amended at 45 Ill. Reg. 8351, effective June 24, 2021)

Section 2080.207 EHR Integration with the PMP

- a) EHR systems are required to be integrated via PMPnow through a one-to-one secure link from the EHR to the PMP servers to allow information to return from the PMP servers to the Requester directly.
 - 1) The connecting entity must maintain both an electronic and physical safeguard of the information.
 - 2) Security failures or misuse will be handled as any other violation of the Health Insurance Portability and Accountability Act (HIPAA) (42 USC 1320 et seq.).
 - 3) A list of providers and locations served by the EHR system must be provided to the PMP on a semi-annual basis and:
 - A) Shall contain the following information:
 - i) Location name;
 - ii) Address;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- iii) City;
- iv) State;
- v) Zip code;
- vi) Contact at facility;
- vii) Facility contact email address;
- viii) Health care provider name (first and last);
- ix) Health care provider DEA;
- x) Health care provider NPI (National Provider Identifier);
and
- xi) Health care provider license number.
- B) Shall be sent to the PMP in one of the following electronic formats:
 - i) Excel (.xlsx or .xls); or
 - ii) Comma separated values (.csv).
- 4) When requested, the entity must provide an audit of the user that performed the search, the patient information that was searched on, and the date and time of the search.
- b) Electronic integration shall be done using the following process:
 - 1) The entity shall either email dhs.pmp@illinois.gov to request the PMPnow integration or request that the EHR vendor provide PMPnow integration to the vendor's Requesters as a function of its general software configuration.
 - 2) The entity shall determine its feasibility for connectivity to the PMPnow service. PMPnow supports the following connectivity options, one of which must be used by the connecting entity:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) A SOAP-based web service that uses a PMIX-based protocol;
- B) A RESTful-based web service that uses the NCPDP protocol;
- C) A RESTful-based web service that uses a PMIX-based protocol;
- D) Fast Healthcare Interoperability Resources (FHIR);
- E) Access to PMP through a verified RxCheck connection; or
- F) The use of a PMP authorized/funded integration application.

- 3) Following successful testing, the connection is ready to be activated. PMP will activate the production environment for the entity's use in exchanging transactions.

c) Data Uses and Retention

- 1) Data passed directly from the PMP to the EHR authenticated Requester shall not be:
 - A) Unencrypted in transit;
 - B) Analyzed;
 - C) Data mined or scrapped;
 - D) Deconstructed; or
 - E) Used for other collection of individual data points.
- 2) An EHR authenticated Requester is an individual granted a username and password by the facility/location for which the EHR is utilized for patient care.
- 3) With permission from the PMP, electronic messaging to authenticate that the Requester performed a qualified search of the PMP may be returned to the EHR for documentation of the query.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) Data sets displayed through the ILPMP extend beyond controlled substances and shall not be distributed or accessed without authorized permission.
- d) The Department may impose a civil fine of \$50 per user per month on any facility and/or EHR vendor that willfully fails to comply with statutory integration requirements as reflected in this Section. Assessment of the fine may begin on January 1, 2022, one year after the statutory requirement took effect on January 1, 2021, and shall remain in effect until the facility completes the EHR integration process. Fines shall be payable to the Prescription Monitoring Program.
- e) Injury and Accident Notifications. Medical facilities that are connecting entities shall send the PMP real-time, patient information related to injuries and accidents based upon diagnosis codes set forth by the PMP. Data received from medical facilities will be displayed on the PMP website (www.ilpmp.org) and PMPnow integration tool. Medical facilities must follow PMP technical standards.
- f) A one-to-one secure link (see subsection (a)) connects the provider and the PMP through an EHR. An EHR system may provide this connection. An EHR may, alternatively, designate a Health IT Module that is an integrated component of that EHR to provide that connection when the following requirements are met:
 - 1) The Health IT Module connection shall ensure that the Requester has access to the PMP data at any point in the Requester's workflow.
 - 2) The MME calculations shall remain consistent with the presentation of this information when provided by the PMP directly through an EHR vendor.
 - 3) Attestation to the existence of a legal agreement between the EHR vendor and the Health IT Module vendor and attestation that the Health IT Module serves as an integrated component of the EHR when using a Health IT Module access method.
 - 4) The Health IT Module connection must meet the security requirements for electronic health record systems set forth by the Office of the National Coordinator for Health Information Technology (ONC).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 5) The Health IT Module must be certified by the ONC or an ONC-Authorized Certification Body (ONC-ACB). Certification must be published on the ONC's Certified Health IT Product List. PMP reserves the right to terminate the connection points if the vendor/product is decertified by an ONC-ACB.

(Source: Added at 45 Ill. Reg. 8351, effective June 24, 2021)

Section 2080.208 Pharmacy Management Systems Integration with the PMP

- a) Pharmacy management systems are required to be integrated via PMPnow through a one-to-one secure link connection from the pharmacy management system to the PMP servers to allow information to return from the PMP servers to the Requester directly.
- 1) The connecting entity shall maintain both an electronic and physical safeguard of the information.
- 2) Security failures or misuse will be handled as any other case of HIPAA violation under 42 USC 1320 et seq.
- 3) A list of pharmacists and pharmacy locations using the pharmacy management system shall be provided to the PMP on a semiannual basis and:
- A) Shall contain the following information:
- i) Location name;
- ii) Address;
- iii) City;
- iv) State;
- v) Zip code;
- vi) Contact at pharmacy;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- vii) Pharmacy contact email address;
 - viii) Pharmacists names (first and last);
 - ix) Pharmacy DEA number;
 - x) Pharmacy NPI; and
 - xi) Pharmacists license numbers.
 - B) Shall be sent to the PMP in one of the following electronic formats:
 - i) Excel (.xlsx or .xls); or
 - ii) Comma separated values (.csv).
 - 4) When requested, the entity must provide an audit of the user that performed the search, the patient information that was searched on, and the date and time of the search.
 - b) Electronic integration shall be performed using the following process:
 - 1) The entity shall either email dhs.pmp@illinois.gov to request the PMPnow integration or request that the pharmacy management system vendor provide PMPnow integration to the vendor's Requesters as a function of the vendor's general software configuration.
 - 2) The entity shall determine its feasibility for connectivity to the PMPnow service. PMPnow supports the following connectivity options, one of which must be used by the connecting entity:
 - A) A SOAP-based web service that uses a PMIX-based protocol;
 - B) A RESTful-based web service that uses the NCPDP protocol;
 - C) A RESTful-based web service that uses a PMIX-based protocol;
 - D) Fast Healthcare Interoperability Resources (FHIR);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- E) Access to PMP through a verified RxCheck connection; or
 - F) The use of a PMP authorized/funded integration application.
 - 3) Following successful testing, the connection is ready to be activated. PMP will activate the production environment for the entity's use in exchanging transactions.
- c) Data Uses and Retention
 - 1) Data passed directly from the PMP to the pharmacy management system authenticated Requester shall not be:
 - A) Unencrypted in transit;
 - B) Analyzed;
 - C) Data mined or scrapped;
 - D) Deconstructed; or
 - E) Used for other collection of individual data points.
 - 2) A pharmacy management system authenticated Requester is an individual granted a username and password by the facility/location in which the pharmacy management system is utilized for patient care.
 - 3) With permission from the PMP, electronic messaging to authenticate that the Requester performed a qualified search of the PMP may be returned to the pharmacy management system for documentation of the query.
 - 4) Data sets displayed through the ILPMP extend beyond controlled substances and shall not be distributed or accessed without authorized permission.
- d) The Department may impose a civil fine of \$50 per user per month on any pharmacy and/or pharmacy management system vendor that willfully fails to comply with statutory integration requirements. Assessment of the fine may

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

begin on January 1, 2022, one year after the statutory requirement took effect on January 1, 2021, and shall remain in effect until the pharmacy completes the integration process. Fines shall be payable to the Prescription Monitoring Program.

- e) A one-to-one secure link (see subsection (a)) connects the provider and the PMP through a pharmacy management system. A pharmacy management system may provide this connection. A Pharmacy Management System may, alternatively, designate a Health IT Module that is an integrated component of that Pharmacy Management System to provide that connection when the following requirements are met:
- 1) The Health IT Module connection must ensure that the Requester has access to the PMP data at any point in the Requester's workflow.
 - 2) MME calculations shall remain consistent with the presentation of this information when provided by the PMP directly through an EHR vendor.
 - 3) Attestation to the existence of a legal agreement between the Pharmacy Management System and the Health IT Module vendor and attestation that the Health IT Module serves as an integrated component of the Pharmacy Management System when using a Health IT Module access method.
 - 4) The Health IT Module connection must meet the security requirements for electronic health record systems set forth by the Office of the National Coordinator for Health Information Technology (ONC).
 - 5) The Health IT Module must be certified by the ONC or an ONC-Authorized Certification Body (ONC-ACB). Certification must be published on the ONC's Certified Health IT Product List. PMP reserves the right to terminate the connection points if the vendor/product is decertified by the ONC-ACB.

(Source: Added at 45 Ill. Reg. 8351, effective June 24, 2021)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: 121.75 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective date of Rule: July 1, 2021
- 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 2585; March 5, 2021
- 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? Yes
- 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>Illinois Register Citations:</u>
121.31	Amendment	44 Ill. Reg. 19663; December 28, 2020
121.64	Amendment	45 Ill. Reg. 2204; February 19, 2021
121.96	Amendment	45 Ill. Reg. 6881; June 11, 2021

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The temporary exemptions for students has ended under the Consolidated Appropriations Act, 2021 and the Food and Nutrition Service regulations. This rulemaking removes the two temporary exemptions that expanded the Supplemental Nutrition Assistance Program for students enrolled at least half-time in an institution of higher education.
- 16) Information and questions regarding this adopted rule 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 Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

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

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Section

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
---------	--

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; peremptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; peremptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; peremptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; peremptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; peremptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; peremptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency expired February 27, 2020; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020; amended at 44 Ill. Reg. 5348, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

March 11, 2020; amended at 44 Ill. Reg. 6984, effective April 16, 2020; amended at 44 Ill. Reg. 9944, effective May 20, 2020; peremptory amendment at 44 Ill. Reg. 16551, effective October 1, 2020; amended at 44 Ill. Reg. 19892, effective December 14, 2020; peremptory amendment at 45 Ill. Reg. 2154, effective January 29, 2021; peremptory amendment at 45 Ill. Reg. 2504, effective February 11, 2021; amended at 45 Ill. Reg. 8368, effective July 1, 2021.

SUBPART E: HOUSEHOLD CONCEPT

Section 121.75 Students

- a) To participate in the program, students between 18 and 49 who are physically and mentally fit and enrolled at least half-time in an institution of higher education must meet one of the following requirements:
 - 1) employed at least 20 hours per week and paid for this employment or, if self-employed, employed at least 20 hours per week and earn at least 20 times the Federal Minimum Wage;
 - 2) approved to participate in a state or federally-funded work study program for the school term and the individual expects to work during that time;
 - 3) responsible for the care of a dependent household member under the age of six;
 - 4) responsible for the care of a dependent household member, who is at least age six but less than age 12, for whom child care is not available. Child care is considered available only when:
 - A) the child is receiving child care services for 24 or more hours a week; or
 - B) there is a household member age 18 or older, other than the student, who is available to provide the care (for example, is unemployed and living at home) and the member is not physically or mentally incapacitated;
 - 5) receiving Temporary Assistance for Needy Families (TANF);
 - 6) enrolled in a program under the Workforce Investment Act (WIA);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 7) enrolled as a result of the JOBS Program under Title IV of the Social Security Act or its successor;
 - 8) enrolled full-time in an institution of higher education and is a single parent or person providing parental control whose spouse is not in the home and is responsible for the care of a dependent child under age 12;
 - 9) enrolled in any education or training program (including college) required by the SNAP Employment and Training Program;
 - 10) participating in an on-the-job training program; or
 - 11) enrolled in an employment and training program operated by a state or local government, such as those offered by community colleges under a career and technical education program as defined by the Carl D. Perkins Career and Technical Education Act of 2006, or in courses of study for remedial education, basic adult education, literacy, or English as a second language.
 - ~~12) determined to be eligible to participate in a state or federal work study program by the institution of higher education during the regular school year. The student does not need to be anticipating that a work study position will be secured or that they will be actively employed during the school year.~~
 - ~~13) a student who has an Expected Family Contribution of (\$0) for the regular school year.~~
- b) Students must continue to meet the requirements in subsection (a) during the summer break.
- c) A student is enrolled in an institution of higher education if he or she is enrolled in:
- 1) a business, technical, trade or vocational school that normally requires a high school diploma or the equivalent for enrollment; or
 - 2) regular courses at a college or university that offers degree programs.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- d) A student is subject to the special student eligibility requirements beginning on the first day of the school term at the institution of higher education. Student status continues through normal periods of class attendance, vacations and recesses until:
- 1) the student graduates;
 - 2) the student is expelled or suspended;
 - 3) the student drops out of school;
 - 4) the student does not intend to register for the next term, excluding the summer school session (that is, the student status continues to the end of the term for which the student is presently enrolled and he or she does not plan to enroll for another term).

(Source: Amended at 45 Ill. Reg. 8368, effective July 1, 2021)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Landowner Permits
- 2) Code Citation: 17 Ill. Adm. Code 528
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
528.10	Amendment
528.20	Amendment
528.30	Amendment
528.50	Amendment
528.60	Amendment
528.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.11 and 2.26 of the Wildlife Code [520 ILCS 5].
- 5) Effective Date of Rules: June 23, 2021
- 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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 3244, March 19, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 528.10, the definition of "Tenant", the word "is" has been deleted.

In Section 528.50(d)(1), "trust" has been deleted; subsection (e)(2), "documents" has been added after the word "trust".
- 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to allow family members of more landowner groups to receive landowner hunting permits and clarifies the requirements of immediate income beneficiaries of a trust and who may then apply for a landowner permit. This amendment also better outlines the requirements and eligibility for recertification.
- 16) Information and questions regarding these adopted rules shall be directed to:

John Fischer, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 528

LANDOWNER PERMITS

Section

528.10	Definitions
528.20	Eligibility for Landowner/Tenant Permits
528.30	Landowner/Tenant Permits
528.40	Landowner/Tenant Permit Fees
528.50	Initial Application and Verification
528.60	Recertification and Continued Eligibility
528.70	Permit Application or Recertification Deadline
528.80	Denial of a Permit

AUTHORITY: Implementing and authorized by Sections 2.11 and 2.26 of the Wildlife Code [520 ILCS 5].

SOURCE: Adopted at 41 Ill. Reg. 8513, effective June 28, 2017; amended at 45 Ill. Reg. 8382, effective June 23, 2021.

Section 528.10 Definitions

"Bona fide current income beneficiary" means, an individual who, at the time of application for a permit:

is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income; and

is listed by name in the trust documents as an income beneficiary.

"Bona fide equity member" means an individual who:

became a member upon the formation of the limited liability company, or has purchased a distributional interest in a limited liability company for a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180]; and

intends to retain the membership for at least 5 years.

"Bona fide equity partner" means an individual who:

became a partner, either general or limited, upon the formation of the partnership, or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

intends to retain ownership of the partnership for at least 5 years; and

is a resident of Illinois. Nonresident partners cannot receive permits under this Part.

"Bona fide equity shareholder" means an individual who:

purchased, for market price, publicly sold stock shares in a corporation, purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation, or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

intends to retain ownership of the shares of stock for at least 5 years.

"Commercial agriculture" means utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other nonagricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

"Immediate family of a landowner, ~~or~~ tenant, or a bona fide current income beneficiary" means, and is limited to, the spouse, children, brothers, sisters and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

parents permanently residing on the same property as the landowner, ~~or~~ tenant, or bona fide current income beneficiary.

"Landowner permit", "tenant permit" or "property only hunting (POH) permit" means any permit issued under this Part to any individual or entity for purposes of hunting only on the property owned or leased by that individual or entity.

"Tenant" means, for purposes of this Part, an Illinois resident ~~one~~ who rents 40 acres or more of land for commercial agricultural purposes under an agreement with a landowner.

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

Section 528.20 Eligibility for Landowner/Tenant Permits

- a) Qualified applicants are limited to:
- 1) Landowners of 40 acres or more of land and their immediate families, ~~and~~ resident tenants renting or leasing 40 acres or more of commercial agricultural land and their immediate families, and bona fide current income beneficiaries of a trust that owns 40 acres or more of land and their immediate families. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered a basis for a permit for the shareholders, members or partners as bona fide current income beneficiaries of the trust. No one may apply for or be issued both a landowner permit and a tenant permit. If the property is owned or rented by more than one person, only one landowner (and immediate family) or one tenant (and immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.
 - 2) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, ~~bona fide current income beneficiaries of trusts~~ or bona fide partners of partnerships owning 40 or more acres of land in a county. For applicants eligible for permits under this Part:
 - A) Only one permit per 40 acres, for a maximum of 15 permits per county, for corporations, ~~trusts~~ and limited liability companies, and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a maximum of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, ~~trusts~~ or partnerships.

B) Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered a basis for a permit for the shareholders, members, beneficiaries or partners of the lessee.

~~C) Lands held in trust by corporations, limited liability companies or partnerships shall not be considered a basis for a permit for the shareholders, members or partners of the trust.~~

b) For the purposes of calculating acreage, *the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.11 and 2.26].

c) A hunting rights lease, or other nonagricultural lease, is not valid as a basis for obtaining a landowner permit.

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

Section 528.30 Landowner/Tenant Permits

- a) Qualified applicants may apply for:
- 1) Combination firearm deer permit (1 either-sex and 1 antlerless-only permit) (available only for counties open to firearm deer hunting);
 - 2) Combination archery deer permit (1 either-sex and 1 antlerless-only permit);
 - 3) 1 fall firearm turkey permit (available only for counties open to fall firearm turkey hunting);
 - 4) 1 fall archery turkey permit; and
 - 5) 1 spring turkey permit (valid for all 5 regular spring turkey seasons).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Landowners need to submit only one permit application to apply for all permits listed in subsection (a).
- c) Landowner permits are not subject to the public lottery process.
- d) All landowner permits issued under this Part are valid on all properties owned by that permittee, regardless of in which county the property is located, so long as that county is open for the specific hunting season for which the permit is issued. This includes all permits issued to:
 - 1) A landowner, tenant, bona fide current income beneficiary, or the immediate family of a landowner, tenant, or income beneficiary; or
 - 2) A bona fide equity shareholder, bona fide equity member, or bona fide equity partner and on all lands owned by the corporation, limited liability company or partnership.
- e) All tenant permits issued under this Part are valid only on lands rented/leased for commercial agriculture in the counties open for the specified hunting season.
- ~~f)~~ ~~All permits issued to a bona fide current income beneficiary, bona fide equity shareholder, bona fide equity member or bona fide equity partner are valid on all lands owned by the trust, corporation, limited liability company or partnership in the county for which it was issued.~~
- ~~f)~~ Illinois landowners or tenants who do not wish to hunt only on the land they own, rent or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant.
- ~~gh)~~ For ~~hunting seasons that require a lottery for the initial distribution of non-landowner permits to hunters~~ (firearm deer and, fall firearm turkey hunting seasons, and spring turkey), individuals who have received a landowner permit, or who have submitted application for a landowner permit that is still pending, may not apply for additional permits in the First or Second Lottery Drawing for that season. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. (See 17 Ill. Adm. Code 650, ~~710~~ and 715.)
- h) For spring turkey hunting seasons, individuals who have received a landowner permit, or who have submitted an application for a landowner permit that is still

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

pending, may not apply for additional permits in the First Lottery drawing for that season. Landowners who receive permits in the First Lottery drawing are not eligible for landowner permits.

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

Section 528.50 Initial Application and Verification

- a) The first time an individual applies for landowner permits based on property ownership or for a farm-related tenancy agreement, the applicant must fill out and sign an application to identify the landowner/tenant (including the landowner's/tenant's tax parcel ID number), verify eligibility, and specify which permits are requested.
- b) For applications, proof of ownership must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;
 - 2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner, or the person signing the application appears as landowner);
 - 4) Submittal of a copy of a current Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement that indicates the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- c) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership (see subsection (b)), a copy of one of the following:
 - 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or

- 2) A copy of a current Farm Service Agency 156EZ form.
- d) For applications made based upon lands owned by a corporation, limited liability company, ~~trust~~ or partnership, the items listed in subsections (d)(1) and (d)(2) must be attached to the application upon submittal to the Permit Office.
- 1) A duly authorized officer of the corporation, limited liability company, ~~trust~~ or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must:
 - A) identify the applicant as a bona fide equity shareholder, member, ~~beneficiary~~ or partner, as defined in Sections 528.10 and 528.20;
 - B) provide authorization to hunt; and
 - C) declare that no more than 15 authorizations will be requested per county for the corporation ~~or~~, limited liability company, ~~or trust lands~~ and no more than 3 authorizations will be requested per county for partnership lands.
 - 2) In addition:
 - A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or corporate agreement.
 - B) Limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement.
 - C) Limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

partnership agreement, certificate of partnership or statement of qualification.

- D) General partnership applicants must submit a copy of the partnership agreement.
- e) For applications made based upon lands owned by a trust, the items listed in subsection (1) and (2) below must be attached to the application upon submittal to the Permit Office.
- 1) A duly authorized trustee of the trust must sign a notarized statement authorizing, in accordance with their authority under the trust, the applicant to hunt on the trust lands for which a permit is being requested. This statement must:
- A) identify the applicant as a bona fide current income beneficiary, as defined in Sections 528.10 and 528.20; and
- B) provide authorization to hunt.
- 2) A copy of the trust documents that holds title to the land.
- f) Application forms are available on the Department's website at www.dnr.illinois.gov and in person at One Natural Resources Way, Springfield IL.
- gf) Applications and accompanying documentation must be mailed to the permit office at:

Illinois Landowner Permit
Illinois Department of Natural Resources
P.O. Box 19227
Springfield IL 62794-9227

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

Section 528.60 Recertification and Continued Eligibility

- a) After receiving landowner permits:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Illinois residents remain eligible for 5 years, if there is no change in ownership or residency affecting the permittee's eligibility for resident landowner permits.
 - 2) Nonresident Illinois landowners remain eligible for one year, if there is no change in ownership affecting the permittee's eligibility for nonresident landowner permits.
- b) If there is any change in circumstance affecting the permittee's eligibility for resident or nonresident landowner permits, the permittee must notify the Department of the change in circumstances by mailing notice to the address specified in Section 528.50(g)~~528.50(f)~~.
 - c) Any permits received after a permittee becomes ineligible for resident or nonresident landowner permits shall be returned, unused, to the Department (with the notice required in subsection (b) of this Section), by mail to the address specified in Section 528.50(g)~~528.50(f)~~.
 - d) If the permittee eligibility period expires and there has been no change in circumstance affecting the permittee's eligibility for landowner permits, the permittee may reapply for landowner permits by certification without submitting the additional documentation required of an initial applicant.
- 1) The recertification will include:
 - A) Information sufficient to identify the individual, the ownership right (including the owner's tax parcel ID number), and the specific permits requested.
 - B) A signed certification stating: I, _____, certify no circumstances have changed that could affect my eligibility to receive landowner permits. I understand providing false information on this document is a Class A misdemeanor (see 520 ILCS 5/2.38). I understand that, if circumstances have changed or do change in the future that affect my eligibility for landowner permits, I have an obligation to notify the Department of the change and return any permits for which I am no longer eligible.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Based on my attestation that I still qualify for landowner permits, I am requesting the permits marked above.

- 2) The recertification form is available at the Department's website at www.dnr.illinois.gov and in person at One Natural Resources Way, Springfield IL.
- 3) The signed recertification form must be submitted within 90 days after the expiration date of the prior approved landowner permit. Failure to submit a timely recertification will not affect a landowner's eligibility for landowner permits, but landowners who do not submit a timely recertification must apply for permits in accordance with Section 528.50.

e) ~~Providing false information on a permit application or on the recertification is a Class A misdemeanor (see 520 ILCS 5/2.38).~~

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

Section 528.70 Permit Application or Recertification Deadline

To receive landowner permits for an upcoming season, the application or recertification required by Sections 528.50 and 528.60 must be received by:

- a) ~~September~~October 1 for fall turkey and fall deer permits; or
- b) March 9 for spring turkey permits for the 2021 season and February 9 for every season thereafter.

(Source: Amended at 45 Ill. Reg. 8382, effective June 23, 2021)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2080.20	Amendment
2080.30	Amendment
2080.40	Amendment
2080.50	Amendment
2080.60	Amendment
2080.65	New Section
2080.73	New Section
2080.75	Amendment
2080.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].
- 5) Effective Date of Rules: June 23, 2021
- 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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 3256, March 19, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In this rule, "United States" has been changed to "U.S.".

Section 2080.40(a)(6), "U.S." has been added before the words "Coast Guard".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 2080.50(a), the new language has been changed to read: "This inspection may be completed by submitting a successful U.S. Coast Guard dockside inspection form from the preceding 12 months to the Department."; subsection (d)(1), (d)(3) and (f)(2)(A)(ii), "U.S." has been added before "Coast Guard".

- 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 has been amended to more accurately comply with USCG regulations.
- 16) Information and questions regarding these adopted rules shall be directed to:

John Fischer, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

Section

2080.10	Introduction
2080.20	Definitions
2080.30	Applicability
2080.40	Dry Dock Inspection
2080.50	Dockside Inspection
2080.60	Licensing Requirements
2080.65	Application for Passenger for Hire License
2080.70	License and Decal
2080.73	Application for Rental Boat License
2080.75	Rental Boats
2080.80	Misuse of License or Decal
2080.90	Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 5-18, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective July 28, 1999; amended at 24 Ill. Reg. 3594, effective February 17, 2000; amended at 30 Ill. Reg. 14529, effective August 24, 2006; amended at 40 Ill. Reg. 7809, effective May 16, 2016; amended at 45 Ill. Reg. 8394, effective June 23, 2021.

Section 2080.20 Definitions

Department – the Department of Natural Resources.

Dockside Inspection – an examination of a watercraft in the water so that all equipment and systems may be inspected.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Dry Dock Inspection – an examination of a watercraft out of the water and supported so all the exterior and interior of the watercraft may be examined.

General Maintenance – dry docking or hauling out of a watercraft for painting or cleaning the hull and rudder, or the changing of a propeller shaft and associated bearings.

Good Marine Practice and Standards – those methods and ways of maintaining, operating, equipping, repairing and restructuring watercraft as determined by the marine inspector. The marine inspector shall use commonly accepted standards, including 46 CFR Subchapters T, K, ~~K~~ and H, the standards of the American Boat and Yacht Council, the standards of the American Bureau of Shipping, and other appropriate generally accepted standards as sources of reference.

Independent Certifier – any person who, through his background, experience, or training, is qualified to inspect a vessel for equipment carriage requirements as set forth in this Part, and certify compliance to the Department. Such person may include, but not be limited to, a marine inspector as defined in this Part, or a qualified member of the U.S. Coast Guard Auxiliary, but may not include the owner, anyone related to the owner, or any employee of the vessel being inspected.

Inland Waters – all waters of the State, except navigable waters.

Marine Inspector – a marine surveyor with at least five years experience, or a professional engineer licensed by the Illinois Department of Professional Regulation.

[Merchant Mariner Credential – a credential issued by the U.S. Coast Guard under 46 CFR 10.](#)

Navigable Waters – those waters of the State over which the State of Illinois and the [U.S. United States](#) Coast Guard exercise joint jurisdiction, including Lake Michigan, to the upstream limit of navigation as determined by the United States Department of the Army, Corps of Engineers.

Open Boat – a watercraft, either with or without engines or motors, which has its engine, fuel tank compartments, and other spaces, except weather enclosures, open to the atmosphere and arranged to prevent or preclude the entrapment of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

explosive and flammable gases and vapors within the watercraft.

Owner – a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest therein which entitles him or her to possession. "Owner" also means a person acting on the behalf of the owner in all matters concerning the watercraft.

"Personal Flotation Device" or "(PFD" means a device that is approved by the Commandant, U.S.)—a United States Coast Guard, under 46 CFR 160-approved lifesaving device.

State Boating Law Administrator – the Department of Natural Resources law enforcement officer assigned to administer boating statutes and rules for boating safety.

Suitable – the marine inspector has determined an item is in keeping with good marine practice and standards.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.30 Applicability

~~a) This Part does not apply to watercraft required to be inspected by the United States Coast Guard, under 46 CFR Subchapters T, K, K' and H, for the purpose of carrying passengers for hire. b)~~ This Part shall apply to all ~~other~~ watercraft, as defined in the Act, carrying passengers for hire on waters of this State.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.40 Dry Dock Inspection

- a) ~~For watercraft carrying more than six passengers for hire, as defined by the United States Coast Guard, already licensed to carry passengers for hire in the State of Illinois prior to the effective date of this Part, the initial dry dock inspection shall be required as follows:~~
- 1) ~~Watercraft having a registration number ending with either 0 or 1 shall be inspected before being licensed in 1997.~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Watercraft having a registration number ending with either 2 or 3 shall be inspected before being licensed in 1998.~~
 - 3) ~~Watercraft having a registration number ending with either 4 or 5 shall be inspected before being licensed in 1999.~~
 - 4) ~~Watercraft having a registration number ending with either 6 or 7 shall be inspected before being licensed in 2000.~~
 - 5) ~~Watercraft having a registration number ending with either 8 or 9 shall be inspected before being licensed in 2001.~~
- ab) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the U.S. United States Coast Guard in 46 CFR Subchapters T, K, ~~K'~~, and H.
- 1) Before carrying passengers for hire, a watercraft shall successfully complete a dry dock inspection conducted by a marine inspector. The Department shall subsequently require successful completion of a dry dock inspection every 5 years.
 - 2) Before an inspection, the owner of a watercraft shall remove or effectively store all associated equipment, including fishing gear, coolers, and personal belongings onboard the watercraft, which could impede the inspection process.
 - 3) The owner of a watercraft shall open or remove all hatches and inspection ports before or during an inspection and shall have the watercraft in a reasonably clean and orderly condition.
 - 4) To determine that a watercraft is seaworthy and in good and serviceable condition, the owner of a vessel shall permit the marine inspector to inspect the entire interior and exterior of the vessel, including all components, machinery, and associated equipment.
 - 5) When the marine inspector has reasonable cause to believe that the seaworthiness or the sound structure of the watercraft may be impaired, the owner of the watercraft may be required to remove sections or portions of the lining, decking, ceiling, or other obstructions that may obscure any

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

part of the watercraft so that the seaworthiness or sound structure may be determined.

- 6) Current U.S. Coast Guard inspection documentation that complies with this subsection (a) that was completed within 5 years from the date of application to the Department may be submitted in substitution of a private marine inspection report.

be) Watercraft Passenger Capacity; Determination

- 1) On watercraft that do not have or are not required to have a watercraft capacity plate, the maximum passenger capacity shall be determined by applying any one of the following criteria which result in the allowance of the greatest number of passengers.
 - A) One passenger per 30 inches of rail space available to passengers at the watercraft's sides and across the transom.
 - B) One passenger per 10 square feet of deck area available for passenger use. In computing the deck area, the areas occupied by concession stands, toilets and washrooms, companionways, and stairways shall be excluded.
 - C) One passenger per 18 inches of width of fixed seating provided.
- 2) Except as provided in subsection (be)(3), on vessels that have or are required to have vessel capacity plates, the passenger capacity shall be determined by applying either of the following criteria which result in the allowance of the greatest number of persons without exceeding the capacity plate maximums.
 - A) $(\text{Weight capacity} - \text{maximum motor and gear weight}) / 150 = \text{number of passengers.}$
 - B) $(\text{Boat length} \times \text{boat beam}) / 15 = \text{number of passengers.}$
- 3) The marine inspector shall calculate the number of passengers which may safely be transported on watercraft carrying passengers for hire. For watercraft that have 2 or more passenger decks above the waterline, the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

marine inspector shall follow the vessel stability criteria contained in 46 CFR Subchapter S (1999; no later amendments or editions included) in determining the number of passengers allowable on each deck of the watercraft. The number shall be set forth on the certificate of inspection.

- cd) Vessel damage, repairs, and alterations; reports; repair and alteration standards; modification of corrections and repairs; determination of unsafe vessel; modification and inspection exception.
- 1) When a vessel is involved in an accident causing major physical damage, has structural damage, or is to be hauled out and dry docked to carry out major repairs or alterations affecting the vessel's seaworthiness, the owner of the vessel shall immediately report to a marine inspector the nature of the damage, repairs, or alterations. Physical damage does not include breakage of glass, lights, or decorative items.
 - 2) All repairs and alterations shall be done in accordance with good marine practice and standards and approved by a marine inspector before the work is started. Drawings, sketches, or written specifications may be required by the marine inspector depending on the nature and extent of the repairs or alterations.
 - 3) The owner of a vessel shall not allow the vessel to be returned to service or returned to the water until all repairs or alterations have been completed and the vessel has been reinspected and approved by a marine inspector. A marine inspector shall reinspect the watercraft as soon as possible after notification by the owner that the repairs and alterations have been completed.
 - 4) When corrections or repairs to the watercraft or associated equipment are required as a result of an inspection by a marine inspector, the owner of the vessel shall notify the marine inspector when the corrections or repairs have been made.
 - 5) When during the course of an inspection, the marine inspector finds equipment or conditions which are not addressed in this Part and which are unsafe or jeopardize the safety of the passengers carried onboard, the marine inspector shall require the condition be corrected or the equipment removed from the watercraft.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 6) When it is determined by the marine inspector that a watercraft, because of its construction or design, or both, is not safe to carry passengers for hire, a certificate of inspection shall not be issued. The owner, if not satisfied with the decision of the Department, may seek relief by requesting a formal hearing as authorized by 17 Ill. Adm. Code 2530; [Department Formal Hearings Conducted for Rulemaking and Contested Cases](#).
- 7) Notification and inspection shall not be required for general maintenance dry docking or hauling out.

[de](#)) Inspection Exemptions

- 1) Watercraft carrying not more than six passengers for hire, as defined by the [U.S. United States](#) Coast Guard in 46 CFR Subchapters T, K, ~~K'~~, and H, shall not be required to be inspected under the provisions of this Section.
- 2) Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.50 Dockside Inspection

a) Annual Inspection

All watercraft subject to this Part shall be inspected annually under the provisions of this Section, except as provided in Section 2080.40 of this Part. [This inspection may be completed by submitting a successful U.S. Coast Guard dockside inspection form from the preceding 12 months to the Department.](#)

- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the [U.S. United States](#) Coast Guard in 46 CFR Subchapters T, K, ~~K'~~, and H.

The owner of a vessel shall, at the dockside inspection, submit his vessel for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

inspection by a marine inspector and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is being maintained and operated in accordance with good marine practices and standards, and the condition of the vessel structure, equipment and systems are satisfactory for safe and constant operation.

c) Main Engine Gauges - Inboard or Inboard/Outboard

- 1) On vessels designed for inboard or inboard/outboard (sterndrive) main engines, both of the following gauges shall be present.
 - A) A gauge to indicate main engine cooling water temperature for each main engine. A gauge shall be readable from each helm position.
 - B) A gauge to indicate main engine lubrication oil pressure for each main engine. A gauge shall be readable from each helm position.
- 2) All gauges installed on a vessel shall be in good and serviceable condition.

d) Personal Flotation Devices

- 1) At least one [U.S.](#) Coast Guard approved, wearable type personal flotation device of a proper size for each person, including the crew, shall be provided and carried onboard. Each device shall be inspected at the dockside inspection.
- 2) Each wearable type personal flotation device carried aboard the vessel shall have affixed to it, in a suitable manner, 200 square centimeters (31.5 sq. in.) of [U.S.](#) Coast Guard approved retro-reflective material to the outside front of each device and 200 square centimeters (31.5 sq. in.) to the outside back of each device.
- 3) Personal flotation devices shall be carried in suitable locations which are readily accessible to the passengers onboard. The locations shall be designed to allow the devices carried to float free when practical.
- 4) When personal flotation devices are carried so that they are readily accessible, but not readily visible to the passengers, the container shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

marked "LIFE PRESERVERS" and the number of devices contained therein shall be listed. The letters and numbers shall be at least 1 inch high and shall be a color contrasting to the color of the container. The container shall also indicate the size of the devices contained therein. Differing sizes shall be separately stored.

- 5) On documented watercraft, all required personal flotation devices shall be marked with the vessel's name in characters at least 1 inch high in a color contrasting to the color of the device.
 - 6) On undocumented watercraft, all required personal flotation devices shall be marked with the watercraft's registration number in characters at least 1 inch high in a color contrasting to the color of the device.
 - 7) Aboard each watercraft shall be a Type IV personal flotation device, which shall comply with all of the following requirements:
 - A) Be readily accessible in a suitable location.
 - B) Have attached not less than 50 feet of line.
 - C) Be marked as required by subsections (d)(5) and (d)(6) of this Section.
 - 8) When the inspector determines that any personal flotation device required to be carried on board a vessel is not in good and serviceable condition, the owner of the vessel shall permit the marine inspector to note, in writing, on the personal flotation device that the device is no longer serviceable. The owner of the vessel shall replace the non-serviceable devices immediately and such defective devices shall be replaced prior to further use of the vessel.
- e) Fire Fighting Equipment
- 1) A vessel shall be equipped with a U.S. Coast Guard approved portable fire extinguisher which shall be located accessible to helmsman's position.
 - 2) All fire extinguishers shall be examined monthly to make certain that they have not been tampered with and have not suffered corrosion or damage.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) All foam extinguishers shall be discharged, cleaned, and inspected for mechanical defects or serious corrosion and recharged annually.
 - 4) All dry chemical extinguishers shall be kept full with the specified weight of chemical at all times. The cartridge shall be reweighed annually. It shall be recharged if the cartridge is found to weigh less than the minimum weight stamped thereon, or when the pressure is below prescribed operating limits.
 - 5) All carbon dioxide extinguishers shall be reweighed annually, and a cylinder found lighter than the weight indicated on the name plate shall be recharged.
 - 6) Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified ~~firefighting~~[fire fighting](#) equipment repair service.
- f) First Aid Kit and Emergency Procedures List
- 1) A minimum of one first aid kit containing at least 16 units shall be provided and maintained onboard the watercraft.
 - 2) An emergency procedures list shall be posted aboard the vessel in a conspicuous location. The list shall set forth, at a minimum, all of the following informational items:
 - A) Radio Procedure (if a marine radio is required under subsection (i))
 - i) Switch to Channel 16;
 - ii) Call the [U.S.](#) Coast Guard;
 - iii) Give boat name, registration number, radio call sign;
 - iv) Identify the boat size, description, and color;
 - v) Give your location or compass heading to a known point; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- vi) Describe the emergency.

B) Leaks or Damage Control

- i) Put on life jackets (PFD), open deck hatches, look for leaks;
- ii) Start bilge pump, get manual pumps or buckets;
- iii) Shut off engine only if leak may be from engine hoses;
- iv) If hull is damaged and engine is inboard (not stern drive), shut off engine, close sea cock, disconnect intake water hose, place end in bilge, restart engine to act as bilge pump.

C) Fire or Explosion

- i) Be ready to go overboard with personal flotation device (life jacket);
- ii) Reduce air to fire area - leave hatches closed, close doors, shut off electric supply;
- iii) Use extinguisher, if possible;
- iv) Jettison burning material, if possible;
- v) Use radio procedure above, calling "MAYDAY, MAYDAY, MAYDAY";
- vi) Prepare to abandon ship, get signal flares or flags, throw flotation material overboard;
- vii) If you abandon ship, stay together, use distress signals when help is in sight, gather additional flotation material around you.

D) Man Overboard

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- i) Shout "MAN OVERBOARD" - continuously watch person in the water, point direction so skipper can maneuver to retrieve;
 - ii) Stop engine (propeller rotation) if person overboard is near the boat;
 - iii) Throw life ring, seat cushion, or marker light in the area of the person;
 - iv) Do not jump into the water to assist.
- g) Visual Distress Signals
 - 1) A vessel which operates on navigable waters of this State, Carlyle Lake, Lake Shelbyville, or Rend Lake shall have onboard the appropriate number and type of U.S. Coast Guard approved visual distress signals as are required for that vessel if it were operated on Lake Michigan.
 - 2) All pyrotechnic aerial red flares and pyrotechnic hand-held or floating orange smoke shall be U.S. Coast Guard approved and shall not have passed the expiration date printed on the device.
 - 3) A person shall not display a visual distress signal on the waters of the State, except in an emergency.
 - 4) A vessel shall have onboard at least one portable battery-operated light (flashlight), powered by D-cells or larger size batteries, which is in good and serviceable condition and readily accessible.
- h) Cooking and Heating Appliances
 - 1) Cooking appliances aboard a watercraft shall be operated only by the owner, the operator, or a crew member.
 - 2) Cooking and heating appliances, when present on a watercraft, shall be of a type commonly manufactured for use aboard watercraft.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 3) Cooking and heating appliances, when present on a watercraft, shall be installed in adequately ventilated areas and shall be secured to the vessel.
- i) Marine Radio and Compass
 - 1) A vessel which operates on the navigable waters of this State shall have onboard a marine band radio which is in good working condition.
 - 2) A vessel which operates on the navigable waters of this State shall have onboard a suitable marine-type compass which is in good and serviceable condition.
 - j) Toilet and Sanitary Facilities
 - 1) All watercraft, except open boats and watercraft where suitable privacy enclosures are not practical, shall be equipped with one marine toilet. The toilet shall be connected to a permanently installed holding tank, which allows for dockside pumpout at approved sanitary disposal facilities.
 - 2) The use of Y valves or other means which would allow for overboard discharge directly or indirectly into the waters of the State is prohibited.
 - 3) Marine toilets shall be maintained in a serviceable and sanitary condition.
 - k) Anchor and Anchor Line
 - 1) A vessel shall be equipped with one anchor of a suitable size and type, and an appropriate length of suitable anchor line which is readily available onboard the vessel, except that a vessel operating on the waters of Lake Michigan shall be equipped with not less than 150 feet of suitable anchor line.
 - 2) Any line, when attached to the required anchor, shall be attached by eyesplice, thimble, and shackle.
 - l) Inspection Procedures for Watercraft Carrying Not More Than Six Passengers, as defined by the [U.S. United States](#) Coast Guard

The owner of a vessel shall, at the dockside inspection, submit his vessel for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

inspection by an independent certifier and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is in compliance with subsections (d) through (k).

m) Inspection Exemption

Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.60 Licensing Requirements

a) Navigable Waters (U.S. Coast Guard License)

- 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the [U.S. United States](#) Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR subchapters H, K, and T.
- 2) Licensed operators shall be authorized to operate only vessels designated by the license, and only on bodies of water so designated on the license. [All qualified operators shall be listed on the license issued by the Department. No one may operate the vessel carrying passengers unless they are listed as a qualified operator on the license.](#)
- 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
- 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard and USDOT drug testing regulations (46 CFR 16 and 49 CFR 40).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Inland Waters
- 1) Licensed operators shall be authorized to operate only vessels designated by the license and only on bodies of water designated on the license. All licensed operators shall be listed on the license issued by the Department. No one may operate the vessel carrying passengers unless they are listed as a qualified operator on the license.
 - 2) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
 - 3) No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.65 Application for Passenger for Hire Licenses

- a) All forms for the application to obtain a passenger for hire license provided by the Department must be completed and submitted by the applicant along with any other documentation or information that the Department requires before a passenger for hire license may be issued.
- b) The Department shall review all applications and shall issue a passenger for hire license upon the finding of the Department that all requirements of this Section and the Boat Registration and Safety Act [625 ILCS 45] have been complied with by the applicant.
- c) If there are additions and/or changes to the information submitted on the application that takes place after issuance of a passenger for hire license, it shall be the responsibility of the applicant to notify the Department of such additions and/or changes within 14 days. Such notifications shall be in writing with the proper documentation and an updated application attached. Such information shall be sent to the Department of Natural Resources, One Natural Resources Way, Springfield, IL 62702. The Department shall review the updated application to determine if the updated application and documentation is in compliance with this Part and the Boat Registration and Safety Act [625 ILCS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

45]. Upon a finding that the updated application and any submitted documentation is in compliance, the Department shall issue an updated passenger for hire license with new information listed on the license as necessary. The expiration date of the updated passenger for hire license shall be the same date as the originally issued license.

- d) All applications for passenger for hire licenses must include the names and the Department required merchant mariner credentials for each operator who may operate the vessel or vessels during the period an issued license is valid.

(Source: Added at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.73 Applications for Rental Boat Licenses

- a) All forms for the application to obtain a rental boat license provided by the Department must be completed and submitted by the applicant along with any other documentation or information that the Department requires before a rental boat license may be issued.
- b) The Department shall review all applications and shall issue a rental boat license upon the finding of the Department that all requirements of this Part and the Boat Registration and Safety Act [625 ILCS 45] have been complied with by the applicant.
- c) If there are additions and/or changes to the information submitted on the application that takes place after issuance of a rental boat license, it shall be the responsibility of the applicant to notify the Department of such additions and/or changes within 14 days. Such notifications shall be in writing with the proper documentation and an updated application. Such information shall be sent to the Department of Natural Resources, One Natural Resources Way, Springfield, Illinois 62702. The Department shall review the updated application to determine if the updated application and documentation is in compliance with this Part and the Boat Registration and Safety Act [625 ILCS 45]. Upon a finding that the updated application and any submitted documentation is in compliance, the Department shall issue an updated rental boat license with new information listed on the license as necessary. The expiration date of the updated rental license shall be the same date as the originally issued license.

(Source: Added at 45 Ill. Reg. 8394, effective June 23, 2021)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 2080.75 Rental Boats

- a) The operators of boat rental services shall be authorized to rent only vessels designated by the license and only on bodies of water designated on the license.
- b) The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].
- c) The operators of boat rental services shall offer abbreviated Department and National Association of State Boating Law Administrators (NASBLA) approved operating and safety instruction specific to the type of watercraft being rented to the renter and all potential operators of the rented vessel, unless the renter/operators can demonstrate compliance with the Illinois Boating Safety Certificate requirements (see 625 ILCS 45/5-18). Operators of boat rental services shall:
 - 1) maintain records of persons renting a watercraft for a period of at least one year. Those records shall contain proof of boat safety education card or, if taking the abbreviated safety instruction, a minimum of the renter's name, date of birth, driver's license number (if available) and signature.
 - 2) provide a receipt to the renter indicating the abbreviated safety course was completed.
 - 3) allow inspection of required records by an authorized employee of the Department or by an authorized State or federal law enforcement officer during reasonable business hours.
- d) All rental boat applicants are required to be registered per 625 ILCS 45/3-1 and shall provide a serial number, Hull Identification Number or other permanently affixed identification number on the watercraft so tracking of rental stickers can be verified. If no such number is on the watercraft, a system of tracking and uniquely identifying each craft must be documented in the rental agency's records

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and available for inspection by Conservation Police Officers during normal business hours.

- e) Boat rental applications must identify what type of rental watercraft each watercraft is on the application, including, but not limited to, human powered craft, motorboat or sailboat.
- ~~f~~d) It shall be unlawful for any boat rental service to provide false or fictitious information on records related to this Section.
- ge) It shall be unlawful for any person renting a watercraft from a licensed boat rental service to provide false or fictitious information required by this Section to that rental service. Operators of rented watercraft shall have in their possession proof of abbreviated safety instruction or an Illinois Boating Safety Certificate.
- ~~h~~f) Violation of this Section is a petty offense.

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

Section 2080.90 Suspension and Revocation of Decals and Licenses

- a) Violations of any provisions of this Part may result in suspension of any decal or license issued by the Department under the provisions of this Part for a period not to exceed one year.
- b) Subsequent violations of any provisions of this Part within a two-year period shall result in revocation of any decal or license issued by the Department under the provisions of this Part for a period not less than 5 years.
- c) Violations of any other provisions of the Boat Registration and Safety Act [625 ILCS 45], the Fish and Aquatic Life Code [515 ILCS 5], or the Wildlife Code [520 ILCS 5] may also result in suspension or revocation of any decal or license issued by the Department under the provisions of this Part.
- d) The procedure by which suspensions and revocations are made, the rights of licensees to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 ~~(Rules Governing Department Formal Hearings Conducted for Rule Making and Contested Cases).~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 45 Ill. Reg. 8394, effective June 23, 2021)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Revocation Procedures for Conservation Offenses
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2530.20	Amendment
2530.220	Amendment
2530.230	Amendment
2530.245	Amendment
2530.260	Amendment
2530.270	Amendment
2530.280	Amendment
2530.380	Amendment
2530.390	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100], Sections 70 and 105 of the Herpetiles-Herps Act [510 ILCS 68] and authorized by Sections 5-625, 805-518, 805-545 and 805-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625, 805-518, 805-545 and 805-550].
- 5) Effective Date of Rules: June 23, 2021
- 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 3276, March 19, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: In Section 2530.220, "legal" has been added before "advice".
- In Section 2530.280(a), "no later than" and "notice was mailed for the petition to be considered" has been deleted and replaced with "within" and "the date of the Notice of Suspension."; in subsection (b), "of" has been changed to "after".
- 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 any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to clarify language and procedures in an administrative hearing regarding the revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John Fischer, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530

REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section

2530.10	Applicability
2530.20	Definitions
2530.30	Filing
2530.35	Parties
2530.40	Documents
2530.50	Computation of Time
2530.60	Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION
BASED ON ACCUMULATION OF POINTS

Section

2530.110	Applicability (Recodified)
2530.130	Rules Proposed by Member of Public (Recodified)
2530.140	Authorization of Hearing (Recodified)
2530.150	Notice of Hearing (Recodified)
2530.160	Hearing Officer (Recodified)
2530.180	Written Submission (Recodified)
2530.190	Record (Recodified)
2530.200	Revision of Proposed Rules (Recodified)
2530.210	Filing and Publication of Final Rules (Recodified)
2530.220	Applicability
2530.230	Point System
2530.240	Points
2530.245	Single Incident Rule
2530.250	Groups
2530.255	Types of Offenses
2530.260	Computation of Suspension Period

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2530.270 Summary Revocation/Suspension Procedures
- 2530.275 Notice of Revocation/Suspension
- 2530.280 Request for Hearing to Appeal Summary Revocation/Suspension

SUBPART C: DEPARTMENT INITIATED REVOCATIONS/SUSPENSIONS
BASED UPON COURSE OF CONDUCT

Section

- 2530.300 Department Initiated Revocation/Suspension Based Upon Course of Conduct
- 2530.310 Applicability
- 2530.320 General Procedures (Repealed)
- 2530.330 Parties (Renumbered)
- 2530.340 Notice and Complaint (Department Initiated Proceeding) (Renumbered)

SUBPART D: HEARINGS OF CONTESTED CASES

- 2530.350 Service (Department Initiated Proceeding) (Repealed)
- 2530.355 General Procedures of Hearings
- 2530.360 Time and Location of Hearing
- 2530.370 Prehearing Conferences
- 2530.380 Authority of Hearing Officer
- 2530.390 Order of Administrative Hearings
- 2530.400 Official Notice
- 2530.410 Default
- 2530.420 Evidence
- 2530.430 Motions and Answers
- 2530.470 Administrative Record
- 2530.480 Briefs and Oral Arguments
- 2530.482 Decision, Order and Disposition
- 2530.484 Compelling Appearance at Hearing
- 2530.486 Recording of Hearing
- 2530.488 Hearing on Timber Buyers – Second and Subsequent Suspensions
- 2530.490 Decision and Order (Repealed)

SUBPART E: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section

- 2530.500 Interstate Wildlife Violator Compact Membership

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: REINSTATEMENT OF PRIVILEGES

Section

2530.600 Reinstatement Procedures

2530.610 Reinstatement Fees

SUBPART G: STATUTORILY MANDATED SUSPENSIONS

Section

2530.700 Suspension of Operating Privileges

SUBPART H: EVICTION FROM DEPARTMENT LANDS

Section

2530.800 Applicability

2530.810 Immediate Eviction and Removal from Department Lands for up to 90 Days

2530.820 Request for Hearing to Appeal Immediate Eviction and Removal

2530.830 Eviction and Removal from Department Lands for Longer than 90 Days

2530.840 Department Request for Eviction and Removal Longer than 90 Days

2530.850 Procedures for Eviction/Removal Hearings

AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100], Sections 70 and 105 of the Herptiles-Herps Act [510 ILCS 68] and authorized by Sections 5-625, 805-518, 805-545 and 805-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625, 805-518, 805-545 and 805-550].

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. 3659, effective February 26, 2001; amended at 25 Ill. Reg. 14126, effective October 22, 2001; amended at 28 Ill. Reg. 9990, effective July 6, 2004; amended at 31 Ill. Reg. 9215, effective June 18, 2007; amended at 32 Ill. Reg. 17481, effective October 24, 2008;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

amended at 35 Ill. Reg. 13268, effective July 26, 2011; recodified at 38 Ill. Reg. 6747; amended at 38 Ill. Reg. 17001, effective July 25, 2014; amended at 43 Ill. Reg. 4837, effective April 11, 2019; amended at 45 Ill. Reg. 8415, effective June 23, 2021.

SUBPART A: GENERAL RULES

Section 2530.20 Definitions

In this Part the following terms shall have the meanings ascribed:

"Arrest" means the issuance of a State or federal citation or a notice to appear, or the filing of a complaint by a State or federal prosecutor.

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

"Determination of guilt by a court of law" means a case disposition, including supervision or conditional discharge, by a circuit court of the State of Illinois or a United States District Court in an Illinois District for an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Timber Buyers Licensing Act [225 ILCS 735], the Ginseng Harvesting Act [525 ILCS 20], the Endangered Species Protection Act [520 ILCS 10], the Herptiles-Herps Act [510 ILCS 68] or any violation of similar federal statutes or rules.

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

[5 ILCS 100/1-35]

"Licensing" includes the Department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Office of Law Enforcement" means the Department of Natural Resources' Office of Law Enforcement.

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Single incident" means a ~~singular act~~~~set of acts~~ or ~~event that occurs~~~~events occurring~~ at the same location, date and time ~~that give~~~~giving~~ rise to ~~multiple~~ violations of State or federal laws. Multiple acts or events are not a single incident.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.220 Applicability

This Subpart governs the practices and procedures related to revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources when the revocation and/or suspension is based upon one or more determinations of guilt by a court of law and accumulation of points as described in this Subpart. The reasons or legal advice that led to the determination of guilt by a court of law, by either plea, trial or sentence of supervision or conditional discharge, shall not be the subject of or a defense to any imposition of the revocation of licenses or suspension of privileges under the jurisdiction of the Department of Natural Resources.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.230 Point System

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) Any person found guilty by a circuit court of the State of Illinois (including supervision or conditional discharge) or a United States District Court in an Illinois District of an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code, the Wildlife Code, the Timber Buyers Licensing Act, the Ginseng Harvesting Act, the Endangered Species Act, the Herptiles-Herps Act or any similar violation of federal statutes or rules, or any violation under Section 48-3(b) of the Criminal Code of 2012 [720 ILCS 5/48-3(b)] shall be assessed points as set out in Section 2530.240.
- b) Licenses, permits and stamps shall be revoked, and privileges shall be suspended, based upon the accumulated points. The assessed accumulated points remain until:
 - 1) In cases involving Type I offenses (see Section 2530.255), 18 months has elapsed since the date of the commission of the offense;
 - 2) In cases involving Type II offenses, 36 months has elapsed since the date of the commission of the offense;
 - 3) An order of the Circuit Court or the Director terminates the suspension and the applicable reinstatement fee has been paid and processed by the Department; or
 - 4) An order of the Circuit Court has expunged the underlying record of the offense, the Office of Law Enforcement has received notice of the expungement, and the applicable reinstatement fee has been paid.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.245 Single Incident Rule

- a) In the event that multiple findings of guilt are entered against an individual arising out of a single incident ~~(same date and location of violation)~~, full points shall be assessed only for the finding of guilt with the highest point level with additional points assessed for the remaining findings of guilt as follows:
 - 1) For a petty offense – 1 point

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) For a Class C misdemeanor – 2 points
- 3) For a Class B misdemeanor – 3 points
- b) The single incident rule shall not be applied, however, in any cases in which the highest level violation is a Class A misdemeanor or higher (12 points or greater) or in cases in which violations occurred while the individual was suspended.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points. A person's privileges shall be revoked upon accruing the required points pursuant to this Part. The points that are accrued upon disposition of an offense or offenses shall be assigned to the person for the date that the offense or offenses occurred. The Department shall then review the timeframe that the points were assigned and upon a finding by the Department that the total points for the time period as outlined in this Section have been accrued to require a suspension, the Department shall then issue a suspension. Such suspension shall commence upon the date the Department is made aware by the Circuit Clerk of the County in which the offense occurred of a disposition that resulted in the total point accumulation to require a suspension pursuant to this Part.

- a) For Type I offenses, any person who, within an 18 month period, commits an offense or offenses that result in the accumulation of~~accumulates~~ 13 or more points in a single group as set out in Section 2530.250 shall have all commercial/business licenses, permits and stamps relevant to that group revoked, and the person's privilege to engage in those activities shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the commission of the offense~~arrest~~ that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon a person~~an individual~~ shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires. The 18 month period used to determine if a points based suspension shall be issued is calculated based on the date of offense and not the date of disposition of the offense.
- 1) ~~EXAMPLE: An individual operates as a commercial game bird breeder and a migratory waterfowl hunting area, and is found guilty of violations~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~relating to his/her commercial game bird breeding operation, resulting in points sufficient to result in revocation/suspension. A revocation shall be imposed upon both the individual's game bird breeding license and his/her migratory waterfowl hunting area permit. In addition, the person's privilege to obtain any Type I license under the Wildlife Code is suspended for the appropriate period of time.~~

- 2) ~~EXAMPLE: Found guilty of no taxidermy license, possession of untagged specimens and failure to keep proper records (a Class B misdemeanor and 2 Petty Offenses) as a result of a single incident. No revocation/suspension imposed, 11 points assessed (9+1+1).~~
- 3) ~~EXAMPLE: Found guilty of same violations as in subsection (a)(2) (a Class B misdemeanor and 2 Petty Offenses), but on different dates. Revocation/suspension shall be imposed, as full 15 points apply (9+3+3).~~
- 4) ~~EXAMPLE: Found guilty of buying timber without a license and failure to pay harvest fees (both Class A misdemeanors, 12 points each). Revocation/suspension imposed, regardless of whether findings are the result of a single incident or separate occurrences, 24 points applied.~~

- b) For Type II offenses: aAny person who, within a 36 month period, commits an offense or offenses that result in the accumulation of~~accumulates~~ 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to Section 20-45(f) of the Fish and Aquatic Life Code shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the commission of the offense~~arrest~~ that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires. The 36 month period to determine if a points-based suspension shall be issued is calculated based on the date of offense and not the date of disposition of the offense.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~EXAMPLE: Found guilty of hunting by use of lights from a vehicle (Class A misdemeanor) and taking an over limit of quail (petty offense)—hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked—Type II privileges authorized under Group A suspended for 15 months from date of notice.~~
- 2) ~~EXAMPLE: Found guilty of a Class B misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code—no revocation or suspension as there is no 13 point accumulation in any one group.~~
- 3) ~~EXAMPLE: Person in subsection (b)(1) completes 15 month suspension; two months later (less than 36 months from first violation) the person again hunts by use of lights from a vehicle, for which person is found guilty—appropriate licenses and stamps revoked and person suspended for 27 months (15+12).~~
- 4) ~~EXAMPLE: Found guilty of two Class B misdemeanors (normally 9 points each) under the Wildlife Code for violations arising out of a single incident—due to Single Incident Rule, reduced points are assessed (9+3) and no suspension is imposed.~~
- 5) ~~EXAMPLE: Person in subsection (b)(1) is found guilty of a violation under the Wildlife Code that occurred during the time that the person's privileges were suspended—60 additional points assessed and a second suspension is imposed, to run consecutively after the first suspension (75 months total).~~

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.270 Summary Revocation/Suspension Procedures

- a) All Illinois Circuit Court clerks shall report to the Office of Law Enforcement, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, the disposition of cases involving a violation of any of the provisions of the Fish and Aquatic Life Code, the Wildlife Code, the Timber Buyers Licensing Act, the Ginseng Harvesting Act, the Endangered Species Protection Act, the Herptiles-Herps Act and Section 48-3(b) of the Criminal Code of 2012.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Points shall be assessed to the ~~person~~individual by the Office of Law Enforcement once reports of disposition are received from the circuit clerk. The Department shall not be responsible or liable for the delay or failure of a circuit clerk in the reporting of dispositions. Any delay or failure of a circuit clerk in the reporting of dispositions does not affect the Department's ability to revoke or suspend privileges pursuant to this Part.
- c) Whenever sufficient points have been accumulated for suspension as set out in Section 2530.260, the suspension shall be imposed by the Department on a quarterly basis as follows:
 - 1) For any dispositions received during the first quarter of the calendar year (January-March), suspensions shall begin on April 30.
 - 2) For any dispositions received during the second quarter of the calendar year (April-June), suspensions shall begin on July 30.
 - 3) For dispositions received during the third quarter of the calendar year (July-September), suspensions shall begin on October 30.
 - 4) For dispositions received during the fourth quarter of the calendar year (October-December), suspensions shall begin on January 30.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.280 Request for Hearing to Appeal Summary Revocation/Suspension

- a) Any person who is mailed notice of suspension and revocation shall have the right to appeal by filing ~~two copies of~~ a Petition for Hearing. ~~The Both copies of the~~ Petition for Hearing shall be mailed to or filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Petitions must be received by the Department ~~within no later than~~ 34 days after the date of the Notice of Suspension ~~notice was mailed for the petition to be considered.~~
- b) A Petition for Hearing must be received by the Department's Office of Legal Counsel within 34 days after the date of the Notice of Suspension. If the petition is not timely received by the Office of Legal Counsel at the Department of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Natural Resources, the summary revocation/suspension will be considered final without further notice.

- c) The petition shall be styled "In re the suspension of _____, PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and be signed by the petitioner (person whose privileges were suspended).
- d) The petition shall also state if the petitioner paid a civil penalty through the Circuit Court for an illegal take as a result of the related (conservation) violations of the Fish and Aquatic Life Code, the Wildlife Code or the Endangered Species Protection Act.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

SUBPART D: HEARINGS OF CONTESTED CASES

Section 2530.380 Authority of Hearing Officer

The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. He shall have all powers necessary to these ends, including but not limited to the power to:

- a) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- b) Regulate the course of the hearings and the conduct of the parties and their counsel in those hearings;
- c) Interrogate witnesses;
- d) Hold pre-hearing conferences for settlement, simplification of the issues, or any other proper purpose;
- e) Determine the timing and form of motions and responses by the parties;
- f) Rule on the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- g) Rule on motions, issues on admissions or stipulations;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- h) Rule on the limitation of the number of witnesses and limitation of issues and evidence;
- i) Issue or deny the issuance of subpoenas requested by the parties;
- j) Consider factors in mitigation and aggravation in determining the appropriate length of suspension sentencing in Department initiated revocations/suspensions based upon course of conduct only, pursuant to Section 2530.310;
- k) Rule on such other matters as may aid in the simplification of the evidence and disposition of the proceeding; and
- l) Rule on the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits and other discovery. No discovery described by Supreme Court Rule 201 will be permitted prior to a hearing, except by permission of the Hearing Officer.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.390 Order of Administrative Hearings

The following shall be the order of all administrative hearings, subject to modification by the Hearing Officer for good cause;

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint/petition;
- b) Presentation of opening statements;
- c) Presentation of Complainant's/Petitioner's case in chief;
- d) Presentation of Respondent's/Defendant's case in chief;
- e) Presentation of Complainant's/Petitioner's rebuttal case;
- fe) Statements from interested parties~~citizens~~, if authorized by the Hearing Officer;
- gf) Presentation of closing argument, which may include legal argument;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

[hg](#)) Presentation and argument of all motions prior to final order.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2700.20	Amendment
2700.80	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq, as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act.
- 5) Effective Date of Rules: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 2620; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 2700.80(b)(5), Contractual and Consortium Agreement Requirements, minor text revisions were made to better structure the sentence.
- 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
- 14) Are there any rulemakings pending on this Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: This Part was revised to expand guidance for the use of consortium and contractual agreements and concurrent registration between colleges.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual and Consortium Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act.

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at 34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. 7269, effective July 1, 2019; amended at 43 Ill. Reg. 15003, effective January 1, 2020; amended at 44 Ill. Reg. 20164, effective January 1, 2021; amended at 45 Ill. Reg. 8430, effective July 1, 2021.

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Application for Illinois Financial Aid" or "Alternative Application" – The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity (RISE) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules. This application is appropriate for use by an applicant *who is an Illinois resident and who is not otherwise eligible for federal financial aid, including, but not limited to, a transgender applicant who is disqualified for failure to register for Selective Service or an eligible noncitizen applicant* as defined in this Section.

"Alternative Application for Illinois Financial Aid Receipt Date" – The date upon which ISAC receives an applicant's initial Alternative Application for an academic year. For a paper Alternative Application sent through the U.S. Postal Service, the receipt date will be the postmark date.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at 2 or more higher education institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Consortium Agreement" – The written agreement between two or more ISAC-eligible institutions whereby the host institution provides part of the education program of students enrolled at the home institution, as codified in Section 2700.80.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution serving as the host institution provides part of the education program of students enrolled at the ISAC-eligible home institution, as codified in Section 2700.80. ~~A contractual agreement differs from a consortium agreement, which is an agreement among 2 or more eligible institutions only.~~

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 USC 1087*ll*).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 USC 1091); or a noncitizen or person who is not a permanent resident of the United States, who does not meet the eligibility criteria for federal student assistance pursuant to section 484 of the HEA but who meets all of the following criteria:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the individual resided with a parent or guardian while attending a public or private high school in this State;

the individual graduated from a public or private high school or received the equivalent of a high school diploma in this State;

the individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;

the individual provides an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and

the individual has not established a residence outside of this State.

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution as defined at section 474 of the HEA (20 USC 1087nn) is used to determine a student's eligibility for need based programs administered by ISAC.

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"HEA" – The acronym for the Higher Education Act of 1965, as amended (20 USC 1070 et seq.).

"High School Equivalency Certificate" – A certificate received after successfully completing a high school equivalency examination as defined in Section 3-15.12 of the School Code [105 ILCS 5].

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"Home Institution" – The institution of higher learning where the student is enrolled in a degree or certificate program and is the institution of record in a consortium or contractual agreement.

"Host Institution" – The institution where part of a student's program requirements is being taken through either a consortium or contractual agreement with a home institution.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State;

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act;

enrolls a majority of its students in these degree programs; and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Pell Grant" – A federal gift assistance program administered by ED in accordance with section 401 of the HEA (20 USC 1070a et seq).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which the applicant is applying.

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the FAFSA or the Alternative Application for Illinois Financial Aid, physically resides within the State of Illinois, and Illinois is the parent's true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is their true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding 2 paragraphs and the applicant is a member of the U.S. Armed

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following:

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout the missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided it can be demonstrated that the applicant's absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

required by ED pursuant to section 484 of the HEA (20 USC 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by section 428A of the HEA (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by subpart E of 34 CFR 668 and by ISAC's rules.

(Source: Amended at 45 Ill. Reg. 8430, effective July 1, 2021)

Section 2700.80 Contractual and Consortium Agreement Requirements

- a) The primary purpose of ~~an ISAC approved contractual~~ course of study in a contractual or consortium agreement must be educational and must lead to, and be required for, a degree or health education certificate in a published course of study offered by ~~the home~~an ISAC approved institution.
- b) Contractual Agreement requirements
 - 1) All contractual agreements ~~between ISAC approved public institutions and non-approved institutions~~ must involve programs approved by the Illinois Board of Higher Education (IBHE) or the appropriate state accrediting agency and, if applicable, licensing agency. ~~(See 23 Ill. Adm. Code 1050.) All ISAC approved institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting MAP payment for any contractual courses. ISAC may approve the contractual agreement if the terms are consistent with this Section.~~
 - 2e) The home institution is responsible for all the administration of ISAC student aid including, but not limited to, disbursements, refunds, maintenance of financial aid records and student eligibility determinations for students attending the host institution consistent with the requirements in 34 CFR 668.5(c) of record must be an ISAC approved institution.
 - 3d) A home~~An ISAC approved~~ institution may enter into a contractual agreement with a ~~host~~non-approved institution/agency only if the home~~ISAC approved~~ institution does not have faculty and specific

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

educational facilities available within the institution to offer the ~~Illinois Board of Higher Education~~ approved programs.

- ~~4e) All ISAC approved institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more institutions/agencies. Only courses required for these programs that are included in the published curriculum of the home institution will be eligible for ISAC payment except in relation to study abroad programs as provided in 34 CFR 668.5(B). Furthermore, only those courses approved by the Illinois Community College Board for baccalaureate transfer or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.~~
- ~~f) The Chief Executive Officer of the ISAC approved institution not subject to IBHE contractual guidelines and/or program review and approval procedures shall certify in a statement to ISAC that:~~
- ~~1) According to the contract with the non-approved institution, the following items are the responsibility of the ISAC approved institution:~~
- ~~A) administrative responsibility for the program;~~
 - ~~B) provisions for program supervision, including on-site visits;~~
 - ~~C) procedures for the maintenance of records and transcripts;~~
 - ~~D) number of credit hours required and criteria for course completion within the program;~~
 - ~~E) statement on student tuition, mandatory fees and other charges;~~
 - ~~F) faculty employment and evaluation;~~
 - ~~G) availability of student auxiliary services;~~
 - ~~H) maintenance of liability insurance;~~
 - ~~I) establishment and utilization of a representative advisory committee; and~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- ~~J) annual program and contract review.~~
- 2) ~~The non-approved institution/agency's policies, procedures and practices are consistent with those of the ISAC approved institution as they relate to:~~
 - A) admissions;
 - B) student withdrawals; and
 - C) provisions for follow-up studies.
- 3) ~~The non-approved institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards; and~~
- 4) ~~The contract with the non-approved institution is consistent with the policies, rules and applicable regulations of the approval agency or board that has jurisdiction over the institution/agency.~~
- 5g) The home institution must ensure that the percentage of all students enrolled in the host institution who will receive tuition assistance through a contractual agreement meets the requirements of 34 CFR 668.5(a) and does not exceed:
 - A) 25% if the host and home institutions are owned or controlled by the same entity; or
 - B) 50% if they are not, owned or controlled by the same entity. ISAC requires all ISAC approved institutions to indicate the percentage of their own students who participate in the contractual program(s) of study, and the percentage of all students enrolled in the non-approved institution/agency who will receive tuition assistance through an approved contractual agreement. When either of these percentages exceeds 30%, the contractual agreement will not be approved by ISAC.
- c) Consortium Agreement requirements
 - 1) Both the home and host institutions must be ISAC eligible institutions;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

and

- 2) The consortium agreement must be consistent with 34 CFR 668.5(a).
- h) ~~All students wishing to enter into programs where contractual courses are taken must be informed by the ISAC-approved institution whether these courses are eligible for ISAC payment.~~
- i) ~~The contractual agreement shall be filed with ISAC along with annual tuition and fee charges. (See 23 Ill. Adm. Code 2700.30(e).)~~

(Source: Amended at 45 Ill. Reg. 8430, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section Number: 2731.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].
- 5) Effective Date of Rule: July 1, 2021
- 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*: 45 Ill. Reg. 2639; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to remove gender-specific pronouns.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section

2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006; amended at 35 Ill. Reg. 12374, effective July 15, 2011; amended at 36 Ill. Reg. 9414, effective July 1, 2012; amended at 37 Ill. Reg. 9510, effective July 1, 2013; amended at 38 Ill. Reg. 13390, effective July 1, 2014; emergency amendment at 42 Ill. Reg. 16348, effective August 7, 2018, for a maximum of 150 days; emergency amendment repealed at 42 Ill. Reg. 18517, effective September 27, 2018; emergency amendment at 42 Ill. Reg. 19098, effective September 27, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 773, effective January 1, 2019; amended at 45 Ill. Reg. 8449, effective July 1, 2021.

Section 2731.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.

- 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility in relation to the qualifying death or disability has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for summer term only.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
 - 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
 - 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study. Recipients may accumulate up to 48 eligibility units.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	6 units	4 units
6 - 11.99 hours	3 units	2 units

- 2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 48 eligibility units but does not have enough units remaining for the number of hours in which the recipient ~~or she~~ is enrolled for the term.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which the student ~~the or she~~ was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- n) Grant payment is subject to the limits of dollars appropriated for this program by

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

the General Assembly.

- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims for the difference between in-district and out-of-district tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o).

(Source: Amended at 45 Ill. Reg. 8449, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Number: 2732.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- 5) Effective Date of Rule: July 1, 2021
- 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*: 45 Ill. Reg. 2645; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to remove gender-specific pronouns.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

Section

2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006; amended at 35 Ill. Reg. 12378, effective July 15, 2011; amended at 36 Ill. Reg. 9420, effective July 1, 2012; amended at 37 Ill. Reg. 9516, effective July 1, 2013; amended at 38 Ill. Reg. 13396, effective July 1, 2014; emergency amendment at 42 Ill. Reg. 16355, effective August 7, 2018, for a maximum of 150 days; emergency amendment repealed at 42 Ill. Reg. 18524, effective September 27, 2018; emergency amendment at 42 Ill. Reg. 19105, effective September 27, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 780, effective January 1, 2019; amended at 45 Ill. Reg. 8455, effective July 1, 2021.

Section 2732.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility in relation to the qualifying death or disability has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for the summer term only.
- d) If an application is incomplete, notice will be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
- 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
 - 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the costs of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award will be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study. Recipients may

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

accumulate up to 48 eligibility units.

- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	6 units	4 units
6 - 11.99 hours	3 units	2 units

- 2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 48 eligibility units but does not have enough units remaining for the number of hours in which the recipient ~~or she~~ is enrolled for the term.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which the student ~~the or she~~ was ineligible.
- i) Recipients receive payment through their institution of record.
- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims for the difference between in-district and out-of-district tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o).

(Source: Amended at 45 Ill. Reg. 8455, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Optometric Education Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2741
- 3) Section Number: 2741.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/65.70] and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.70].
- 5) Effective Date of Rule: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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*: 45 Ill. Reg. 2651; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
Differences between proposed and final version: None
- 11) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to remove gender-specific pronouns.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Eckley
Agency Rules Coordinator

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2741

OPTOMETRIC EDUCATION SCHOLARSHIP PROGRAM

Section

2741.10	Summary and Purpose
2741.20	Applicant Eligibility
2741.30	Program Procedures
2741.40	Institutional Procedures

AUTHORITY: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947] and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 27 Ill. Reg. 10369, effective July 1, 2003; amended at 37 Ill. Reg. 9540, effective July 1, 2013; amended at 43 Ill. Reg. 15037, effective January 1, 2020; amended at 45 Ill. Reg. 8461, effective July 1, 2021.

Section 2741.30 Program Procedures

- a) All applicants must complete and file the Free Application for Federal Student Aid (FAFSA) for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the Optometric Education Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.
- c) A total of 10 scholarships shall be awarded each year; 2 each for eligible applicants in their first year, second year, third year, and fourth year; the remaining 2 shall be awarded to students in any academic level.
- d) If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, priority will be given to students demonstrating

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

exceptional merit and who are in financial need based on a combination of the following criteria:

- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale; and
- 2) EFC, from the lowest to the highest; and
- 3) recipients of assistance under the Optometric Education Scholarship Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains a qualified applicant~~this or her~~ status ~~as a qualified applicant~~;
 - B) maintains satisfactory academic progress as determined by the institution; and
 - C) submits an application on a timely basis.
- e) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application on the earliest date.
- f) A recipient may receive the equivalent of 8 semesters/12 quarters of scholarship assistance under this Part.
- g) Scholarship funds are applicable toward 2 semesters/3 quarters of full-time study within an academic year.
- h) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- i) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.
- j) ISAC shall publish guidelines for the awarding of Optometric Education Scholarships.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- k) Each qualified applicant who is selected to receive an Optometric Education Scholarship shall be notified.
- l) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Practice Agreement/Promissory Note that is submitted to ISAC. The Practice Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to practice in Illinois as a licensed optometrist under the Illinois Optometric Practice Act of 1987 for a period of not less than one year for each year of scholarship assistance awarded under this Part;
 - 2) the recipient shall begin practicing optometry in Illinois within one year following completion of the academic program for which the recipient was awarded a scholarship, and shall practice on a continuous basis for the required period of time;
 - 3) if the recipient does not fulfill the requirement to practice optometry in Illinois, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements;
 - 5) the recipient promises to use the proceeds of the scholarship for educational expenses.
- m) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2741.30(1) during periods in which the recipient:
 - 1) serves, for not more than 3 years, as a member of the United States Armed Forces;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled for not more than 3 years, as established by the sworn affidavit of a qualified physician;
 - 4) cannot fulfill the practice obligation due to the recipient's~~his or her~~ death, verified by a certified copy of a death certificate; or
 - 5) cannot fulfill the practice obligation due to the recipient's~~his or her~~ disability or incompetency, as established by sworn affidavit of a qualified physician.
- n) No claim for repayment may be filed against the estate of a decedent or incompetent.
- o) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within 10 years after the scholarship converts to a loan. This 10-year period may be extended if the recipient:
- 1) serves, for not more than 3 years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation; or
 - 3) is temporarily disabled, for not more than 3 years, as established by the sworn affidavit of a licensed physician.
- p) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as an optometrist;
 - 2) the date the recipient informs ISAC that the recipient~~she or he~~ does not plan to fulfill the practice obligation; or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 3) the day after the latest date upon which the recipient must have begun practicing as an optometrist after completing the education for which the scholarship was awarded.
- q) A recipient shall not be required to repay the amount of the scholarships received if the recipient~~she or he~~ becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if the recipient~~his or her~~ representative provides ISAC with a certified death certificate.

(Source: Amended at 45 Ill. Reg. 8461, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Grant Program for Exonerees
- 2) Code Citation: 23 Ill. Adm. Code 2743
- 3) Section Number: 2743.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 62 of the Higher Education Student Assistance Act [110 ILCS 947/62].
- 5) Effective Date of Rule: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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*: 45 Ill. Reg. 2658; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to remove the reference to an applicant's ineligibility for this program while receiving the Monetary Award Program (MAP).
- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Eckley

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2743

GRANT PROGRAM FOR EXONEREES

Section

2743.10	Summary and Purpose
2743.15	Definitions
2743.20	Applicant Eligibility
2743.30	Program Procedures
2743.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Section 62 of the Higher Education Student Assistance Act [110 ILCS 947/62].

SOURCE: Adopted at 40 Ill. Reg. 1968, effective January 7, 2016; amended at 45 Ill. Reg. 8468, effective July 1, 2021.

Section 2743.20 Applicant Eligibility

- a) A qualified applicant shall:
 - 1) be a resident of Illinois;
 - 2) have received:
 - A) a pardon issued on the grounds of innocence; or
 - B) a certificate of innocence from a circuit court;
 - 3) be an exonerated person who:
 - A) has not yet received a high school diploma or a high school equivalency certificate and is completing a high school equivalency preparation course through an Illinois Community Board-approved provider and/or is seeking an Illinois high school equivalency certificate; or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- B) is enrolled at an ISAC-approved public university or community college in an eligible degree or certificate program (see 34 CFR 668.8) for either a semester or quarter term, throughout the institution's tuition refund/withdrawal adjustment period;
 - 4) maintain satisfactory academic progress as determined by the institution; and
 - 5) not have to demonstrate financial need to receive this grant.
- b) ~~In any regular school year in which the qualified applicant accepts or receives financial assistance through the Monetary Award Program (23 Ill. Adm. Code 2735), the qualified applicant shall not be eligible for assistance under this Part.~~

(Source: Amended at 45 Ill. Reg. 8468, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: John R. Justice Student Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2754
- 3) Section Number: 2754.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) by Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act.
- 5) Effective Date of Rule: July 1, 2021
- 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*: 45 Ill. Reg. 2662; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to modify terminology used in the formula description, due to changes in filing procedures, and to remove gender-specific pronouns.
- 16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2754

JOHN R. JUSTICE STUDENT LOAN REPAYMENT PROGRAM

Section

2754.10	Summary and Purpose
2754.15	Definitions
2754.20	Applicant Eligibility
2754.30	Program Procedures

AUTHORITY: Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act.

SOURCE: Emergency rules adopted at 36 Ill. Reg. 556, effective January 9, 2012, for a maximum of 150 days; adopted at 36 Ill. Reg. 8434, effective June 1, 2012; amended at 37 Ill. Reg. 20776, effective January 1, 2014; amended at 45 Ill. Reg. 8472, effective July 1, 2021.

Section 2754.30 Program Procedures

- a) In order to receive benefits under this Part, a qualified applicant must annually complete a program application and, at the time of application, execute the appropriate Service Agreement. A qualified applicant must also submit any forms required by the United States Department of Justice for participation in the John R. Justice Student Loan Repayment Program.
 - 1) Program applications and Service Agreements are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) If the application or the Service Agreement is incomplete, the applicant will be provided an opportunity to furnish any missing information. Applications will be considered for processing only as of the date a complete application and Service Agreement are received by ISAC in its Deerfield office. No applications will be considered for processing if received after the published date unless funds remain available for

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

disbursement. ISAC reserves the right to request documentation to verify data reported on the application.

- 3) The application will require the applicant's employer (or future employer in the case of recruited attorneys) to certify the following:
 - A) The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act (42 USC 3797cc-21);
 - B) The applicant seeking benefits meets the definition of "prosecutor" or "public defender" under the Act; and
 - C) The employer employs or, in the case of a recruited attorney, has extended an offer of employment that has been accepted by the applicant.
- b) Each year, ISAC shall select individuals to receive repayment benefits from among individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service described in the Service Agreement and all new applicants who have submitted a completed application and Service Agreement.
- c) Individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service shall be selected once all information necessary to compute the amount of an award under this Part has been received by ISAC.
- d) Priority consideration in selecting individuals to receive benefits from among new applicants will be given to those applicants who have the least ability to repay their loans. Individuals not receiving benefits under another program that provides loan repayment assistance for eligible educational loans will be considered before those who are receiving those benefits.
- e) Any award of funds under this Part shall be made in accordance with the following:
 - 1) Individuals selected to receive benefits shall be assigned to one of the five districts of the Illinois Appellate Court on the basis of the zip code of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

individual's employer or, for those individuals who are employed in a statewide capacity as a prosecutor, as a statewide prosecutor. Available benefits will be allocated to each district or to statewide prosecutors based on the ratio of the number of statewide prosecutors or prosecutors or public defenders within a district to the total population of prosecutors and public defenders in the state.

- 2) The amount of the benefit awarded will be calculated based on each individual's ability to repay ~~the his or her~~ qualifying loan debt. ISAC shall determine an individual's ability to repay qualifying loan debt using the individual's Adjusted Gross Income (AGI) from the IRS Form 1040 during the previous calendar year, the number of dependents reported, including the applicant and spouse (if applicable), ~~calculated exemptions to federal income tax claimed~~ by the individual during the previous calendar year, the amount of qualifying student loan debt owed by the individual, and the cost of living in the appellate district in which the individual's employer is located, as determined by the Cost of Living Index published annually by the Illinois Appellate Court.
- 3) Priority consideration in awarding benefits will be given to individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service, except that priority under this Section shall be limited to individuals who have not previously completed a term of service under a Service Agreement with the Department of Justice. Awards shall then be made in accordance with this Section to new applicants.
- 4) Once all the money allocated for a particular district or to individuals qualifying as statewide prosecutors has been exhausted, the awarding for that district or to statewide prosecutors will cease.
- 5) In the event that an insufficient number of individuals from a particular district apply for the program, the remaining dollars in that district's allocation would be awarded to the highest-ranked applicants who have not received an award, regardless of which district they are from.
- 6) The total amount of funds allocated to prosecutors, regardless of the district to which they are assigned or their status as a statewide prosecutor,

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

must equal the total amount of funds allocated to defenders, regardless of the district to which they are assigned.

- f) The amount of an award shall not exceed \$10,000 per year, up to a maximum of \$60,000 during an individual's career. The annual amount may be reduced in order to make more loan repayment assistance awards when funding is insufficient to provide benefits to all selected individuals.
- g) The loan proceeds shall be remitted to the holder of the loans to be repaid.
- h) While receiving benefits, an individual must notify ISAC of changes to ~~their~~^{his or her} address, employment status or loan status (default) within 10 days after a change.
- i) While receiving benefits, the individual must remain a licensed attorney in good standing with the Illinois bar.

(Source: Amended at 45 Ill. Reg. 8472, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2755.10	Repealed
2755.20	Repealed
2755.30	Repealed
2755.40	Repealed
2755.APPENDIX A	Repealed
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USC 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Repealer: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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*: 45 Ill. Reg. 2668; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was repealed due to the repeal of the program by the federal government.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

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

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2763.30	Amendment
2763.40	Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective Date of Rules: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these 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*: 45 Ill. Reg. 2680; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this rulemaking replace 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 was revised to clarify that deadline dates will be established each year for submission of payment requests, to change the order in which the grant is awarded to applicants who are also eligible for the Monetary Award Program (MAP) and to remove gender-specific pronouns.
- 16) Information and questions regarding these adopted rules shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005; amended at 30 Ill. Reg. 11678, effective July 1, 2006; amended at 37 Ill. Reg. 9544, effective July 1, 2013; amended at 39 Ill. Reg. 8454, effective July 1, 2015; amended at 42 Ill. Reg. 13641, effective July 1, 2018; amended at 43 Ill. Reg. 15044, effective January 1, 2020; amended at 45 Ill. Reg. 8480, effective July 1, 2021.

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Applications are available from qualified institutions of higher learning, ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
- c) Notwithstanding the provisions of subsection (b), awards will be made first to renewing applicants.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their high school equivalency certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (h) during periods in which the recipient:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain licensure as a teacher in Illinois; or
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if ~~the recipient~~ ~~he or she~~ cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within 10 years after the scholarship converts to a loan. This 10 year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 4) withdraws from a course of study leading to licensure as a teacher but is enrolled full-time in another academic discipline; or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j), the recipient~~he or she~~ shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to licensure as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that the recipient~~he or she~~ does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if the recipient~~he or she~~ becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 682.402(c)), or if the recipient's~~his or her~~ representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 45 Ill. Reg. 8480, effective July 1, 2021)

Section 2763.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) MTI awards are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested. ~~The institution shall submit its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.~~
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the regular school year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship Amount
- 1) MTI scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

must be the lesser of:

- A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the standard commuter allowance for students living off-campus; or
 - C) \$5000.
- 3) The total amount of MTI scholarship assistance awarded to a qualified applicant in a given regular school year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 4) A qualified applicant may receive grant assistance under the MTI Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the Monetary Award Program grant (23 Ill. Adm. Code 2735) MTI scholarship.
- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.

(Source: Amended at 45 Ill. Reg. 8480, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Golden Apple Scholars of Illinois Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) Section Number: 2764.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].
- 5) Effective Date of Rule: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rulemaking, 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*: 45 Ill. Reg. 2689; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 2764.40, Institutional Procedures, a reference to "schools" was changed to "institutions".
- 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
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was revised to clarify that deadline dates will be established each year for submission of payment requests and to change the order in which the grant is awarded to applicants who are also eligible for the Monetary

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Award Program (MAP).

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

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

GOLDEN APPLE SCHOLARS OF ILLINOIS PROGRAM

Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006; amended at 32 Ill. Reg. 10333, effective July 1, 2008; amended at 33 Ill. Reg. 9784, effective July 1, 2009; amended at 36 Ill. Reg. 13957, effective September 1, 2012; emergency amendment at 37 Ill. Reg. 15446, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2898, effective January 15, 2014; amended at 39 Ill. Reg. 8462, effective July 1, 2015; amended at 42 Ill. Reg. 13649, effective July 1, 2018; amended at 44 Ill. Reg. 11050, effective July 1, 2020; amended at 45 Ill. Reg. 8489, effective July 1, 2021.

Section 2764.40 Institutional Procedures

- a) The institution shall certify eligibility information for selected recipients.
- b) Golden Apple awards are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform institutions of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested. The institution shall submit its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
 - d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
 - e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
 - f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
 - g) Scholarship assistance provided under this Part shall be subject to the following conditions:
 - 1) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this program.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) Scholarship funds are applicable toward two semesters or three quarters of half-time and full-time study within an academic year.
- 3) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- 4) Program scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
- 5) The annual scholarship amount shall be computed by the institution and be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;
 - C) an amount not to exceed \$5,000 unless otherwise authorized by this Section.
- 6) The total amount of scholarship assistance awarded under this Section to a recipient of scholarship assistance under this Part in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 7) A recipient of scholarship assistance under this Part may receive grant assistance under the [Golden Apple Scholars](#)~~Monetary Award~~ Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the [Monetary Award Program grant](#)~~scholarship assistance awarded under this Section~~.
- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.

(Source: Amended at 45 Ill. Reg. 8489, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: AIM HIGH Grant Pilot Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2766.10	Amendment
2766.15	Amendment
2766.20	Amendment
2766.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 65.10 of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) Effective Date of Rules: July 1, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rulemaking, 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*: 45 Ill. Reg. 2694; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 2766.15(b)(3)(A), Definitions, minor text revisions were made for clarity.
- 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 any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was revised to clarify guidance for program administration.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2766

AIM HIGH GRANT PILOT PROGRAM

Section

2766.10	Summary and Purpose
2766.15	Definitions
2766.20	Institutional Applicant Eligibility
2766.30	Program Procedures
2766.40	Institutional Procedures
2766.50	Student Applicant and Recipient Eligibility

AUTHORITY: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; new Part adopted at 43 Ill. Reg. 2263, effective February 1, 2019; amended at 43 Ill. Reg. 15048, effective January 1, 2020; amended at 44 Ill. Reg. 11059, effective July 1, 2020; amended at 44 Ill. Reg. 20188, effective January 1, 2021; amended at 45 Ill. Reg. 8494, effective July 1, 2021.

Section 2766.10 Summary and Purpose

- a) In an effort to increase enrollment of Illinois residents at Illinois public universities, increase overall retention of Illinois college students in Illinois, and encourage Illinois residents to attain a college degree, State appropriated funds are to be used to enable Illinois public universities to establish a merit-based, means-tested award program known as the Aspirational Institutional Match Helping Illinois Grow Higher Education Grant Pilot Program (AIM HIGH) to make college more affordable at their campuses while reducing the amount of student loan debt. Each eligible public university campus must match [a statutorily prescribed amount of](#) those funds with non-loan financial aid for eligible students and maintain or exceed levels of financial aid given to its Illinois residents from the 2017-18 academic year, not including the summer term. ISAC is responsible

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

for administering the distribution of AIM HIGH grant funds to the public universities in compliance with this Part and the AIM HIGH Grant Agreement.

- b) This Part establishes rules that govern AIM HIGH. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700 and 44 Ill. Adm. Code 7000).

(Source: Amended at 45 Ill. Reg. 8494, effective July 1, 2021)

Section 2766.15 Definitions

"Baseline Awards" means the total amount of qualifying non-loan financial aid the public university campus awarded to its Illinois resident undergraduate students in academic year 2017-18, not including the summer term.

"Illinois High School" – any high school located in Illinois whether or not recognized by the State Board of Education. [110 ILCS 947/65.100]

"Maintenance of Effort" or "MOE" – a requirement that in the academic year AIM HIGH funds are received by the public university campus, the total amount of qualifying non-loan financial aid the public university campus awards to its Illinois resident undergraduate students must be at least as much as its baseline awards and shall not include AIM HIGH funded awards or matching requirement awards made in that academic year.

"Matching Requirement" – a requirement that the public university campus use its own funds in the academic year for which the AIM HIGH funds are used to equally match those AIM HIGH funds as required by 110 ILCS 947/65.100(f), to award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b).

"Public University" – any public 4-year university in Illinois. [110 ILCS 947/10]

"Public University Campus" – any campus under the governance or supervision of a public university. [110 ILCS 947/10]

"Qualifying Non-loan Financial Aid" – non-loan financial aid, the awarding of which is mostly within the control of the public university campus. The data requested to demonstrate this awarding shall be determined by ISAC and shall be applied uniformly across university campuses.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Resident of Illinois" or "Illinois Resident" – defined by the laws governing eligibility for in-state tuition at the public university campus.

(Source: Amended at 45 Ill. Reg. 8494, effective July 1, 2021)

Section 2766.20 Institutional Applicant Eligibility

- a) A public university applicant is eligible to apply for and receive an allocation of an appropriation of AIM HIGH funds if it:
 - 1) submits a timely and complete application that includes a description of the award to be funded with AIM HIGH funds that meet program eligibility criteria in Section 2766.50(a), (b) and (c) to be used solely for non-loan financial aid at that university or university campus during the academic year, not including the summer term;
 - 2) certifies, during the academic year for which the AIM HIGH funds are requested, it shall, in addition to meeting its MOE requirement, make a in good faith effort to meet its matching requirement that it shall use its own funds, in the academic year for which the AIM HIGH funds are requested, to equally match those AIM HIGH funds allocated to it and award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b);
 - 3) certifies the total amount of its baseline awards;
 - 4) certifies that, during the academic year for which the AIM HIGH funds are requested, it shall, in addition to awards made for the matching requirement, make a good faith effort to award qualifying non-loan financial aid to its Illinois resident undergraduate students, not including AIM HIGH funded awards, in an amount:
 - A) that is at least equal to its baseline awards; or
 - B) if enrollment is less than in academic year 2017-18, not including the summer term, that total amount calculated on a per student basis;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 5) has met all information reporting requirements in Section 2766.40(c);
 - 6) has not been suspended or disqualified from receiving an allocation for the upcoming academic year; and
 - 7) enters into an AIM HIGH Grant Agreement with ISAC.
- b) For renewal applications, in addition to complying with subsection (a), the public university campus shall:
- 1) demonstrate that it met its matching requirement and MOE in the previous academic year;
 - 2) in any academic year the public university campus fails to meet its entire matching requirement, demonstrate that it made a good faith effort to meet its matching requirement to be eligible for an allocation that is necessary to fund only renewal AIM HIGH funded awards in the ~~next~~ academic year following the next allocation determination.; ~~and~~
 - 3) in any academic year ~~when~~ the public university campus fails to make its entire MOE, demonstrate that it made a good faith effort to make it~~its~~ ~~MOE~~ to be eligible for:
 - A) 100% of its allocation of AIM HIGH funds in the next allocation distribution if, in the preceding academic year, the public university campus made its entire MOE;
 - B) 90% of its allocation of AIM HIGH funds in the next allocation distribution~~the previous academic year's AIM HIGH funds received and distributed by the public university campus~~ if it is the second consecutive academic year the public university campus fails to make its entire MOE; and
 - C) an amount in the next allocation determination that is necessary to fund only renewal AIM HIGH funded awards when it is~~in any academic year that is~~ the third or more consecutive academic year that the public university campus fails to make its entire MOE.

(Source: Amended at 45 Ill. Reg. 8494, effective July 1, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2766.30 Program Procedures

- a) Each year, in the month of August, ISAC will request from each public university campus the number of undergraduate students who are residents of Illinois and citizens or eligible noncitizens of the U.S. and who were enrolled at that public university campus in the previous academic year.
- b) ISAC will determine for each public university campus its proportionate allocation of appropriated funds for the ~~following~~~~upcoming~~ academic year using enrollment data provided in subsection (a).
- c) After determining the allocation of the appropriation for each public university campus, ISAC will inform each public university campus of the amount of its available allocation for the ~~following~~~~upcoming~~ academic year.
- d) Annually, each public university campus may opt to apply for all or part of its allocation of appropriated funds after any reduction per Section 2766.20(b)(2) and (3).
- e) If a public institution does not request, or is not eligible to receive all or part of its allocation, ISAC will reallocate those unallocated or unclaimed funds, using the same methodology as the initial allocation determination, among the remaining universities that have indicated a desire to receive an additional allocation.
- f) In order to receive a disbursement of AIM HIGH funds, the university campus shall complete an application that shall be in a form provided by ISAC and shall include, at a minimum, the following information and documentation:
 - 1) the amount of the allocation the university has claimed for the upcoming academic year;
 - 2) the total university campus funds used to match funds received from ISAC in the previous academic year, if any;
 - 3) the total number of undergraduate students who are residents of Illinois from the previous academic year;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 4) all information and certifications that demonstrate eligibility as described in Section 2766.20; and
 - 5) any other information or certifications required by law or the Grant Agreement.
- g) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the completed application is received at ISAC's Springfield office at 500 West Monroe, 3rd Floor, Springfield IL 62704.
- h) A university that does not submit a complete and timely application may not be eligible to receive its allocation. Instead, its share may be distributed by ISAC using the allocation determination methodology in subsection (a) to make the remaining funds available for other universities that filed timely applications and indicate a desire for an additional allocation.
- i) The total amount of grant funds to be distributed among eligible applicant universities in a given academic year is contingent upon available funding from the previous fiscal year and whether all eligible institutions elect to receive their full allocation.
- j) No funds shall be distributed to the public university campus until all AIM HIGH funds from the previous academic year have been reconciled, including any claimed and unexpended funds that were retained by the public university campus.
- k) Depending upon the number of academic years and the degree to which the public university campus fails to make its matching requirement or MOE, the university campus may be suspended from participating in AIM HIGH in an academic year, but shall be eligible to regain eligibility in the academic year following the suspension.
- l) When making the determination to reduce an award under Section 2766.20(b)(2) and (3), or suspend a university campus from AIM HIGH for not meeting its matching requirement or MOE under subsection (k), ISAC shall take into account the circumstances that may have contributed to this failure, such as, but not limited to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) a reduction in State appropriations to fund the public university campus in that academic year;
- 2) the number of matching requirements or MOE qualifying awards offered by the public institution, but not accepted by students in that academic year;
- 3) the matching award commitments already made to students for the academic year for which the AIM HIGH funds will be used; and
- 4) the commitment demonstrated by the public university campus to maintaining level tuition and mandatory fees for Illinois residents over multiple academic years.

(Source: Amended at 45 Ill. Reg. 8494, effective July 1, 2021)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.1 Emergency Action: New Section
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rule: June 20, 2021
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency 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: June 15, 2021
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2021 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 this emergency rule.
- 10) A Complete Description of the Subject and Issues Involved: This emergency amendment allows 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.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield IL 62701

217/782-1159
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section

250.1 [COVID-19 Emergency Provisions for Hospitals](#)
EMERGENCY250.3 COVID-19 Emergency Provisions – At-Home Patient Care
EMERGENCY250.4 N95 Masks
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 250.285 Smoking Restrictions
- 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
- 250.445 Workplace Violence Prevention Program
- 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 250.620 Radioactive Isotopes
- 250.630 General Policies and Procedures Manual

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 Medical Forensic Services for Sexual Assault Survivors

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

250.1000	Meetings
250.1010	Education Programs
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

SUBPART L: RECORDS AND REPORTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 250.1860 Special Programs (Repealed)
250.1870 Labor, Delivery, Recovery and Postpartum Care

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Section

- 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

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. 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.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

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 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 repeal of emergency amendment 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; emergency expired January 20, 2021; amended at 44 Ill. Reg. 18379, effective October 29, 2020; emergency amendment at 45 Ill. Reg. 1202, effective January 8, 2021, for a maximum of 150 days; emergency expired June 6, 2021; emergency amendment at 45 Ill. Reg. 1715, effective January 21, 2021, for a maximum of 150 days; emergency expired June 19, 2021; emergency amendment at 45 Ill. Reg. 7544, effective June 7, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 8096, effective June 15, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 8503, effective June 20, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 250.1 COVID-19 Emergency Provisions for Hospitals
EMERGENCY

Consistent with 77 Ill. Adm. Code 1130.240(f)(4)(A), 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 45 Ill. Reg. 8503, effective June 20, 2021, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

- 1) Heading of the Part: Minimum Wage Law
- 2) Code Citation: 56 Ill. Adm. Code 210
- 3) Register Citation to Notice of Proposed Rule: 45 Ill. Reg. 6894; June 11, 2021
- 4) Date, Time and Location of Public Hearing:

Date: July 14, 2021

Time: 2:00 p.m.

Location: Via Web-Ex using the following information:

- Video Meeting Link: <https://signin.webex.com/join>
- Meeting Number (access code): 177 598 5786
- Meeting Password: 56IAC210
- To join by phone, call 1-312-535-8110 (use access code above)

Please call or email Jason Keller (contact information below) with any Web-Ex related questions or concerns.

- 5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comments on the Proposed Rule. Persons interested in presenting testimony at this hearing are advised that the Department of Labor will adhere to the following procedures in the conduct of the hearing:

- a) Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided at least 24 hours in advance of the time of the hearing.
- b) No oral testimony shall exceed an aggregate of 5 minutes for the presentation.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

- d) Those individuals who are unable to attend the public hearing but wish to comment on the Proposed Rule should submit written comments by email.

6) Name and Address of Agency Contact Person:

Jason Keller, Assistant Director
Department of Labor
524 South 2nd Street, 4th Floor
Springfield IL 62701

217/782-1706
Jason.keller@illinois.gov

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Pharmacy Benefit Managers
- 2) Code Citation: 50 Ill. Adm. Code 3145
- 3) Section Number: 3145.30
- 4) Date Proposal published in *Illinois Register*: 44 Ill. Reg. 2207; January 31, 2020
- 5) Date Adoption published in *Illinois Register*: 44 Ill. Reg. 10123; June 12, 2020
- 6) Date Request for Expedited Correction published in *Illinois Register*: 44 Ill. Reg. 12982; July 31, 2020
- 7) Adoption Effective Date: May 29, 2020
- 8) Correction Effective Date: May 29, 2020
- 9) Reason for Approval of Expedited Correction: The Department is correcting a typographical error ("biannually" to "biennially").

Agency Director

Date

The full text of the Corrected Rules begins on the following page.

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF EXPEDITED CORRECTION

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND BUSINESS ENTITIES

PART 3145

PHARMACY BENEFIT MANAGERS

Section

3145.10	Purpose and Scope
3145.20	Registration
3145.30	Registration and Renewal Fee

AUTHORITY: Implementing Article XXXIIB, and authorized by Sections 401 and 513b2(e) of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. 10123, effective May 29, 2020; expedited correction at 45 Ill. Reg. 8517, effective May 29, 2020.

Section 3145.30 Registration and Renewal Fee

Each pharmacy benefit manager doing business in this State shall pay a registration fee of \$500.00 on the initial application for registration and ~~biennially~~[biannually](#) thereafter on or before its expiration date, as long as the registration remains active.

(Source: Adopted at 44 Ill. Reg. 10123, effective May 29, 2020; expedited correction at 45 Ill. Reg. 8517, effective May 29, 2020)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

BILANDIC BUILDING
ROOM C600
CHICAGO, ILLINOIS
11:00 A.M.
JULY 13, 2021

NOTICE: JCAR policy is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rulemaking, they should submit written comments to the JCAR Office at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
217/785-2254 jcar@ilga.gov

AGENDA

- I. Attendance Roll Call**
- II. Approval of June 15, 2021 Minutes**
- III. Consideration of Rulemakings/Issues**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAging

89-210-21-02315 EMS

- 1. Introduction (Repealer) (89 Ill. Adm. Code 210)
 - First Notice Published: 45 Ill. Reg. 2315 – 2/26/21
 - Expiration of Second Notice: 7/20/21

89-220-21-01753 EMS

- 2. General Programmatic Requirements (89 Ill. Adm. Code 220)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

- First Notice Published: 45 Ill. Reg. 1753 – 2/16/21
- Expiration of Second Notice: 7/20/21

89-230-21-01764 EMS

3. Older Americans Act Programs (89 Ill. Adm. Code 230)
 - First Notice Published: 45 Ill. Reg. 1764 – 2/16/21
 - Expiration of Second Notice: 7/20/21

Children and Family Services

89-385-20-16009 EMS

4. Background Checks (89 Ill. Adm. Code 385)
 - First Notice Published: 44 Ill. Reg. 16009 – 10/2/20
 - Expiration of Second Notice: 8/18/21

Education

23-1-21-04313 JE

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 45 Ill. Reg. 4313 – 4/9/21
 - Expiration of Second Notice: 8/6/21

23-254-20-19144 JE

6. Vocational Education (Repealer) (23 Ill. Adm. Code 254)
 - First Notice Published: 44 Ill. Reg. 19144 – 12/11/20
 - Expiration of Second Notice: 7/15/21

23-256-20-19269 JE

7. Career and Technical Education (23 Ill. Adm. Code 256)
 - First Notice Published: 44 Ill. Reg. 19269 – 12/11/20
 - Expiration of Second Notice: 7/15/21

23-305-21-02773 JE

8. School Food Services (23 Ill. Adm. Code 305)
 - First Notice Published: 45 Ill. Reg. 2773 – 3/12/21
 - Expiration of Second Notice: 8/6/21

Emergency Management Agency

32-310-21-05249 JE

JOINT COMMITTEE ON ADMINISTRATIVE RULES

9. General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

-First Notice Published: 45 Ill. Reg. 5249 – 4/23/21

-Expiration of Second Notice: 7/28/21

32-501-21-05280 JE

10. Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 Ill. Adm. Code 501)

-First Notice Published: 45 Ill. Reg. 5280 – 4/23/21

-Expiration of Second Notice: 7/28/21

Financial and Professional Regulation

38-120-21-05477 KK

11. Currency Exchange Act (38 Ill. Adm. Code 120)

-First Notice Published: 45 Ill. Reg. 5477 – 4/30/21

-Expiration of Second Notice: 8/5/21

38-125-45-05485 KK

12. The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges (38 Ill. Adm. Code 125)

-First Notice Published: 45 Ill. Reg. 5485 – 4/30/21

-Expiration of Second Notice: 8/5/21

68-1455-21-05286 KK

13. Real Estate Licensing (68 Ill. Adm. Code 1455)

-First Notice Published: 45 Ill. Reg. 5286 – 4/23/21

-Expiration of Second Notice: 8/5/21

Human Services

89-676-21-04063 EMS

14. Program Description (89 Ill. Adm. Code 676)

-First Notice Published: 45 Ill. Reg. 4063 – 3/26/21

-Expiration of Second Notice: 7/31/21

89-677-21-04065 EMS

15. Customer Rights and Responsibilities (89 Ill. Adm. Code 677)

-First Notice Published: 45 Ill. Reg. 4065 – 3/26/21

-Expiration of Second Notice: 7/31/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

89-684-21-04067 EMS

16. Service Planning and Provision (89 Ill. Adm. Code 684)
-First Notice Published: 45 Ill. Reg. 4067 – 3/26/21
-Expiration of Second Notice: 7/31/21

89-686-21-04069 EMS

17. Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)
-First Notice Published: 45 Ill. Reg. 4069 – 3/26/21
-Expiration of Second Notice: 7/31/21

Labor

56-252-20-13221 JE

18. Child Bereavement Leave (56 Ill. Adm. Code 252)
-First Notice Published: 44 Ill. Reg. 13221 – 8/14/21
-Expiration of Second Notice: 7/31/21

Public Health

77-692-21-04090 EMS

19. AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
-First Notice Published: 45 Ill. Reg. 4090 – 3/26/21
-Expiration of Second Notice: 7/17/21

Racing Board

11-510-21-05333 KK

20. Claiming Races (11 Ill. Adm. Code 510)
-First Notice Published: 45 Ill. Reg. 5333 – 4/23/21
-Expiration of Second Notice: 8/8/21

Secretary of State

23-3050-20-18660 JE

21. Public Library Non-Resident Services (23 Ill. Adm. Code 3050)
-First Notice Published: 44 Ill. Reg. 18660 – 11/30/20
-Expiration of Second Notice: 8/2/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

State Fire Marshal

41-141-21-03291 BT

22. Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)

-First Notice Published: 45 Ill. Reg. 3291 – 3/19/21

-Expiration of Second Notice: 7/28/21

Transportation

92-383-21-04884 JE

23. Commercial Driver's License Standards; Requirements and Penalties (92 Ill. Adm. Code 383)

-First Notice Published: 45 Ill. Reg. 4884 – 4/16/21

-Expiration of Second Notice: 7/30/21

EMERGENCY RULEMAKINGSPublic Health

77-250-21-7544E EMS

24. Hospital Licensing Requirements (77 Ill. Adm. Code 250)

-Published: 45 Ill. Reg. 7544 – Eff. 6/7/21

-Expiration: 11/3/21

77-250-21-8096E EMS

25. Hospital Licensing Requirements (77 Ill. Adm. Code 250)

-Published: 45 Ill. Reg. 8096 – Eff. 6/15/21

-Expiration: 11/11/21

77-691-21-07167E EMS

26. African-American HIV/AIDS Response Code (77 Ill. Adm. Code 691)

-Published: 45 Ill. Reg. 7167 – Eff. 5/25/21

-Expiration: 10/21/21

77-955-21-8109E EMS

27. Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

-Published: 45 Ill. Reg. 8109 – Eff. 6/20/21

-Expiration: 11/16/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

PEREMPTORY RULEMAKINGCentral Management Services

80-310-21-07171P EMS

28. Pay Plan (80 Ill. Adm. Code 310)

-Published: 45 Ill. Reg. 7171 – Eff. 5/28/21

EXPEDITED CORRECTIONLabor

56-6000-21-07981CO JE

29. Amusement Ride and Attraction Safety Act (56 Ill. Adm. Code 6000)

-Published: 45 Ill. Reg. 7981 – 6/25/21

AGENCY RESPONSELabor

56-240-20-12728AR JE

30. Employee Classification (56 Ill. Adm. Code 240)

-First Notice Published: 44 Ill. Reg. 12728 – 7/31/20

-Agency Response: Agreement

IV. Announcement of the next JCAR Meeting**V. Adjournment**

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 22, 2021 through June 28, 2021. These rulemakings are scheduled for the July 13, 2021 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
8/5/21	<u>Department of Financial and Professional Regulation</u> , Currency Exchange Act (38 Ill. Adm. Code 120)	4/30/21 45 Ill. Reg. 5477	7/13/21
8/5/21	<u>Department of Financial and Professional Regulation</u> , The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges (38 Ill. Adm. Code 125)	4/30/21 45 Ill. Reg. 5485	7/13/21
8/5/21	<u>Department of Financial and Professional Regulation</u> , Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)	4/23/21 45 Ill. Reg. 5286	7/13/21
8/6/21	<u>Illinois State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	4/9/21 45 Ill. Reg. 4313	7/13/21
8/6/21	<u>Illinois State Board of Education</u> , School Food Services (23 Ill. Adm. Code 305)	3/12/21 45 Ill. Reg. 02773	7/13/21
8/8/21	<u>Racing Board</u> , Claiming Races (11 Ill. Adm. Code 510)	4/23/21 45 Ill. Reg. 5333	7/13/21

DEPARTMENT OF PUBLIC HEALTH

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF RECOMMENDATIONS
TO EMERGENCY RULEMAKING

Agency: Department of Public Health

Heading of the Part: Sexual Assault Survivors Emergency Treatment Code

Code Citation: 77 Ill. Adm. Code 545

Register Citation: 45 Ill. Reg. 6879; June 4, 2021

Agency Response to Joint Committee Statement of Recommendations:

At its meeting on May 18, 2021, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department be more timely in implementing Public Acts related to public health emergencies. P.A. 101-634 became effective on June 5, 2020, and is only effective for approximately 13 months. DPH filed emergency rules to implement this Public Act on April 16, 2021.

The Department of Public Health has reviewed the statement of recommendation from the Joint Committee on Administrative Rules regarding the above-cited rulemaking. The Department is committed to ensuring that any statutorily required change is completed not only as quickly as possible but is also a well-designed rule which implements a policy that is in the best interests of the residents of Illinois. In the future, the Department will strive to ensure that all rules are promulgated in a timely manner.

Ngozi Ezike, MD
Director

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Americans With Disabilities Act and Civil Rights Program Grievance Procedure (4 Ill. Adm. Code 1725)
- 1) Rulemaking:
- A) Description: In Section 1725.10 and Appendix A, the Department on Aging will correct the address listings for its central office location in Springfield, Illinois. Notifications and service using electronic means, including email, and methods when the department cannot confirm delivery via electronic notification and/or service will also be addressed as set out in the Illinois Administrative Procedure Act (5 ILCS 100).
- B) Statutory Authority: 20 ILCS 105/4.01(11); 5 ILCS 100
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/524-7945
aging.rulemaking@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): General Grantmaking (AGE) (44 Ill. Adm. Code 7020)

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The Department on Aging has reserved and will add Part 7020 to reflect Grant Accountability and Transparency Act required rulemaking unique to the Department.
- B) Statutory Authority: 30 ILCS 708
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.
- F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/524-7945
aging.rulemaking@illinois.gov

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): General Programmatic Requirements (89 Ill. Adm. Code 220)

1) Rulemaking:

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

- A) Description: Part 220 will be amended or repealed as necessary to: (1) update outdated language or provisions to provide consistency throughout the rulemaking; (2) correct the address listing in Section 220.503 for the central office location of the Department in Springfield, Illinois. Notifications and service using electronic means, including email, and methods when the department cannot confirm delivery via electronic notification and/or service will also be addressed as set out in the Illinois Administrative Procedure Act (5 ILCS 100); (3) update appeals and hearing process; (4) update outdated language regarding the designation and acquisition of case coordination units, care coordination units, and service providers.
- B) Statutory Authority: 20 ILCS 105/4, 4.01(4), 4.01(11), and 4.02; 5 ILCS 100
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.
- F) Agency contact person for information:
- James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/524-7945
aging.rulemaking@illinois.gov
- G) Related rulemakings and other pertinent information: None

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

- d) Part (Heading and Code Citation): Older Americans Act Programs (89 Ill. Adm. Code 230)
- 1) Rulemaking:
- A) Description: Part 230 will be amended or repealed as necessary to: (1) update outdated language and provisions for providers of nutrition services; (2) update outdated language regarding the designation and acquisition of case coordination units, care coordination units, and service providers.
- B) Statutory Authority: 20 ILCS 105/4.01; 5 ILCS 100
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-or-profit corporations: Entities include congregate meal providers, home-delivered meal providers, and Area Agencies on Aging for the Department.
- F) Agency contact person for information:
- James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/524-7945
aging.rulemaking@illinois.gov
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Community Care Program (89 Ill. Adm. Code 240)

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Part 240 will be amended or repealed as necessary in order to (1) update provisions to reflect federal regulations regarding the 1915(c) Medicaid Persons who are Elderly Waiver; (2) review and address as needed the issues raised by commenters that were outside of the scope of previous rulemaking; (3) propose amendments to add mobile phone capability option to emergency home response service (EHRS); (4) propose amendments to add falls prevention options to emergency home response service (EHRS); (5) propose updates to the participant financial eligibility criteria; (6) propose amendments to clean up words/phrases for consistency throughout the rules, including outdated citations and language; (7) propose amendments for rate adjustments to maximum payment levels for in-home service and adult day service CCP providers; (8) propose amendments to update training requirements for in home service providers; propose updates to the Person-Centered Planning Process; (9) Notifications and service using electronic means, including email, and methods when the department cannot confirm delivery via electronic notification and/or service will also be addressed as set out in the Illinois Administrative Procedure Act (5 ILCS 100).
- B) Statutory Authority: 20 ILCS 105/4.01(11) and 4.02; 5 ILCS 100
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Entities serving as In-Home Service (INH) Provider Agencies, Care Coordination Units (CCUs), Adult Day Service (ADS) Provider Agencies, Emergency Home Response Service (EHRS) Provider Agencies, Automated Medication Dispenser (AMD) Provider Agencies, and the Area Agencies on Aging (AAAs) for the Department on Aging under the Community Care Program.
- F) Agency contact person for information:

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/524-7945
aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Adult Protection and Advocacy Series (89 Ill. Adm. Code 270)

1) Rulemaking:

- A) Description: Part 270 will be updated by proposing amendments to: (1) the subject matter that may be reviewed by Fatality Review Teams and Multi-Disciplinary Teams; (2) expand collaboration with law enforcement; (3) notification and registry process; (4) update definitions; (5) time frames for investigative documentation; (6) educational requirements for case workers; (7) implement recommendations from the Elder Abuse Task Force Report 2020.
- B) Statutory Authority: 20 ILCS 105/4, 4.01(4), and 4.01(11); 320 ILCS 20/3, 4, 6, 7.5, 10, 15(g); 5 ILCS 100
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/524-7945
aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None2) Rulemaking:

A) Description: Part 270 will be updated by proposing amendments to: (1) Ombudsman emergency response procedures; (2) Ombudsman designation and grievance procedures.

B) Statutory Authority: 20 ILCS 105/4.04, 4.01(4), and 4.01(11); 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date Agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

DEPARTMENT ON AGING

JULY 2021 REGULATORY AGENDA

217/524-7945

aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): Pay Plan 80 Ill. Adm. Code 3101) Rulemaking: Proposed AmendmentsA) Description: Projected amendments to the Department of Central Management Services' Pay Plan include revisions to the following sections:

In Section 310.47, the revisions are to in-hiring rates based on bargaining unit agreements, trainee programs, or the Director of Central Management Services decision.

In Section 310.410, the revisions are to include MS-salary range assignments to newly established classifications, or to existing classifications when bargaining unit negotiations are complete, or when the Illinois Labor Relations Board issues a decision regarding bargaining unit representation.

In section 310.480, the revisions are expected to better align existing Pay Plan provisions to the policy guidance accompanying the passage of the Equal Pay Act.

In various sections, the revisions are to include policy provisions changed when the Illinois Labor Relations Board issues a decision regarding bargaining unit representation or when a court issues a decision.

In various sections, the revisions are to classifications established, revised, or abolished with the approval of the Civil Service Commission.

In various sections, the revisions are to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

In various sections, the revisions are to align the Pay Plan with procedural changes expected due to implementation of an enterprise-wide human capital management (IT personnel software) system.

B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2021 REGULATORY AGENDA

415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.
- D) Date Agency anticipates First Notice: Proposed amendments based on new, revised, or abolished classifications will be filed as the classification actions are approved by the Civil Service Commission.

Proposed amendments for the other revisions will be filed as the policies are prepared by the Director of Central Management Services after consultation with operating agency heads and the Director of the Governor's Office of Management and Budget and approved by the Governor.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.
- F) Agency contact person for information:

Mr. Jason R. Doggett
Compensation Manager
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-4267
fax: 217/524-4570

CMS.PayPlan@Illinois.gov

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2021 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

CHIEF PROCUREMENT OFFICER FOR THE
ILLINOIS DEPARTMENT OF TRANSPORTATION

JULY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Chief Procurement Officer for the Department of Transportation – Contract Procurement; 44 Ill. Admin Code 6

1) Rulemaking:

- A) Description: The Chief Procurement Officer for the Department of Transportation (CPO) will be amending this Part, as necessary, to reflect changes made to 30 ILCS 500 by the 101st General Assembly.
- B) Statutory Authority: 30 ILCS 500
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Winter 2022
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small Businesses could be affected
- F) Agency contact person for information:

Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield IL 62764

217/558-5434

- G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Registration and Operator Requirements for Radiation Installations (32 Ill. Adm. Code 320)

1) Rulemaking: Proposed Amendment

- A) Description: The Agency will propose amendments to update categories and requirements to coincide with the appropriate public safety level for x-ray units.
- B) Statutory Authority: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments could affect all of these entities if they possess x-ray machines.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)

1) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2021 REGULATORY AGENDA

- A) Description: The Agency will propose amendments to Section 330.310 to add radiopharmaceutical generator eluate testing requirements for radiopharmacy manufacturers and to Section 330.260 to revise radiopharmacist training and attestation requirements. These amendments are required to be adopted by the Agency to maintain compatibility with the U.S. Nuclear Regulatory Commission.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website. A draft of the amendments is currently located on the Agency's Proposed Regulations webpage.
- D) Date Agency anticipates First Notice: August 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities will not be impacted. Small businesses and not-for-profit corporation may be affected if they have a radioactive material license for medical use. The cost of these changes should be minimal.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: These revisions make training and generator testing requirements compatible with the corresponding changes in 32 Ill. Adm. Code 335 for hospitals and authorized user physicians.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2021 REGULATORY AGENDA

c) Part (Heading and Code Citation): Fees for Calibration Services (32 Ill. Adm. Code 333)1) Rulemaking: Proposed Amendment

- A) Description: The Agency plans to propose amendments to Part 333 to update the regulation and reduce duplicative provisions.
- B) Statutory Authority: Implementing and authorized by Section 25(g) of the Radiation Protection Act of 1990 [420 ILCS 40/25(g)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities may be affected if they use the Agency's calibration services.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Fees for By-Product Material Licenses (32 Ill. Adm. Code 334)1) Rulemaking: Proposed Amendment

- A) Description: The Agency plans to propose amendments to Part 334 to update the regulation and reduce duplicative provisions.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2021 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website.
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency does not currently anticipate any effects to these entities.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Medical Use of Radioactive Material (32 Ill. Adm. Code 335)

- 1) Rulemaking: Proposed Amendment

- A) Description: The Agency will propose amendments to increase eluate sampling for radiopharmaceuticals; add new terms such as Associate Radiation Safety Officer and Ophthalmic Physicist; change requirements to written directives and event reporting for permanent brachytherapy to give physicians latitude in establishing treatment parameters; change physician training requirements for 3rd party attestations; and, provide exemptions for certain board-certified individuals. Many of these

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JULY 2021 REGULATORY AGENDA

amendments are required to maintain compatibility with the U.S. Nuclear Regulatory Commission.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register* and on IEMA's website. A draft of the amendments is currently located on IEMA's Proposed Regulations website.
- D) Date Agency anticipates First Notice: August 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not impact small municipalities. Small businesses and not-for-profit corporations may be impacted if they have a radioactive material license for medical use. Generally, the amendments should benefit the medical community with medical diagnostic and therapeutic uses and reporting. Costs should be minimal.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: A corresponding change will be made to 32 Ill. Adm. Code 330 for nuclear pharmacists that prepare radiopharmaceuticals.

DEPARTMENT OF EMPLOYMENT SECURITY

JULY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): Recovery of Benefits, (56 Ill. Adm. Code 2835)1) Rulemaking:

- A) Description: Anticipating upcoming enactment of recently passed legislation, the Department will be considering a rule to implement the waiver of recovery of an overpayment of unemployment insurance benefits under the conditions set forth in the legislation.
- B) Statutory Authority: Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: October 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed rulemaking should have no direct impact on employers.
- F) Agency contact person for information:
- 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
- G) Related rulemaking and other pertinent information: None

HUMAN RIGHTS COMMISSION

JULY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): Procedural Rules (56 Ill. Adm. Code 5300)1) Rulemaking:

- A) Description: Pursuant to P.A. 100-1066, eff. 8-24-18, clarifies the rights of the respondent on the charge, in the case of dismissal, or the complainant, in the case of default, to file a response to the request for review. Pursuant to Executive Order 2020-18, 2010 effective 04/01/2020 and 06/20/20, which states that for the preservation of public health and safety throughout the entire State of Illinois, requires all individuals currently living within the State of Illinois are ordered to stay at home or at their place of residence. The Commission's rules will allow parties to file all motions, orders, notices and other pleadings by electronic mail.
- B) Statutory Authority: Authorized by Sections 8-102(E) of the Illinois Human Rights Act [775 ILCS 8-102(E)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: During the next six months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Evelio Mora
Assistant General Counsel
Illinois Human Rights Commission
100 W. Randolph St., Ste. 5-100
Chicago IL 60601
- 312/814-1914 or T.T.Y. 312/814-4760
- G) Related rulemaking and other pertinent information: None

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Acquisition of Control of a Domestic Company (50 Ill. Adm. Code 651)

1) Rulemaking:

- A) Description: 50 Ill. Adm. Code 913.Illustration A is being repealed and replaced by the use of the NAIC Biographical Affidavit form. Item 3 of Part 651.Illustration A will be revised to reflect this change.
- B) Statutory Authority: Implementing Article VIII½ and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Section 401].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Marcy Savage
Assistant Deputy Director, Corporate Regulation Section
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767
- 217/524-0016
- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 913, 915, 2905

- b) Part (Heading and Code Citation): Registration of Insurers (50 Ill. Adm. Code 652)

1) Rulemaking:

- A) Description: The rule is being amended to change guidance regarding the filing of UCP financial statements.

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

Also, changes to the Holding Company Act (215 ILCS 5/Article VIII 1/2) are currently under consideration that would require insurance groups to file a Group Capital Calculation with their lead state regulator. The proposed amendment provides further guidance for companies submitting a group capital calculation.

The amendments are currently being considered by the NAIC to be included as an accreditation standard effective November 2022.

- B) Statutory Authority: Implementing Article VIII½ and authorized by Sections 131.13 and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII½ and Sections 131.13 and 401].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Eric Moser
Assistant Deputy Director, Financial Analysis
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

Susan Berry
Group Solvency Specialist
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/782-1759

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Securities Regulation (50 Ill. Adm. Code 913)

1) Rulemaking:

A) Description: Part 913.ILLUSTRATION A is an outdated biographical affidavit form that is no longer being used; the NAIC form is currently in use. Part 913.Illustration A needs to be repealed and references to it need to be changed to refer to the NAIC Biographical Affidavit form instead. Additionally, housekeeping changes will be made throughout the rule.

B) Statutory Authority: Implementing Sections 20, 32, 32.1 and 147.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/20, 32, 32.1, 147.1 and 401].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Fall 2021

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Marcy Savage
Assistant Deputy Director, Corporate Regulation Section
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/524-0016

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 651, 915, 2905

d) Part (Heading and Code Citation): Management Information Reports (50 Ill. Adm. Code 915)

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Part 913.ILLUSTRATION A is an outdated biographical affidavit form that is no longer being used; the NAIC form is currently in use. Part 913 is being amended to remove ILLUSTRATION A, and references to it within Part 915 need to be changed to refer to the NAIC Biographical Affidavit form instead. Additionally, housekeeping changes will be made throughout the rule.
- B) Statutory Authority: Implementing Section 155.04 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.04 and 401].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Marcy Savage
Assistant Deputy Director, Corporate Regulation Section
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/524-0016

- G) Related rulemakings and other pertinent information: Parts 651, 913, 2905

e) Part (Heading and Code Citation): Credit for Reinsurance Ceded (50 Ill. Adm. Code 1104)

1) Rulemaking:

- A) Description: Changes to the Reinsurance Act (215 ILCS 5/Article XI) are currently under consideration that would allow the Director to recognize

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

Reciprocal Jurisdictions. The proposed amendment provides further guidance for companies domiciled in a reciprocal jurisdiction offering reinsurance to and Illinois domiciled insurer.

The amendments are an NAIC accreditation standard effective September 2022.

- B) Statutory Authority: Implementing Sections 173 and 173.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations:
- F) Agency contact person for information:

Susan Berry
Group Solvency Specialist
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767-0001

217/782-1759

- G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Registration of Workers' Compensation Utilization Review Organizations (50 Ill. Adm. Code 2905)

1) Rulemaking:

- A) Description: Exhibit B of Part 2905 is the Utilization Review Organization Officers and Directors Biographical Affidavit. The requirements in Exhibit B are contained in the current NAIC Biographical Affidavit. Section 2905.20 will be revised to note the use of the current

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

NAIC Biographical Affidavit and remove the reference to Exhibit B. Housekeeping changes will also be made to the Definitions Section.

- B) Statutory Authority: Implementing Section 8.7 of the Workers' Compensation Act [820 ILCS 305/8.7] and authorized by Section 8.7 of the Workers' Compensation Act and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated
- F) Agency contact person for information:

Shannon Whalen
Chief Deputy Director, Product Lines
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767-0001

217/558-2757

- G) Related rulemakings and other pertinent information: Parts 651, 913, 915

g) Part (Heading and Code Citation: Licensing of Public Adjusters (50 Ill. Adm. Code 3118)

1) Rulemaking:

- A) Description: Changes are necessary to more clearly define the law and requirements of licensed Public Adjusters and Public Adjuster Business Entities conducting business in the State of Illinois. This clarification is necessary for consumers, Public Adjusters, insurers and Department regulators. In addition, it will allow the Department to more efficiently investigate, examine and regulate the profession.

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

- B) Statutory Authority: Implementing Article XLV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XLV and 401].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Justin Hammersmith, Deputy Director
Enforcement/Investigations
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

312/814-1767

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Suitability in Annuity Transactions (50 Ill. Adm. Code 3120)

1) Rulemaking:

- A) Description: The proposed rule amends Part to conform with recent changes to the National Association of Insurance Commissioner's (NAIC) Suitability in Annuity Transactions Model Regulation that was modified in the first quarter of 2020. The changes are designed to strengthen the present regulation by requiring producers, as defined in this regulation, to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed.

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jeff Varga
Deputy Director Life and Annuity Products
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767-0001

217/785-5987

- G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 Ill. Adm. Code 4404)

1) Rulemaking:

- A) Description: Part 4404.Illustration A will be repealed or amended to delete a request for the participant's Social Security Number and to add requests for other relevant information.
- B) Statutory Authority: Implementing Section 3-110 and 3-110.7, and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7].
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date Agency anticipates First Notice: Fall 2021

DEPARTMENT OF INSURANCE

JULY 2021 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/782-1756

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Relations (20 Ill. Adm. Code 2203)1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments that will update this Part to align with current Department practices and Administrative Code style.
- B) Statutory Authority: 730 ILCS 5/3-2.5-20 and 3-7-1
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: August 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Records of Youth (20 Ill. Adm. Code 2207)1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments to this Part will implement Public Act 100-765 that amended Section 5-750 of the Juvenile Court Act [705 ILCS 405] to include copies of the committing petition and a report detailing the minor's criminal history to the list of documents court clerks are required to forward to the

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

Department when a youth is committed to the Department. Additionally, the Department plans to update this Part to align with current Department practices and Administrative Code style.

- B) Statutory Authority: 730 ILCS 5/3-2.5-20, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-7-1, 3-10-1, 5-4-1, 5-4.5-100 and 5-8-6; 705 ILCS 405/1-7. Subpart B is also implementing two Consent Decrees (Beavers vs. Sielaff, #75 C 317, N.D. Ill., 1977, and Lower vs. Franzen, #78 C 1870, N.D. Ill., 1980) and 735 ILCS 5/8-802
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: December 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Rules of Conduct (20 Ill. Adm. Code 2220)

1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments that will update this Part to align with current Department practices and Administrative Code style.

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

- B) Statutory Authority: 730 ILCS 5/3-2.5-20 and 3-7-1; 5 ILCS 430/5-15, 10-10, 10-15, and 20-70; 18 USC 922; 720 ILCS 5/24-3.1(4).
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: September 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Re-Entering Citizens Civics Education Act (20 Ill. Adm. Code 2406)

1) Rulemaking:

- A) Description: The Department of Juvenile Justice creating a new Part to implement Public Act 101-441 and SB 2116. This Part will include the curriculum for the class. Subjects will include voting rights, governmental institutions, current affairs, and simulations of voter registration, election and democratic processes. This rulemaking will also include how co-facilitators will be selected and trained.
- B) Statutory Authority: 730 ILCS 5/3-2.5-20 and 730 ILCS 200/30
- C) Scheduled meeting/hearing dates: None have been scheduled.

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: December 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Security (20 Ill. Adm. Code 2501)

- 1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments to rules regarding the use of confinement and restraints as required by court order entered pursuant to the Consent Decree in the matter of R.J. vs. Mueller, #12-CV-07289, N.D. Ill., 2012. Specifically, factors that shall be considered when using physical intervention are listed. Factors include the physical size and ability of the individuals involved, number of individuals, proximity of contraband, mental and physical health factors and pace of the committed youth's behavioral escalation. Requirements for the use of physical intervention such as staff perceived an immediate risk of serious harm, no other practical way to prevent harm and the risk of not intervening is greater than the risk of intervening are listed. Chief Administrative Officers at each facility will be required to establish local procedures for use of physical intervention. Items that must be part of the local policy include designating a shift team leader, ensuring a cross-functional team is in place to reinforce de-escalation techniques and how mechanical and chemical restraints are stored. Justifiable uses of physical intervention will be updated to reflect Section 3-6-4 of the Unified Code

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

of Corrections. Provisions regarding use of deadly force will be removed. Section 2501.50 (Firearms Authorization) will be repealed as Department staff do not carry firearms while on duty. Section 2501.70 (Use of Chemical Agents in Rooms (Consent Decree)) will also be repealed. This rulemaking will implement PA 100-1051 regarding the use of physical restraints on committed youth while hospitalized. This rulemaking will clarify transgender committed youth shall be allowed to choose the gender of the staff who will conduct pat-downs, strip and body cavity searches. Other updates will include changes to align this Part with current Administrative Code style.

- B) Statutory Authority: 720 ILCS 5/7-1, 7-3, 7-9 and 31A-1.1; 725 ILCS 5/Art. 10, and 730 ILCS 5/3-2.5-20, 3-4-3, 3-6-2, 3-6-4, 3-7-1, 3-7-2, 3-7-4, 3-10-1, 3-10-8 and 3-10-9
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: November 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov

- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Safety, Maintenance and Sanitation (20 Ill. Adm. Code 2502)
 - 1) Rulemaking:

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

- A) Description: The Department of Juvenile Justice anticipates amendments to rules that will include changes to align this Part with current Administrative Code style.
- B) Statutory Authority: 730 ILCS 5/3-7-2, 3-14-1 and 3-7-1
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: December 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov

- G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Discipline and Grievances (20 Ill. Adm. Code 2504)

1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments to rules regarding the use of confinement and restraints as required by court order entered pursuant to the Consent Decree in the matter of R.J. vs. Mueller, #12-CV-07289, N.D. Ill., 2012. Specifically, this rulemaking will update the provisions for preparing disciplinary reports. Disciplinary reports must be prepared when Department staff observe a committed youth committing an offense or receives information from a reliable witness who saw the offense. This rulemaking will repeal Section 2504.40 (Temporary Confinement). Review of disciplinary reports will also be

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

updated to require the reviewing officer to review all reports within 12 hours after completion of the report. This Section will detail when further investigation is required and clarify that serving the discipline report on the committed youth begins the disciplinary proceeding. This rulemaking will update the general confinement requirements to clarify committed youth may only be placed in confinement when the committed youth is under investigation, poses a serious threat or is awaiting transport. This rulemaking will add Sections detailing the process for putting a committed youth in investitive status, in an administrative hold or a behavioral hold. The process for youth grievances will be updated to ensure the Grievance Officer promptly refers emergency grievances to the Chief Administrative Officer. Other grievances will be referred to Department Staff as outlined in the rulemaking. Common issues committed youth may file a grievance for will be listed. The committed youth grievance appeal process will be updated to reflect that the Chief Administrative Officer will review the appeal within 30 days after receipt. A committed youth may appeal the Chief Administrative Officer's decision to the Director within 30 days after receiving the response. Section 2504.370 (Direct Review by the Administrative Review Board) is being repealed. Other updates will include changes to align this Part with current Administrative Code style.

- B) Statutory Authority: 730 ILCS 5/3-2.5-20, 3-5-2, 3-6-3, 3-10-8 and 3-10-9
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: December 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

217/557-1030

DJJ.Rules@illinois.gov

G) Related rulemakings and other pertinent information: Noneh) Part (Heading and Code Citation): Rights and Privileges (20 Ill. Adm. Code 2525)1) Rulemaking:

- A) Description: The Department of Juvenile Justice anticipates amendments to the Part regarding the use of confinement and restraints as required by court order entered pursuant to the Consent Decree in the matter of R.J. vs. Mueller, #12-CV-07289, N.D. Ill., 2012. Specifically, this rulemaking will update the provisions regarding non-contact visits for committed youth to those committed youth who display improper behavior during visits or who are extremely high escape risks. The Chief Administrative Officer will approve visitors for committed youth on a case-by-case basis based on the needs of the committed youth and the relationship of the visitor. The age of visitors who must be on the approved visitor list will be raised to 18 from 17. The provision limiting committed youth to updating his or her approved visitor list a maximum of once a month is being removed. Video conferencing will be added as an option for committed youth and when approved by the Chief Administrative Officer. This rulemaking will clarify all committed youth are subject to a body search immediately after a visit to ensure no contraband was exchanged during the visit. If a committed youth is hospitalized, those individuals on the committed youth's approved visitor log will be permitted to visit the committed youth in the hospital. This rulemaking will clarify that a publication may not be rejected solely because it is religious, philosophical, political, social or sexual or because its contents are unpopular or repugnant. The process to approve publications will be streamlined. If a publication is denied, the committed youth may file a grievance in accordance with 20 Ill. Adm. Code 2504.Subpart C within 60 days after the date the publication is not approved. Other changes will update the language of the Part to align with current Department practices and Administrative Code standards.

DEPARTMENT OF JUVENILE JUSTICE

JULY 2021 REGULATORY AGENDA

- B) Statutory Authority: 705 ILCS 405/1-3 and 730 ILCS 5/3-2.5-20, 3-7-1, 3-7-2, 3-8-7(a), 3-10-8 and 3-10-9
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: October 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Lindsay Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St
Springfield IL 62704

217/557-1030
DJJ.Rules@illinois.gov
- G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JULY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Appeals before the Property Tax Appeal Board (86 Ill. Adm. Code 1910).

1) Rulemaking:

- A) Description: The Property Tax Appeal Board anticipates amending the following rules:

Section 1910.12(b) – Eliminate the requirement that a person must give 10-days advance notice of the request to address the Property Tax Appeal Board during a regularly scheduled meeting.

Section 1910.20(a) – Provide that electronic communications may be sent to the Clerk of the Property Tax Appeal Board at PTA.Clerk@illinois.gov.

Section 1910.25(b) – Provide that documentation sent to the Property Tax Appeal Board by a delivery service other than the United States Mail shall be considered filed on the date sent as stated on the Certificate of Mailing, which must accompany these filings.

Section 1910.30(a) – Provide that appeals may be filed with the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means.

Section 1910.30(c) – Provide that a separate petition must be filed for each separately assessed parcel except for contiguous single-owner parcels that constitute a single property and for condominiums.

Section 1910.30(m) – To provide that when an interested taxing body files an appeal it must furnish the name and address of the property owner, the name and address of the taxpayer of the property if different than the owner, the name and address of the registered agent of the corporate owner or taxpayer, or the name and address of the any partner or registered agent of a partnership owner or taxpayer. Provide that when an interested taxing body files an appeal on property owned by a corporation it must serve a copy of the appeal petition with the registered agent of the corporation by mail. Provide that when an interested taxing body files an appeal on property owned by a partnership it must serve a copy of the

PROPERTY TAX APPEAL BOARD

JULY 2021 REGULATORY AGENDA

appeal petition with any partner or the registered agent of the partnership by mail.

Section 1910.30 – Add a provision for the collection of a non-refundable filing fee when an appeal is filed.

Section 1910.40(a) - Provide that the board of review may submit its completed Board of Review Notes on Appeal and evidence to the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means.

Section 1910.60(a) - Provide that an intervenor may submit its Request to Intervene, resolution and evidence to the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means. Provide for the collection of a non-refundable filing fee to intervene in an appeal.

Section 1910.77(a) – Provide an attorney who wishes to withdraw from representation of a party must include in the proof of service notification to the client.

Section 1910.90(l) – Provide that a decision may be sent to a party through electronic means, except that, if the party is represented by an attorney, the notice shall go to the attorney at the e-mail address provided by the attorney in the pleadings.

- B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Summer 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael O'Malley

PROPERTY TAX APPEAL BOARD

JULY 2021 REGULATORY AGENDA

Executive Director & General Counsel
Property Tax Appeal Board
Suburban North Regional Office
9511 W. Harrison St., Suite LL-54
Des Plaines IL 60016

847/294-4121

fax: 847/294-4799

Michael.OMalley@illinois.gov

- G) Related rulemakings and other pertinent information: The Property Tax Appeal Board filed a Notice of Proposed Amendment that appeared in the *Illinois Register* on May 28, 2021, Volume 45, Issue 22, to amend Section 1910.67 to allow for electronic/virtual hearings.

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Provisions (23 Ill. Adm. Code 2700)1) Rulemaking:

- A) Description: This Part is being revised to add the definition of qualified bilingual minority applicant, due to expanded eligibility criteria for the Minority Teachers of Illinois (MTI) Scholarship Program resulting from P.A. 101-0654, which was signed into law on March 8, 2021, and to incorporate necessary changes from pending legislation (SB 1085), anticipated to shortly be signed into law.
- B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704
- 217/782.5161
jackie.eckley@illinois.gov
- G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2021 REGULATORY AGENDA

- b) Part (Heading and Code Citation): Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)
- 1) Rulemaking:
- A) Description: This Part is being revised to incorporate necessary program changes from pending legislation (HB 1290), anticipated to shortly be signed into law.
- B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704
- 217/782.5161
jackie.eckley@illinois.gov
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JULY 2021 REGULATORY AGENDA

1) Rulemaking:

- A) Description: This Part is being revised to incorporate necessary program changes from P.A. 101-0654, which was signed into law on March 8, 2021.
- B) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
- D) Date Agency anticipates First Notice: July 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782.5161
jackie.eckley@illinois.gov

- G) Related rulemakings and other pertinent information: None

EXECUTIVE ORDER

2021-14
EXECUTIVE ORDER 2021-14
(COVID-19 EXECUTIVE ORDER NO. 83)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,390,000, and taking the lives of more than 23,100 residents; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who are not fully vaccinated and who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, the CDC continues to advise that cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

WHEREAS, the CDC advises that schools continue to use the COVID-19 prevention strategies outlined in the CDC's Operational Strategy for K-12 Schools for at least the remainder of the 2020-2021 academic school year; and,

WHEREAS, the CDC continues to advise that day care providers use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 23,100 Illinoisans and negatively impacting the physical health of tens of thousands more, COVID-19 has caused extensive

EXECUTIVE ORDER

economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, many executive agencies in the State continue to focus their limited resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and,

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and,

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and,

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and,

WHEREAS, on June 25, 2021, 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 declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-04, 2020-07, 2020-09, 2020-11, 2020-12, 2020-15, 2020-20, 2020-21, 2020-23, 2020-24, 2020-27, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-45, 2020-47, 2020-50, 2020-57, 2020-68, 2021-03, 2021-07, 2021-12, and 2021-13 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective June 25, 2021:

Part 1: Re-Issue of Executive Orders.

EXECUTIVE ORDER

Executive Orders 2020-04, 2020-07, 2020-09, 2020-11, 2020-12, 2020-15, 2020-20, 2020-21, 2020-23, 2020-24, 2020-27, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-40, 2020-45, 2020-47, 2020-50, 2020-57, 2020-68, 2021-03, 2021-07, 2021-12, and 2021-13 are hereby re-issued as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **July 24, 2021**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **July 24, 2021**, whereafter Section 6 shall be rescinded.

Executive Order 2020-09 (Telehealth):

Sections 9 and 10 of Executive Order 2020-09 are re-issued and extended through **July 24, 2021**.

Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Executive Order 2020-09, as amended by Executive Order 2020-52, are re-issued and extended through July 24, 2021 or until corresponding legislation (HB 3308, as passed by the 102nd General Assembly) is enacted and takes effect, whichever occurs first.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **July 24, 2021**.

Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Section 3 of Executive Order 2020-12 is re-issued and extended through **July 24, 2021**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

EXECUTIVE ORDER

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **July 24, 2021**.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **July 24, 2021** or until corresponding legislation (HB 1957, as passed by the 102nd General Assembly) is enacted and takes effect, whichever occurs first.

Executive Order 2020-30 (Expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Sections, 1, 4, 5, and 6 of Executive Order 2020-30 are re-issued and extended through **July 24, 2021**.

Executive Order 2020-34 (Cannabis requirements):

EXECUTIVE ORDER

Executive Order 2020-34 is re-issued in its entirety and extended through **July 24, 2021** or until corresponding legislation (HB 1443, as passed by the 102nd General Assembly) is enacted and takes effect, whichever occurs first.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Section 14 of Executive Order 2020-35 is re-issued and extended through **July 24, 2021**, whereafter Section 14 shall be rescinded.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-40 (Child Labor Law):

Sections 2 and 4 of Executive Order 2020-40 are re-issued and extended through **July 24, 2021**.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47, as amended by Executive Order 2021-11, is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2020-57 (Cannabis identification cards):

Executive Order 2020-57 is re-issued in its entirety and extended through **July 24, 2021** or until corresponding legislation (HB 1443, as passed by the 102nd General Assembly) is enacted and takes effect, whichever occurs first.

EXECUTIVE ORDER

Executive Order 2020-68 (Cannabis registry identification card renewals):

Executive Order 2020-68, as amended by Executive Order 2021-05, is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2021-03 (Regional mitigation metrics):

Executive Order 2021-03 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2021-07 (Suspending provisions of the Illinois Energy Assistance Act):

Executive Order 2021-07 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2021-12 (Phase 5 reopening):

Executive Order 2021-12 is re-issued in its entirety and extended through **July 24, 2021**.

Executive Order 2021-13 (Residential eviction moratorium):

Sections 1, 2, 4, 5, 7, and 8 Executive Order 2021-13, as amended and revised below, are re-issued and extended through **July 24, 2021**.

Section 4. All state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential premises entered against a Covered Person ~~or Non-Covered Person~~, unless that person has been found to pose a direct threat to the health and safety of other tenants or an immediate and severe risk to property. This section shall not apply to orders entered before March 20, 2020 ~~and, beginning on June 25, 2021, or~~ to orders entered against Non-Covered Persons. Enforcement of eviction orders must conform with the requirements of 735 ILCS 5/9-117.

Part 2: Savings Clause. 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 June 25, 2021

Filed by the Secretary of State June 25, 2021

PROCLAMATION

2021-122

Gubernatorial Disaster Proclamation

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,390,000, and taking the lives of more than 23,100 residents; and,

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported nearly 180 million confirmed cases of COVID-19 and nearly 3.9 million deaths attributable to COVID-19 globally; and,

WHEREAS, despite efforts to contain COVID-19, the virus has continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

WHEREAS, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death, but a proportion of the population remains unvaccinated and some residents, including younger children, cannot yet receive the vaccine; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

WHEREAS, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), covering all states and territories, including Illinois; and,

WHEREAS, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

PROCLAMATION

WHEREAS, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on July 24, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on August 21, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on September 18, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on October 16, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on November 13, 2020, due to the increased spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

PROCLAMATION

WHEREAS, on December 11, 2020, due to the continued rapid spread of COVID-19 in Illinois, the health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on January 8, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on February 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on March 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 2, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on April 30, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, on May 28, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, as circumstances surrounding COVID-19 have evolved and new evidence emerges, there have been frequent changes in information and public health guidance; and,

WHEREAS, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body's immune response, has made the virus's effects and its path difficult to predict; and,

WHEREAS, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and,

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recently updated its guidance for fully vaccinated people, indicating that they can resume numerous activities without

PROCLAMATION

wearing a mask or staying 6 feet apart, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and,

WHEREAS, the CDC continues to advise that cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

WHEREAS, the CDC advises that schools continue to use the COVID-19 prevention strategies outlined in the CDC's Operational Strategy for K-12 Schools for at least the remainder of the 2020-2021 academic school year; and,

WHEREAS, the CDC continues to advise that day care providers continue to use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and

WHEREAS, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who are not fully vaccinated and who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

WHEREAS, as of today, there have been over 1,390,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

WHEREAS, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

WHEREAS, as of today, more than 23,100 residents of Illinois have died due to COVID-19; and,

WHEREAS, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

PROCLAMATION

WHEREAS, while the number of new COVID-19 cases in Illinois has decreased recently, the virus continues to infect too many individuals and claim the lives of too many Illinoisans each day; and,

WHEREAS, the COVID-19 pandemic is not limited to the most populous counties, and all regions of the State continue to face significant COVID-19 risk; and,

WHEREAS, without precautions COVID-19 can spread exponentially, even in less populous areas; and,

WHEREAS, the State and the Illinois Department of Public Health have developed and continued to update a detailed mitigation plan to trigger additional precautions when regions meet certain risk levels; and,

WHEREAS, the U.S. has surpassed 33.4 million total cases and 600,000 deaths; and,

WHEREAS, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

WHEREAS, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

WHEREAS, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

WHEREAS, while the State continues to make every effort to ensure an adequate supply of PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State may face a life-threatening shortage of critical supplies for health care workers and first responders; and,

PROCLAMATION

WHEREAS, Illinois continues to use a significant number of hospital beds and ICU beds; and, if COVID-19 cases surge, the State could face a shortage of critical health care resources; and,

WHEREAS, Illinois now has tested more than 25.6 million total specimens for COVID-19; and,

WHEREAS, in addition to causing the tragic loss of more than 23,100 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, nationwide, more than 75 million people have filed unemployment claims since the start of the pandemic; and,

WHEREAS, the Illinois Department of Employment Security announced that the State's unemployment rate continues to be high; and,

WHEREAS, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways, including through the Pandemic Unemployment Assistance program; and,

WHEREAS, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

WHEREAS, many executive agencies in the State continue to focus significant resources on the ongoing response to the COVID-19 pandemic; and,

WHEREAS, many State agencies will have a role in administering American Rescue Plan and Coronavirus State and Local Fiscal Recovery Funds over the coming months; and,

WHEREAS, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and

WHEREAS, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and

PROCLAMATION

WHEREAS, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and

WHEREAS, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and

WHEREAS, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

WHEREAS, access to housing helps prevent spread of COVID-19 because individuals with housing are able to minimize physical contact with those outside their households; and,

WHEREAS, temporarily halting eviction proceedings avoids numerous interactions associated with being evicted, including with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who agree to provide temporary housing, as well as, for those who are forced into homelessness, the interactions associated with taking refuge in a shelter; and,

WHEREAS, preventing spread by temporarily halting eviction proceedings thus also continues to help prevent spread of COVID-19 in the broader community; and,

WHEREAS, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

WHEREAS, based on the foregoing facts, and considering the rapid spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

WHEREAS, based on the foregoing, the continuing burden on hospital resources, the ongoing potential that the State could face shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to continue to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

PROCLAMATION

WHEREAS, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

WHEREAS, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

WHEREAS, this proclamation will assist Illinois agencies in coordinating State and Federal recovery funds; and,

WHEREAS, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

WHEREAS, the Illinois Constitution, in Article V, Section 8, provides that "the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws," and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety, and welfare of the people";

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

Section 2. The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

PROCLAMATION

Section 3. The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

Section 4. The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

Section 5. To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

Section 6. Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

Section 7. The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

Section 8. The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to continue to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

Section 9. All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

Section 10. Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of

PROCLAMATION

or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

Section 11. This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 12. For purposes of Public Act 101-0640, Article 15, section 15-5, amending the Open Meetings Act, new section 5 ILCS 120/7(e)(4), I find that the ongoing public health concerns at issue in this proclamation continue to render in-person attendance of more than ten people at the regular meeting location not feasible. However, as the number of fully vaccinated individuals in Illinois continues to increase, I do not expect to make this finding again, and public bodies should plan on its expiration as of July 24, 2021.

Section 13. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor June 25, 2021

Filed by the Secretary of State June 25, 2021

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 45, Issue 28 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

89 - 240	.....	8172
23 - 1	.....	8187
23 - 75	.....	8202
17 - 110	.....	8245

ADOPTED RULES

2 - 725	6/24/2021	8276
23 - 1	6/24/2021	8280
23 - 380	6/24/2021	8304
56 - 2835	6/23/2021	8310
89 - 146	6/28/2021	8319
89 - 147	6/28/2021	8326
89 - 152	6/28/2021	8335
89 - 153	6/28/2021	8340
77 - 2080	6/24/2021	8351
89 - 121	7/1/2021	8368
17 - 528	6/23/2021	8382
17 - 2080	6/23/2021	8394
17 - 2530	6/23/2021	8415
23 - 2700	7/1/2021	8430
23 - 2731	7/1/2021	8449
23 - 2732	7/1/2021	8455
23 - 2741	7/1/2021	8461
23 - 2743	7/1/2021	8468
23 - 2754	7/1/2021	8472
23 - 2755	7/1/2021	8478
23 - 2763	7/1/2021	8480
23 - 2764	7/1/2021	8489
23 - 2766	7/1/2021	8494

EMERGENCY RULES

77 - 250	6/20/2021	8503
----------	-----------------	------

NOTICE OF EXPEDITED CORRECTION

50 - 3145	5/29/2020	8517
-----------	-----------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

21 - 14	6/25/2021	8570
21 - 122	6/25/2021	8576

REGULATORY AGENDA

4 - 1725	8527
----------	-------	------

80 - 310	.....	8535
44 - 6	.....	8538
32 - 320	.....	8539
56 - 2835	.....	8544
56 - 5300	.....	8545
50 - 651	.....	8546
20 - 2203	.....	8555
86 - 1910	.....	8564
23 - 2700	.....	8567