
ILLINOIS

REGISTER



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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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 OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.310 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: Due to the COVID-19 pandemic, DHS will be lowering parent co-payment fees to ensure that CCAP families can receive childcare benefits during this pandemic. This rulemaking adds language that will reduce all parent co-payment fees for CCAP families to \$1.25 and adds language addressing future unforeseen, extraordinary events. Co-payments and income guidelines will be reinstated to their standard levels on March 1, 2021.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No, an emergency rule contains identical language but differs in other content.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect businesses that provide child care services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|---|
| 50.101 | Incorporation by Reference |
| 50.105 | Definitions |
| 50.110 | Participant Rights and Responsibilities |
| 50.120 | Notification of Available Services |
| 50.130 | Child Care Overpayments and Recoveries |

SUBPART B: APPLICABILITY

| Section | |
|---------|---|
| 50.210 | Child Care |
| 50.220 | Method of Providing Child Care |
| 50.230 | Child Care Eligibility |
| 50.235 | Income Eligibility Criteria |
| 50.240 | Qualified Provider (Repealed) |
| 50.250 | Additional Service to Secure or Maintain Child Care |
| 50.260 | Job Search (Repealed) |

SUBPART C: PAYMENT FEES

| Section | |
|---------|--|
| 50.310 | Fees for Child Care Services |
| 50.320 | Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care |

SUBPART D: PROVIDER REQUIREMENTS

| Section | |
|---------|--------------------|
| 50.400 | Purpose |
| 50.410 | Qualified Provider |

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

- Section
- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

SUBPART G: GATEWAYS TO OPPORTUNITY CREDENTIALS

- Section
- 50.710 Gateways to Opportunity, the Illinois Professional Development System
- 50.720 Gateways to Opportunity Credentials
- 50.730 Application for Credentials
- 50.740 Framework for Gateways to Opportunity Credentials
- 50.750 Professional Knowledge
- 50.760 Gateways to Opportunity Registry

SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

- Section
- 50.800 Purpose

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

| | |
|--------|--|
| 50.810 | Applicability |
| 50.820 | Staff Qualifications for License Exempt School-Age Providers |
| 50.830 | Training Standards for License Exempt School-Age Providers |

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 3745, effective February 7, 2018; amended at 42 Ill. Reg. 8491, effective May 8, 2018; emergency amendment at 42 Ill. Reg. 13898, effective July 1, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22555, effective November 27, 2018; emergency amendment at 43 Ill. Reg. 7632, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 11338, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 14416, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 6951, effective April 16, 2020; emergency amendment at 44 Ill. Reg. 6442, effective April 13, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11187, effective June 18, 2020, for the remainder of the 150 days; emergency rule effective April 13, 2020, as amended June 18, 2020, expired September 9, 2020; emergency amendment at 44 Ill. Reg. 13789, effective August 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 19874, effective December 14, 2020; emergency amendment at 45 Ill. Reg. 980, effective January 1, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. _____, effective _____.

SUBPART C: PAYMENT FEES

Section 50.310 Fees for Child Care Services

- a) All parents must share in the cost of child care as illustrated in Section 50.320, except relatives (other than parents) who receive a child-only TANF benefit for children needing care due to the relatives' employment and families with active CCAP cases in which all parents in the household are called into active military duty and the relative caregivers are employed or in an approved education/training activity. If all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is 5 to 13 years and is enrolled in school.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- b) If there is an unforeseen, extraordinary event that is beyond the control of families and the program, the Department may elect to reduce copayments, by rulemaking, for a specified period of time to lessen the financial impact of that event on participating families. "An unforeseen, extraordinary event" is one that is triggered by an emergency declaration by the State of Illinois or the federal government, and may include, but is not limited to, an emergency declaration due to a natural disaster (e.g., flood, tornado, blizzard) or due to a public health-related epidemic or other public health-related event.
- c) If an unforeseen, extraordinary event affects only a specific geographic area, the Department may elect to reduce copayments, by rulemaking, for a specific period of time, and the reduction may apply to the specific geographic area only.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.97 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.153
- 5) Effective Date of Rule: January 4, 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 *Illinois Register*: 44 Ill. Reg. 10322; June 19, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking?: No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
|-------------------------|--------------------------|-------------------------------------|
| 1.30 | Amendment | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.210 | Amendment | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.323 | New Section | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.325 | Amendment | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.421 | New Section | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.422 | Amendment | 44 Ill. Reg. 12073; July 24, 2020 |
| 1.425 | Amendment | 44 Ill. Reg. 12073; July 24, 2020 |

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

| | | |
|--------------|-------------|--|
| 1.20 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.77 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.245 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.465 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.705 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.710 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.720 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.730 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.735 | Repealed | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.736 | Repealed | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.737 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.740 | Repealed | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.745 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.750 | Repealed | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.755 | Repealed | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.780 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.781 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.790 | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.APPENDIX A | Amendment | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.APPENDIX I | New Section | 44 Ill. Reg. 14484; September 11, 2020 |
| 1.430 | Amendment | 44 Ill. Reg. 16402; October 9, 2020 |
| 1.440 | Amendment | 44 Ill. Reg. 16402; October 9, 2020 |
| 1.420 | Amendment | 44 Ill. Reg. 19383; December 18, 2020 |
| 1.630 | Amendment | 44 Ill. Reg. 19383; December 18, 2020 |

- 15) Summary and Purpose of Rulemaking: This Part is being modified to align with the enactment of PA 100-1046, effective Aug. 23, 2018, which made changes to the survey of learning conditions [105 ILCS 5/2-3.153]. This rulemaking adheres to those changes, expanding the applicability of the survey to students in grades 4 through 12 (rather than students in grades 6 through 12) and enhancing the statewide reporting requirements.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 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 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
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

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

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ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Section

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

SUBPART F: STAFF LICENSURE REQUIREMENTS

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 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, 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

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at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at

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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 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; amended at 45 Ill. Reg. 867, effective January 4, 2021.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.97 Survey of Learning Conditions

In accordance with Section 2-3.153 of the School Code [105 ILCS 5/~~2-3.153~~], each school district shall administer a climate survey on the instructional environment within a school. The survey shall be identified and paid for by the State Board of Education and shall provide feedback from, at a minimum, students in grades 4 through 12 and teachers. Each school district shall annually administer the climate survey in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education. The survey component that requires completion by teachers must be administered during teacher meetings or professional development days or at other times that would not interfere with the teachers' regular duties or classroom instructional duties. The State Superintendent shall publicly report on the survey indicators of learning conditions resulting from administration of the instrument at the individual school, district, and State levels and shall identify whether the indicators result from an anonymous administration of the instrument.~~administer, at least biennially, a survey instrument in every public school attendance center by a date specified by the State Superintendent of Education, and data resulting from the instrument's administration must be provided to the State Board of Education. The purpose of the survey is to publicly report on selected indicators of learning conditions in Illinois schools. The State Superintendent of Education shall identify the survey to be used for statewide administration according to the requirements set forth in Section 2-3.153 of the School Code. A regional-based program, special education cooperative, district-based alternative site or program, community-based early childhood center or program, State-authorized laboratory school, or any other site or program deemed appropriate and applicable by the State Board of Education may, but is not required to, participate in the survey established under this Section.~~

- a) Each school with students in any of grades ~~46~~ through 12 shall administer ~~thea~~ survey to teachers and students in those grade levels no sooner than 100 days

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~~from the start of the school year and no January 1 nor~~ later than March 31,
~~according to the schedule established under subsection (b).~~ The State
Superintendent of Education shall annually identify the survey to be used and post
the specific dates of the survey's administration by ~~July~~September 1 annually at
~~<https://www.isbe.net/Pages/Educational-Supports.aspx>. The Survey~~
~~administration window may not last longer than 75 days or fewer than 14~~
~~days.~~~~<http://www.isbe.net/Sessentials/default.htm>.~~ For the purposes of this
Section:

- 1) "Teacher" means any individual who holds an educator license issued pursuant to Article 21B of the School Code ~~[105 ILCS 5/Art. 21B]~~ and whose primary responsibility is to provide instruction to students at any grade level of prekindergarten through grade 12 for more than 50 percent of the school day or school year. "Teacher" does not include paraprofessional educators, substitute teachers, tutors, instructional coaches who do not meet the criteria specified in this subsection (a)(1), or student teachers.
 - 2) "School" includes any alternative school established by the school district, including Alternative Learning Opportunity Programs authorized under Article 13B of the School Code ~~[105 ILCS 5/Art. 13B]~~ operated at a location other than one of the district's schools.
- ~~b) The State Superintendent shall identify the school districts required to administer the survey in any given year to ensure that none is required to participate more than once every other year; however, school districts may choose to administer the survey annually.~~
- be) A school district shall not require a student or teacher to participate in the survey nor respond to each question on the survey; however, at least 50 percent of the teachers in a school must submit a survey in order for the school district to receive results.
- c) The climate survey's ethical code of conduct may be found at www.isbe.net.
- d) Schools with fewer than eight teachers shall administer the survey to their student population only.

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- e) Survey results shall be used to meet the requirements of Section 10-17a(2)(E) of the School Code ~~[105 ILCS 5/10-17a(2)(E)]~~ regarding reporting, on the State and district school report cards, *2 or more indicators from any school climate survey*. School districts using a survey instrument identified under subsection (g), or those districts choosing to survey parents, shall submit the results to the State Superintendent of Education no later than ~~May~~*August* 1 for inclusion on the school report cards.
- f) For purposes of Section 24A-20 of the School Code, the survey required under Section 2-3.153 of the School Code and this Section shall be the instrument to be used *to provide feedback to principals on the instructional environment within a school* (Section 24A-20 of the School Code). A school district may incorporate results from the survey into the principal evaluation rubric or instrument required under 23 Ill. Adm. Code 50.320 (Professional Practice Components for Principals and Assistant Principals).
- g) *A school district may elect to use, on a district-wide basis and at the school district's sole cost and expense, an alternate survey of learning conditions instrument pre-approved by the State Superintendent.* (Section 2-3.153(b) of the School Code)
- 1) The State Superintendent shall post annually the survey instruments authorized under this subsection (g) no later than July 1 at <https://www.isbe.net/Pages/Educational-Supports.aspx>~~http://www.isbe.net/5essentials/default.htm~~.
 - 2) Any school district wishing to use a survey instrument authorized under this subsection (g) shall annually submit a form developed for this purpose and posted at <https://www.isbe.net/Pages/Educational-Supports.aspx>~~http://www.isbe.net/5essentials/default.htm~~ to the State Superintendent no later than ~~September 15~~*August 1*. The form shall state, at a minimum, the requirements for and conditions of administering a survey instrument authorized under this subsection (g) that are stipulated at Section 2-3.153(b) of the School Code. A school district approved under this subsection (g)(2) to administer an alternate survey must submit to the State Board of Education the appropriate survey data no later than May 31. The data submitted by the school district will be used to meet the requirements of subsection (f) and for calculating a summative designation for school accountability.

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- 3) A school district's failure to annually submit the form required under subsection (g)(2) shall result in the district's being required to use the survey identified for statewide administration and posted at <https://www.isbe.net/Pages/Educational-Supports.aspx>~~http://www.isbe.net/5essentials/default.htm~~.
- ~~h) If in any year the appropriation to the State Board of Education is insufficient for the State's costs associated with statewide administration of the instrument, the State Board of Education shall give priority to districts with low performing schools and a representative sample of other districts. (Section 2-3.153 of the School Code) For the purposes of this subsection (h), "low performing schools" are those school districts that meet the criteria set forth at Section 2-3.25d-5 of the School Code. The State Superintendent of Education shall identify additional school districts for purposes of administering the survey based upon factors such as demographics, economics and geographic location.~~
- 1) ~~Not later than July 1, the State Superintendent of Education shall notify each low performing school and each other school district selected as part of the "representative sample" of the requirement to administer the survey.~~
- 2) ~~Within 15 calendar days after receiving the notification required under subsection (h)(1), a school district selected as part of the representative sample may petition the State Superintendent to be excused from the survey administration. The written petition shall state the reasons why the school district believes it lacks the capacity to administer the survey. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 calendar days after it is received.~~

(Source: Amended at 45 Ill. Reg. 867, effective January 4, 2021)

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

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 25.25 | Amendment |
| 25.92 | Amendment |
| 25.100 | Amendment |
| 25.720 | Amendment |
| 25.1000 | New Section |
| 25.1010 | New Section |
| 25.1015 | New Section |
| 25.1020 | New Section |
- 4) Statutory Authority: 105 ILCS 5/21B-20, 21B-35, 21B-45, 21B-50, and 21B-110
- 5) Effective Date of Rules: January 4, 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*: 44 Ill. Reg. 12106; July 24, 2020
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between Proposal and Final Version:
 - In Section 25.720(c)(3), the following sentence is added:

"If the Governor rescinds a disaster declaration, or allows it to expire without replacement, this subsection (c)(3) shall remain in effect through the end of the calendar year (December 31) or the end of the fiscal year (June 30), whichever is later."
 - In Section 25.1010, the following sentence is added:

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"If the Governor rescinds a disaster declaration, or allows it to expire without replacement, this Subpart L shall remain in effect through the end of the calendar year (December 31) or the end of the fiscal year (June 30), whichever is later."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> | <u>Illinois Register Citations:</u> |
|-------------------------|--------------------------|---------------------------------------|
| 25.10 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.15 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.25 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.32 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.37 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.43 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.46 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.47 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.48 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.60 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.70 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.72 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.81 | New Section | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.90 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.92 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.95 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.96 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.97 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.99 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.100 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.110 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.115 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.120 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.125 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.127 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |

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| | | |
|--------|-------------|---------------------------------------|
| 25.130 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.147 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.160 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.165 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.215 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.225 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.227 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.230 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.235 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.245 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.250 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.252 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.255 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.260 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.265 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.300 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.311 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.335 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.337 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.345 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.355 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.360 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.365 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.400 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.425 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.430 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.432 | New Section | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.444 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.450 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.480 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.485 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.488 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.510 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.520 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.550 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.560 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.610 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.620 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.705 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |

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|---------------|-------------|---------------------------------------|
| 25.710 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.717 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.720 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.728 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.730 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.731 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.732 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.733 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.735 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.740 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.745 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.750 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.760 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.770 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.780 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.800 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.805 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.830 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.831 | New Section | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.832 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.835 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.840 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.855 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.856 | New Section | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.860 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.865 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.875 | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.880 | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.Appendix D | Repealed | 44 Ill. Reg. 18003; November 13, 2020 |
| 25.Appendix E | Amendment | 44 Ill. Reg. 18003; November 13, 2020 |

- 15) Summary and Purpose of Rulemaking: This rulemaking is in response to PA 101-643, which sets various education protocols for when the Governor declares a disaster due to a public health emergency. Specifically, the rulemaking addresses the teacher performance assessment and student teaching and required internships or field experience.
- 16) Information and questions regarding these adopted rules shall be directed to:

Azita Kakvand

ILLINOIS STATE BOARD OF EDUCATION

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Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section

25.10 Accredited Institution

SUBPART B: LICENSES

Section

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

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

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

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

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

SUBPART D: SCHOOL SUPPORT PERSONNEL

| | |
|---------|---|
| Section | |
| 25.200 | Relationship Among Endorsements in Subpart D |
| 25.210 | Requirements for the Certification of School Social Workers (Repealed) |
| 25.215 | Endorsement for School Social Workers |
| 25.220 | Requirements for the Certification of Guidance Personnel (Repealed) |
| 25.225 | Endorsement for School Counselors |
| 25.227 | Interim Approval for School Counselor Interns |
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- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2013

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

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

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July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. 13722, effective October 5, 2015; amended at 40 Ill. Reg. 4940, effective March 2, 2016; amended at 40 Ill. Reg. 12346, effective August 9, 2016; amended at 41 Ill. Reg. 8813, effective June 28, 2017; emergency amendment at 41 Ill. Reg. 8949, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14075, effective November 3, 2017; amended at 42 Ill. Reg. 8830, effective May 21, 2018; amended at 43 Ill. Reg. 14806, effective December 4, 2019; emergency amendment at 44 Ill. Reg. 8013, effective April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; amended at 45 Ill. Reg. 879, effective January 4, 2021.

SUBPART B: LICENSES

Section 25.25 Requirements for the Professional Educator License

The requirements of this Section shall apply to the issuance of professional educator licenses. All professional education and content-area coursework that forms part of an application for licensure, endorsement or approval submitted under this Part must have been passed with a grade no lower than "C-" or equivalent in order to be counted towards fulfillment of the applicable requirements. [If the Governor declares a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act \[20 ILCS 3305\], Illinois educator preparation providers shall be exempt from the "C-" or higher provision when entitling candidates for licensure if the candidates are already enrolled in an educator preparation course.](#)

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- a) Each applicant shall:
- 1) hold a bachelor's degree; and
 - 2) one of the following:
 - A) have completed an approved Illinois educator preparation program for the type of endorsement (i.e., teaching, administrative or school support personnel) sought on the professional educator license (see Subpart C). (Thirty-two semester hours in the endorsement area sought is required for teaching endorsements.) Each applicant must complete coursework addressing:
 - i) *the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled* (Section 21B-20(1) of the School Code [105 ILCS 5]), which shall focus on the characteristics and methods of instruction for cross-categorical special education students so that all teachers:
 - understand the impact that disabilities have on the cognitive, physical, emotional, social and communication development of an individual and provide opportunities that support the intellectual, social and personal development of all students;
 - understand how students differ in their approaches to learning and create instructional opportunities that are adapted to diverse learners; and
 - understand instructional planning and design instruction based on knowledge of the discipline, students, community and curriculum goal;
 - ii) *methods of reading and reading in the content area* (Section 21B-20(1) of the ~~School~~ Code), which for teachers and administrators shall address each of the following standards:

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- varied instructional approaches used before, during, and after reading, including those that develop word knowledge, vocabulary, comprehension, fluency and strategy used in the content areas;
 - the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text and the purpose of the reading situation;
 - communication theory, language development and the role of language in learning;
 - the relationships among reading, writing and oral communication and understanding how to integrate these components to increase content learning;
 - the design, selection, modification and evaluation of a wide range of materials for the content areas and the reading needs of the student;
 - variety of formal and informal assessments to recognize and address the reading, writing and oral communication needs of each student; and
 - varied instructional approaches that develop word knowledge, vocabulary, comprehension, fluency and strategy use in the content areas;
- iii) *methods of reading and reading in the content area* (Section 21B-20(1) of the ~~School~~ Code), which for school support personnel shall address each of the following standards:
- understands how students acquire reading competency;

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- understands reading deficits and reading levels, and how they contribute to a student's ability to succeed in kindergarten through grade 12;
 - understands the correlation of behavior and classroom culture (discipline, management, control, influence on engagement) on reading development and reading acquisition; and
 - uses the skills and strategies specific to their school support personnel specialty to support or enhance reading skill development, as applicable; and
- iv) complete a program satisfaction survey on the State Board of Education's Educator Licensure Information System (ELIS) before receiving his or her professional educator license; or
- B) pursuant to Section 21B-35 of the ~~School~~ Code, hold a valid, comparable certificate or license in another state or country, or have completed a comparable teaching or administrative preparation program in another state or country (see Section 25.425 of this Part), including:
- i) *coursework in the methods of instruction of the exceptional child* (Section 21B-35(a)(3) of the ~~School~~ Code) in cross-categorical special education that meets the requirements of subsection (a)(1)(A);
 - ii) *coursework in methods of reading and reading in the content area* (Section 21B-35(a)(4) of the ~~School~~ Code) that meets the requirements of subsection (a)(1)(B); and
 - iii) *coursework in instructional strategies for English language learners* (Section 21B-34(a)(5) of the ~~School~~ Code), which shall address bilingual education, English as a Second Language or English as a New Language methods; or

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- 3) pursuant to Section 21B-35 of the ~~School~~-Code, hold a valid, comparable certificate or license in another state or country, or have completed a comparable school support personnel preparation program in another state or country (see Section 25.425), including college coursework in:
 - A) *the methods of instruction of the exceptional child* (Section 21B-35(a)(3) of the ~~School~~-Code) in cross-categorical special education, which shall meet the requirements outlined in subsection (a)(1)(A);
 - B) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the ~~School~~-Code), which shall meet the requirements outlined in subsection (a)(1)(C); and
 - C) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the ~~School~~-Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsements).
- b) Each applicant for a professional educator license endorsed in a teaching field shall have completed student teaching in conformance with the requirements of Section 25.620, except in the following circumstances:
 - 1) Applicants awarded credit in student teaching on a transcript issued by a regionally accredited institution of higher education need not complete another student teaching experience.
 - 2) One full year's teaching experience on a valid certificate or license in the public schools shall be accepted in lieu of student teaching.
 - 3) Applicants holding a bachelor's degree and a valid, comparable certificate or license from another state or country do not need to provide evidence of student teaching.
- c) For the purposes of this Part:

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- 1) a "valid, comparable certificate or license" means a current (not expired) certificate or license endorsed in the specific content area and grade levels for which Illinois licensure is sought that is equivalent to an Illinois professional educator license; and
 - 2) "one full year's teaching experience" means the equivalent of two semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.
- d) Evidence of teaching experience, as may be required under this Part, may be satisfied in one of the following ways:
- 1) For teachers employed in Illinois public schools, verification of the teacher's experience obtained from ELIS may be used.
 - 2) The chief administrator or other designated official of the employing school district or nonpublic school (or other employing entity, if applicable to the holder of a professional educator license endorsed for early childhood; also see subsection (d)(4)) may submit a letter documenting the nature and duration of the applicant's teaching.
 - 3) A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured.
 - 4) Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which a professional educator license endorsed for early childhood was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant).
 - 5) Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
- e) Each applicant for a professional educator license endorsed in an administrative or school support personnel field shall meet the applicable requirements of Subpart D or E, respectively.

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- f) The professional educator license shall be endorsed in accordance with this Part.
- g) Each applicant shall be required to pass the tests required for the professional educator license as specified in Section 21B-30 of the ~~School~~ Code and Section 25.720 of this Part.
- h) If a candidate has completed all of the requirements for an Illinois-approved educator preparation program at an Illinois institution of higher education as listed in subsection (h)(1), but has not successfully passed a teacher performance assessment (TPA), the candidate may be entitled for an educator license with stipulations endorsed for a provisional in-State educator by the institution where the program was completed.
 - 1) The candidate must have:
 - A) at least a bachelor's degree;
 - B) completed all components of an approved educator preparation program, excluding passing the TPA;
 - C) passed a test of basic skills and applicable content test, as required by Section 21B-30 of the ~~School~~ Code; and
 - D) attempted a TPA and received a minimum score on that assessment, as established by the State Board in consultation with the State Educator Preparation and Licensure Board.
 - 2) The provisional in-State educator endorsement on an educator license with stipulations is valid for one full fiscal year after the date of issuance and may not be renewed.

(Source: Amended at 45 Ill. Reg. 879, effective January 4, 2021)

Section 25.92 Endorsement for Visiting International Educator

The procedure and requirements described in this Section shall apply when Illinois school districts conduct formal recruitment programs outside the United States to secure the services of qualified teachers.

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- a) The school district that is seeking to recruit teachers shall enter into a written agreement with the State Board of Education regarding its recruitment program, shall provide assurances as the State Board may require regarding compliance with applicable procedures, training of representatives, and support for candidates employed under the program. In accordance with Section 21B-20(2)(I) of the ~~School Code~~ ~~[105 ILCS 5/21B-20(2)(I)]~~, the school district also shall be responsible for preliminary verification that each candidate:
- 1) *holds the equivalent of a minimum of a bachelor's degree issued in the United States;*
 - 2) *has been prepared as a teacher at the grade level for which he or she will be employed;*
 - 3) *has adequate content knowledge in the subject matter to be taught; and*
 - 4) *has an adequate command of the English language.*
- b) A representative of the recruiting school district shall review the equivalence of each candidate's degree to a bachelor's degree earned in the United States, the concentration of the candidate's coursework in the area of potential teaching assignment, and the grade levels for which the candidate has been prepared, using reports of foreign educational systems furnished by the National Association of Foreign Student Affairs (AFSA) and the American Association of Collegiate Registrars and Admissions Officers (AACRAO).
- c) A representative of the recruiting school district who has been trained by the State Board of Education or its designee in the use of the required instruments shall:
- 1) administer the Nelson-Denny Reading Test™ published by Riverside Publishing, 3800 Golf Road, Suite 200, Rolling Meadows IL 60008 and available at <http://www.riversidepublishing.com/about/> to evaluate each candidate's English-language vocabulary and reading comprehension against a passing score expressed as the grade-level equivalent of 10.7; and
 - 2) administer the Oral Proficiency Interview described in "ACTFL Proficiency Guidelines 2012 – Speaking" (2012), published by the American Council on the Teaching of Foreign Languages (ACTFL), 1001

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North Fairfax Street, Suite 200, Alexandria VA 22314 and posted at <http://actflproficiencyguidelines2012.org/> (no later amendments to or editions of these standards are incorporated) and evaluate the candidate's oral English-language proficiency against a minimum passing score of 2+ (Advanced High) on the rating rubric of the ACTFL.

- d) The recruiting school district shall provide a report to the State Board of Education outlining the district's conclusions regarding each candidate whose eligibility it considers to have been verified. This report shall provide or summarize at least:
 - 1) the information that has led the district to conclude that the individual's degree should be considered the equivalent of a bachelor's degree earned in the United States;
 - 2) how the district has identified the grade levels for which the individual has been prepared;
 - 3) the information that has led the district to conclude that the coursework completed by the individual is at least comparable to a major in the field of specialization and that the individual has passed a test that provides evidence of subject-matter competency; and
 - 4) the scores achieved by the candidate on the Nelson-Denny Reading Test™ and the Oral Proficiency Interview.
- e) Either the recruiting district or the candidate shall furnish to one of the evaluation services identified in Section 25.425(f) ~~of this Part~~ the candidate's university transcript, his or her diploma reflecting the degree granted, and his or her results from the comprehensive terminal examination or the periodic formal examinations required by the university where he or she completed teacher preparation, as applicable, along with translations of all these materials into English.
- f) The recruiting school district shall review and analyze the procedures that exist in the country where recruitment is being conducted for ascertaining individuals' criminal history. The district shall provide the State Board of Education with a description of those procedures and shall affirm:

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- 1) that the procedures have, to the district representative's knowledge, been performed with respect to each potential candidate; and
 - 2) that each potential candidate is of good character, as defined in Section 21B-15 of the ~~School Code~~ ~~[105 ILCS 5/21B-15]~~; and
 - 3) that no candidate recommended by the district as potentially eligible to teach in Illinois would be disqualified under Section 10-21.9(c) of the ~~School Code~~.
- g) Upon receipt of the information and documents identified in subsections (d) and (f) ~~of this Section~~, confirmation of the individual's eligibility from the evaluation service to which credentials were submitted under subsection (e) ~~of this Section~~, and an application for the educator license with stipulations endorsed for visiting international educator from the individual, accompanied by the fee required by Section 21B-40 of the ~~School Code~~, the State Board of Education shall issue an educator license with stipulations endorsed for visiting international educator in the content-area, grade levels, bilingual language and foreign language the individual is qualified to teach. He or she shall not be required to pass any test that forms part of the Illinois Licensure Testing System (see Subpart I ~~of this Part~~) in order to qualify for this license. An individual with an educator license with stipulations endorsed for visiting international educator may teach his or her native language even if he or she was not prepared as a teacher of that language, provided that it was the language of instruction in the program completed.
- h) The educator license with stipulations endorsed for visiting international educator shall be valid until June 30 immediately following ~~five~~ ~~three~~ years after the endorsement being issued and shall not be renewable. The licensee shall pay the fee required by Section 21B-40 of the ~~School Code~~ to register the license with the regional superintendent in the region where the teaching will be done.
- i) A holder of an educator license with stipulations endorsed for visiting international educator shall be permitted to teach in bilingual education programs in the language that was the medium of instruction in his or her teacher preparation program, provided that he or she passes the English Language Proficiency Test (see Section 25.710 ~~of this Part~~) or another test of writing skill in English if identified by the State Board ~~of Education~~ in consultation with the State Educator Preparation and Licensure Board.

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(Source: Amended at 45 Ill. Reg. 879, effective January 4, 2021)

Section 25.100 Teaching Endorsements on the Professional Educator License

Beginning July 1, 2013, the structure of teaching endorsements available on the Illinois professional educator license is changed. Appendix E provides a list of the available endorsements and shows for each endorsement the related endorsements that were previously issued. Any semester hours of credit presented toward fulfillment of the requirements of this Section shall be posted on the candidate's official transcript and may be taken in on-line or electronically-mediated courses, provided that college credit is provided for the coursework by a regionally accredited institution of higher education. All professional education and content-area coursework that forms part of an application for licensure, endorsement or approval that is received on or after February 1, 2012, must have been passed with a grade no lower than "C-" or equivalent and be posted on the individual's official transcript in order to be counted towards fulfillment of the applicable requirements. [If the Governor declares a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act, Illinois educator preparation providers shall be exempt from the "C-" or higher provision when entitling candidates for licensure if the candidates are already enrolled in an educator preparation course.](#)

- a) Content-specific endorsements (e.g., science – biology, social science – economics) shall be required in conjunction with some endorsements, as shown in Appendix E. Except in the case of world language, a licensee shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the content-specific endorsement or endorsements received in conjunction with that endorsement. However, a licensee may not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the content-specific endorsement. For example, a secondary science teacher with a content-specific endorsement for science – biology may not teach honors physics or chemistry unless he or she holds a content-specific endorsement in science – physics or science – chemistry.
- b) The provisions of subsection (a) do not apply to endorsements in a particular content area available prior to July 1, 2004 that were not exchanged for the endorsement currently available. Individuals holding these endorsements shall teach only the specific content encompassed by the endorsement issued. For instance, an individual who holds an endorsement in biology (rather than "sciences" with a content-area endorsement in science – biology) shall teach only biology and no other science content. An individual who wishes to teach other subjects in the same field or grade levels shall be required to apply for the

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relevant new endorsement in keeping with Section 21B-40 of the ~~School~~ Code ~~[105 ILCS 5]~~ and meet the applicable requirements of this Section.

- c) Endorsements at Time of Issuance of the Professional Educator License
 - 1) Pursuant to Section 21B-25 of the ~~School~~ Code, each professional educator license *shall be specifically endorsed by the State Board of Education for each content area and grade-level range for which the holder of the license is qualified to teach and for which application has been made.*
 - 2) The professional educator license issued shall be endorsed in keeping with the program completed and the related content-area test passed by the candidate and for any other subject in which the individual:
 - A) meets the requirements of subsection (d), (f), (g), (h), (i), (j) or (k); or
 - B) has accumulated 18 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education and has passed the applicable content-area test.
- d) Certain endorsements or content-specific endorsements listed in Appendix E have no corresponding content-area test (see Section 25.710). The provisions of this subsection (d) shall apply to the issuance of these endorsements and content-specific endorsements.
 - 1) For an applicant who is receiving an Illinois professional educator license endorsed for a teaching field, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular content-specific endorsement, except that the requirements of subsection (h) shall apply to the issuance of endorsements in safety and driver education beginning with applications received on or after February 1, 2012.

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- 2) An applicant prepared out of state, or an applicant who is already licensed in Illinois and is seeking to add a new endorsement or a content-specific endorsement in one of these subjects, other than an endorsement in safety and driver education, shall present evidence of completion of 18 semester hours of coursework (subject to further limitations as set forth in this Section) in the area covered by the endorsement or content-specific endorsement sought.
 - 3) An applicant prepared out of state or an applicant who is already licensed in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth in subsection (h).
- e) Addition of Endorsements to Currently Held Professional Educator Licenses
An individual who holds a valid professional educator license shall apply for additional endorsements using the Educator Licensure Information System (ELIS) and pay the fee required under Section 21B-40 of the [School Code](#).
- 1) When an applicant qualifies for an endorsement, its issuance shall be reflected on ELIS.
 - 2) An endorsement will be issued for any subject in which the individual:
 - A) holds a valid professional educator license with an early childhood, elementary, middle grades, secondary, or special teaching endorsement and meets the requirements of subsection (d), (f), (g), or (h); or
 - B) for other content areas not referenced in subsection (e)(2)(A), holds a valid professional educator license with an early childhood, elementary, middle grades, secondary, or special teaching endorsement and:
 - i) has accumulated 18 semester hours of college credit demonstrably related to the subject area, from one or more regionally accredited institutions of higher education; and
 - ii) has passed the applicable content-area test.

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- C) An individual who holds a professional educator license endorsed for an area outside of teaching shall receive any of the teaching endorsements identified in this Part by:
 - i) passing the tests required by Section 25.720;
 - ii) completing a State-approved program in the subject area sought or a comparable program, as defined in Section 25.425(a), offered out of state;
 - iii) completing a student teaching experience that meets the requirements of Section 25.620; and
 - iv) completing applicable subject area requirements outlined in this Section.
- f) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is a teacher whose assignment involves teaching reading to students. A reading specialist is a teacher whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.
 - 1) Reading Teacher

This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds an Illinois professional educator license and who receives an endorsement for some teaching field other than reading shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

 - A) having passed the applicable content-area test (i.e., reading teacher or reading specialist) required by Section 25.720; or
 - B) having completed 18 semester hours of graduate or undergraduate coursework in reading (as posted on the individual's official transcript), including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:
 - i) foundations of reading;

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- ii) content-area reading;
 - iii) assessment and diagnosis of reading problems;
 - iv) developmental and remedial reading instruction, support, materials and resources; and
 - v) literature appropriate to students across all grade ranges.
- 2) Reading Specialist
- A) Each candidate for the reading specialist endorsement shall present evidence of two years of teaching experience either on an educator license in an Illinois school or on a comparable out-of-state certificate or license valid for teaching at any of the grade levels of early childhood, elementary, middle, secondary or special K-12. Each candidate shall be eligible to receive the reading specialist endorsement on the professional educator license when he or she presents evidence of having completed the teaching experience required under this subsection (f)(2)(A).
 - B) Each candidate shall hold a master's degree or higher awarded by a regionally accredited institution of higher education.
 - C) Each candidate shall have completed a K-12 reading specialist preparation program approved pursuant to Subpart C, or a comparable program, as defined in Section 25.425(a), offered out of state, that includes clinical experiences with five or more students at both the elementary (i.e., kindergarten through grade 8) and secondary levels and leads to the issuance of a master's or higher degree, provided that a person who holds one master's degree shall not be required to obtain a second one. For purposes of the clinical experiences, a candidate shall work with at least one student enrolled in elementary grades and at least one student enrolled in secondary grades and may work with students one on one or in a group. Each candidate shall have been recommended for the endorsement by the institution offering the program.

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- D) Each candidate for a professional educator license endorsed for reading specialist shall meet the requirements set forth in Section 25.25.
- g) Requirements for Early Childhood, Elementary, Middle Grades and Bilingual Education
- 1) The requirements of Section 25.97, rather than the requirements of this Section, shall apply to credentials and assignments in the elementary grades.
 - 2) The requirements of Section 25.99, rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, except that Section 25.99 shall be read in conjunction with this Section with respect to reading teacher, reading specialist, gifted education teacher, gifted education specialist, and library information specialist assignments in the middle grades.
 - 3) The requirements of 23 Ill. Adm. Code 1.780, 1.781 and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second Language.
 - 4) The requirements of Section 25.96, rather than the requirements of this Section, shall apply to credentials and assignments in early childhood education.
- h) An endorsement in safety and driver education shall be issued when the applicant provides evidence of having completed 18 semester hours of college credit in the field, distributed as follows:
- 1) 3 semester hours in injury prevention or general safety;
 - 2) 9 semester hours in driver education that include:
 - A) Driving task analysis (introduction to driver education);
 - B) Teaching driver education in the classroom;

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- C) Teaching the laboratory portion of the driver education course, including on-street teaching under the supervision of a qualified driver education teacher, advanced driver education, and emergency evasive driving maneuvers; and
- 3) 6 semester hours chosen from at least two of the following areas:
 - A) First aid;
 - B) Psychology of adolescents or young adults;
 - C) Any safety-related issue relevant to driver education;
 - D) Advanced driver education in the use of simulation and multiple car programs;
 - E) Health and wellness;
 - F) Care and prevention of injuries;
 - G) Issues related to alcohol or drug abuse; or
 - H) Driver education for students with disabilities.
- i) Special provisions shall apply to the issuance of endorsements for gifted education teachers and gifted education specialists. A gifted education teacher is a teacher whose assignment involves teaching gifted students. A gifted education specialist is a teacher whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching gifted students.
 - 1) Gifted Education Teacher
This endorsement shall not be issued alone as an individual's first teaching credential. An individual who holds an Illinois professional educator license endorsed at any of the grade levels of early childhood, elementary, middle, or secondary, or for special teaching, shall be eligible to receive this additional endorsement on that license when he or she presents evidence of:

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- A) having passed the applicable content-area test required by Section 25.720; and
 - B) having completed 18 semester hours of undergraduate or graduate coursework in gifted education (as posted on the individual's official transcript), including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:
 - i) characteristics of the field of gifted education as it pertains to gifted children, including their cognitive, creative and affective development;
 - ii) the wide range of ways in which a child is gifted; issues and practices in identifying and serving gifted children; and the manner in which assessment data shape decisions about identification, learning progress and outcomes; and
 - iii) theoretical and research-based data necessary for the development of programs, curriculum and instructional sequences for gifted children, especially those serving gifted students from diverse populations.
- 2) Gifted Education Specialist
- Each candidate for the gifted education specialist endorsement shall hold a professional educator license endorsed at any of the grade levels of early childhood, elementary, middle or secondary, or for special, and have at least two years of teaching experience on that license, or on a comparable out-of-state certificate or license, involving the education of gifted students.
- A) Each candidate shall hold a master's degree or higher degree awarded by a regionally accredited institution of higher education.
 - B) Each candidate shall have completed a gifted education specialist preparation program for prekindergarten through grade 12 approved pursuant to Subpart C, or a comparable program, as defined in Section 25.425(a), offered out of state, that aligns to the standards set forth at 23 Ill. Adm. Code 27.495 (Gifted Education

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Specialist). The program shall include clinical experiences with five or more students in both prekindergarten through grade 8 and grades 9 through 12 and lead to the issuance of a master's or higher degree, provided that a person who holds one master's degree shall not be required to obtain a second one. For purposes of the clinical experiences, a candidate shall work with at least one student enrolled in prekindergarten through grade 8 and at least one student enrolled in grades 9 through 12 and may work with a student one on one or in a group. The clinical experience shall also include coaching or mentoring one or more teachers on the topic of gifted education. Each candidate shall have been entitled for the endorsement by the institution offering the program.

- C) Each candidate shall be required to pass the content-area test for gifted education specialist.
 - D) An individual who qualifies for the gifted education specialist endorsement may receive the endorsement on his or her professional educator license for assignment in any of prekindergarten through grade 12.
- j) Each individual, who is first assigned to teach a particular subject on or after July 1, 2004 based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area, shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester, unless he or she later receives the endorsement.

(Source: Amended at 45 Ill. Reg. 879, effective January 4, 2021)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement and Scores

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

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b) Basic Skills Test

Except as provided in subsections (b)(1) and (2), each candidate seeking an initial Illinois license (professional educator license or certain educator licenses with stipulations) shall be required to pass a test of basic skills authorized under Section 21B-30 of the ~~School Code~~ ~~[105 ILCS 5]~~. Further, Section 21B-30(c) of the ~~School Code~~ requires candidates in teacher preparation or school support personnel preparation programs to pass this test prior *to starting their student teaching or starting the final semester of their internship*.

- 1) A passing score on the Illinois test of basic skills may not be used as admission criteria for entry into a preparation program. (See Section 21B-35 of the ~~School Code~~.)
- 2) A person who has passed the Illinois test of basic skills and has been issued an Illinois educator license or any subsequent endorsement on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent endorsements or other educator licenses.
- 3) A person who has passed another state's or country's test of basic skills as a condition of educator certification or licensure in that state or country or admission to a teacher preparation program approved by that state or country shall not be required to take the Illinois basic skills test before receiving a license. (See Section 21B-35 of the ~~School Code~~.)
- 4) The Illinois test of basic skills will be administered as four separate subtests: reading comprehension, language arts, mathematics and writing.
 - A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.
 - B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.
- 5) In lieu of passing the Illinois test of basic skills, a candidate in an Illinois educator preparation program or applicant for an educator license may submit for consideration his or her composite score either from the ACT[®] or the SAT[®], provided that either test must include a writing component.

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- A) The State Superintendent shall announce and post on the State Board's website the minimum composite score on each test that will be accepted under this subsection (b)(5).
- i) The minimum composite score to be used for the ACT[®] shall be the average of the college-readiness benchmarks established by ACT[®], rounded up to the next whole number, or at least 22.
 - ii) The minimum writing score for the ACT[®] administered no later than August 31, 2015 shall be the combined English/Writing score of at least 19. For tests administered September 1, 2015 through September 9, 2016, a writing score shall be a minimum of 16. The minimum writing score shall be 6 on tests administered September 10, 2016 or later.
 - iii) Before March 5, 2016, the minimum composite score for the SAT[®] shall be 1030 and the minimum writing score shall be 450.
 - iv) On and after March 6, 2016, the minimum composite score (evidence-based reading and writing plus mathematics) for the SAT[®] shall be 1110 and the minimum writing and language test score shall be 26.
- B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT[®] or SAT[®] results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT[®] or the College Board to send an official score report of his or her composite score and English/Writing or single writing score, as applicable, to the address provided on the application form.
- C) A minimum composite score for either the ACT[®] or SAT[®] may be achieved by combining multiple subscores from one or multiple test administrations.

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- 4) In lieu of passing the test of basic skills, applicants for career and technical educator license and provisional career and technical educator license renewal may pass the WorkKeys® assessment offered by ACT with at least the score identified by the State Board in consultation with the State Educator Preparation and Licensure Board.
- c) Content-Area Tests
- 1) Each candidate seeking an Illinois professional educator license or endorsement on that license, whether his or her first license or endorsement or a subsequent license or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the ~~School~~-Code; also see Section 25.710). Further, Section 21B-30(d) of the ~~School~~-Code requires passage of this test before a candidate begins student teaching or begins serving as a teacher of record. A person who has passed another state's or country's content test as a condition of educator certification or licensure in that state or country or admission to a teacher preparation program approved by that state or country shall not be required to take the Illinois content test before receiving the license or endorsement. (See Section 21B-35 of the ~~School~~-Code.)
 - 2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the ~~School~~-Code, in order to qualify for an educator license with stipulations endorsed for transitional bilingual educator, and received that license shall not be required to retake that test in order to qualify for a bilingual education credential on another professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program also shall not be required to retake that test.
 - 3) [If the Governor declares a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act, individuals may begin student teaching or enter alternative educator preparation programs prior to passing the required content test. If the Governor rescinds a disaster declaration, or allows it to expire without replacement, this subsection \(c\)\(3\) shall remain in effect through the end of the calendar year \(December 31\) or the end of the fiscal year \(June 30\), whichever is later.](#)

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- d) Assessment of Professional Teaching (APT) (Through August 31, 2020)
In order to complete an educator preparation program, each candidate or out-of-state applicant who has completed his or her student teaching by August 31, 2015 and is seeking his or her first Illinois professional educator license endorsed in a teaching field shall be required to pass the APT relevant to the endorsement sought (see Section 25.710) or, in lieu of passing the APT, may provide evidence of meeting the requirements of subsection (e).
- e) Teacher Performance Assessment (TPA)
Beginning September 1, 2015, each candidate or out-of-state applicant completing an educator preparation program in a teaching field shall be required to pass the TPA, except as otherwise provided in subsection (d) (see Section 21B-30(f) of the [School Code](#)). The TPA is a performance-based assessment designed to measure an educator's knowledge, skills and preparedness.
- 1) Each recognized institution offering approved teacher preparation programs shall administer the TPA during a candidate's student teaching experience.
- 2) A person who has *successfully completed an evidence-based assessment of teacher effectiveness*, as required under this subsection (e), *at the time of initial certification or licensure in another state or country shall not be required to complete the TPA.* (See Section 21B-35 of the [School Code](#).)
- f) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.
- g) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a computer-based test or subtest of the Illinois test of basic skills may retake that test or specific subtest by computer after no fewer than 30 days but also may retake that test or specific subtest during any subsequent, regularly scheduled administration of the test or subtest in paper-and-pencil format.

(Source: Amended at 45 Ill. Reg. 879, effective January 4, 2021)

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SUBPART L: PUBLIC HEALTH EMERGENCY DECLARATION**Section 25.1000 Definitions**In this Subpart L:

"Illinois Emergency Management Agency Act" or "IEMA Act" means 20 ILCS 3305.

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

(Source: Added at 45 Ill. Reg. 879, effective January 4, 2021)

Section 25.1010 Applicability

This Subpart L applies only during any time in which the Governor has declared a disaster due to a public health emergency under Section 7 of the IEMA Act. If the Governor rescinds a disaster declaration, or allows it to expire without replacement, this Subpart L shall remain in effect through the end of the calendar year (December 31) or the end of the fiscal year (June 30), whichever is later.

(Source: Added at 45 Ill. Reg. 879, effective January 4, 2021)

Section 25.1015 Teacher Performance Assessment

Notwithstanding any other requirements under this Part, a teaching candidate is not required to complete the teacher performance assessment required under Section 21B-30(f) of the Code and this Part.

(Source: Added at 45 Ill. Reg. 879, effective January 4, 2021)

Section 25.1020 Student Teaching; Field Experience

Notwithstanding any other requirements of this Part, during the implementation of remote learning days (see Section 10-30 of the Code), a candidate seeking an educator license may complete the following remotely:

- a) student teaching or any other structured teaching experience;

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- b) required internships;
- c) contact hours, clock hours, clock hours of supervised school-based professional experience, or practicum hours;
- d) supervised experience;
- e) direct service work;
- f) administrative experience in school business management; and
- g) university-approved practical experience.

(Source: Added at 45 Ill. Reg. 879, effective January 4, 2021)

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- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3) Section Number: 235.75 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.71
- 5) Effective Date of Rule: January 4, 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 12141; July 24, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking?: No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is in response to PA 101-643, which, among other changes, sets various education protocols for when the Governor declares a disaster due to a public health emergency. Specifically, this rulemaking addresses child care centers during a public health emergency.
- 16) Information and questions regarding this adopted rule shall be directed to:

Azita Kakvand

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Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235

EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section

| | |
|------------------------|--|
| 235.10 | Purpose; Eligible Applicants |
| 235.20 | Application Procedure and Content for New or Expanding Programs |
| 235.30 | Additional Program Components for Preschool Education Proposals |
| 235.40 | Additional Program Components for Prevention Initiative Proposals |
| 235.50 | Proposal Review and Approval for New or Expanding Programs |
| 235.55 | Proposal Review Process and Additional Funding Priorities for Preschool Education Programs |
| 235.60 | Application Content and Approval for Continuation Programs |
| 235.65 | ExceleRate Illinois: Quality Rating and Improvement System |
| 235.67 | Program Monitoring |
| 235.70 | Terms of the Grant |
| 235.75 | Child Care Centers During a Public Health Emergency |
| 235.80 | Chronic Absenteeism Data Report and Support |

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-
QUALITY SUPPORTS AND FOR WEB-BASED SERVICES

Section

| | |
|---------|--|
| 235.100 | Purpose |
| 235.105 | Eligible Applicants |
| 235.110 | Application Procedure and Content for New Programs |
| 235.120 | Proposal Review and Approval for New Programs |
| 235.130 | Application Content and Approval for Continuation Programs |
| 235.140 | Terms of the Grant |

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

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Section

- 235.200 Implementation and Purpose; Eligible Applicants
- 235.210 Application Procedure and Content
- 235.220 Proposal Review and Approval of Proposals

SUBPART D: EXCLUSIONARY DISCIPLINE IN
EARLY CHILDHOOD PROGRAMS

Section

- 235.300 Purpose
- 235.310 Definitions
- 235.320 Behavior Support Plans
- 235.330 Program Transition Plans
- 235.340 Reporting

- 235.APPENDIX A Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age
- 235.APPENDIX B Illinois Birth to Five Program Standards
- 235.APPENDIX C Illinois Early Learning Guidelines – Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71 and 2-3.89 of the School Code [105 ILCS 5/2-3.71 and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. 15168, effective October 24, 2016; amended at 44 Ill. Reg. 1942, effective January 10, 2020; emergency amendment at 44 Ill. Reg. 5924, effective March 27, 2020, for a maximum of 150 days; emergency expired August 23, 2020; amended at 44 Ill. Reg. 13359, effective July 28, 2020; amended at 45 Ill. Reg. 917, effective January 4, 2021.

SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Section 237.75 Child Care Centers During a Public Health Emergency

- a) Notwithstanding any other provision of this Part to the contrary, if the Governor has declared a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305], currently funded early childhood block grant programs, defined as public school districts and other entities that voluntarily choose to provide care for children ages 0 to 12 of essential workers, as defined in Section 2-3.71(c) of the School Code, may use funds in excess of what is necessary for the program to provide at-home materials for children in the program and to purchase supplies and equipment while caring for children of essential workers. Examples of funds include, but are not limited to, instructional supplies, field trips, professional development, or mental health consultations. Each program that re-allocates funds under this subsection must amend its budget to reflect the new expenditures.
- b) Current early childhood block grant programs may utilize staff to support the caring for children of essential workers based on guidance from their local school boards or authorized officials. The State Board of Education supports the use of early childhood block grant funding to pay staff to care for children of essential workers. This funding may be utilized to pay existing full-time or part-time staff who are paid with early childhood block grant funds. If needed, and if funding allows, part-time staff may increase to working more than part-time to care for children of essential workers.
- c) Each early childhood block grant program that provides care for children of essential workers must comply with any requirements concerning day care centers, as governed by the Department of Children and Family Services (see 89 Ill. Adm. Code 407), and nothing in this Section shall be construed to supersede those requirements.

(Source: Added at 45 Ill. Reg. 917, effective January 4, 2021)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3) Section Number: 130.70 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805].
- 5) Effective Date of Rule: December 30, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including 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*: 44 Ill. Reg. 14088, September 4, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 130.70(a)(1)(M), "at Primitive Sites" has been added after "Rent-A-Camp Tents"; "(see 17 Ill. Adm. Code 150)" has been added after "concessionaire"; "for use at primitive sites" has been added after "available Rent-A-Camp Tents"; "(see subsection (A)(1)(I)" has been added after "(Class D) camping site"; "(a)(1)(M)" has been added after "this subsection"; and "Depending on availability, and at the concessionaire's discretion, a camper may obtain additional amenities, including additional sleeping mattresses, from the concessionaire for an additional fee for each amenity." has been added.
- 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

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to allow for more opportunities for constituents that do not possess camping equipment to be able to rent, from a Concessionaire, camping equipment and enjoy camping at select IDNR sites.
- 16) Information and questions regarding this adopted rule shall be directed to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section

| | |
|---------|---|
| 130.10 | Location |
| 130.20 | Purpose of Campground |
| 130.30 | Classification of Camps by Equipment Used – Definitions |
| 130.40 | Definitions |
| 130.50 | Registrations |
| 130.60 | Permits, Extensions and Time Limits |
| 130.70 | Fees and Charges |
| 130.80 | Refunds |
| 130.90 | Check-in and Check-out Times |
| 130.100 | Unoccupied Camps |
| 130.110 | Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30) |
| 130.120 | Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others) |
| 130.130 | Organization Group Camps (charter organizations, ROTC, private clubs or others) |
| 130.135 | Campground Host Program |
| 130.140 | Use of Campground |
| 130.150 | Violation of Rule |

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of

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150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005; amended at 32 Ill. Reg. 181, effective December 19, 2007; amended at 32 Ill. Reg. 8406, effective May 21, 2008; amended at 34 Ill. Reg. 10791, effective July 16, 2010; amended at 43 Ill. Reg. 4826, effective April 11, 2019; amended at 45 Ill. Reg. 922, effective December 30, 2020.

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
 - 1) Spring-Summer Camping (rates apply May 1 through September 30, except at the WSRC during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
 - A) Class AA Sites: Camping fee of \$15 per night per site, \$10 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
 - B) Class A Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$20 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday,

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Sunday or Monday.

- C) Class A Premium Sites: Camping fee of \$15 per night per site, \$10 utility fee. Sites having availability to showers, electricity and vehicular access. The camping fee shall be \$25 per night on Friday, Saturday and Sunday of the Memorial Day and Labor Day holiday weekends and on Friday, Saturday and Sunday nights of the Independence Day weekend if July 4 falls on a Friday, Saturday, Sunday or Monday.
- D) Class B-E Sites: Camping fee of \$8 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$10 utility fee. Sites having availability to electricity and vehicular access.
- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay

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a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette and Dixon Springs, deposit balances will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette and Dixon Springs will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$75 per day.

- M) Rent-A-Camp Tents at Primitive Sites
If resources and funding allow, the Department, or the Department's concessionaire (see 17 Ill. Adm. Code 150), Tents will ~~make be made~~ available Rent-A-Camp Tents for use at primitive sites at designated State parks and recreational areas throughout the Department's statewide system. A Rent-A-Camp Tent ~~areas~~ will provide, at a minimum: an already erected tent on a platform, one sleeping mattress, additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, and one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The ~~total~~ overnight fee for a Rent-A-Camp Tent will be based on the basic ~~fees~~ of ~~\$68 or \$12~~ per night for a primitive (Class D) camping site (see subsection (a)(1)(I)) and the per-night fee charged by the Rent-A-Camp Tent concessionaire for access to the in addition to the class of camping amenities listed in this subsection (a)(1)(M) and set-up costs rate on which the Rent-A-Camp site is located. Depending on availability, and at the concessionaire's discretion, a camper may obtain additional amenities, including additional sleeping mattresses, from the concessionaire for an additional fee for each amenity.
- N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-

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sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:

- i) Rent-A-Camp Cabins at Class A Sites:
\$25 cabin rental plus \$10 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus \$10 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.
 - iii) Individual Rent-A-Cabins at Dixon Springs State Park:
rented individually – not by organized groups pursuant to subsection (a)(1)(L); \$60 cabin rental, \$45 barrack fee per unit.
- O) A \$5 per campsite non-refundable reservation fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the full amount of the camping and utility fee (if applicable) is required at the time reservations are made.
- P) Dumping of wastewater from recreational vehicles and camping trailers by persons who are not registered campers will cost \$5 per vehicle.
- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the WSRC during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
- A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.

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- B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
- 1) Persons who qualify and are placed in the campground host program at approved camping sites will not be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
 - A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and

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issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection (b)(3)(B) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.
 - C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).
- c) World Shooting and Recreational Complex
- The Department may establish the fees for use of all or parts of the campground at the WSRC through the negotiation of contracts for events to be held at the WSRC. The Department shall consider the numbers of camping spaces reserved and the services provided at each campsite when establishing fees by contract. All other fees set forth in this Section shall apply to public camping at the WSRC.

(Source: Amended at 45 Ill. Reg. 922, effective December 30, 2020)

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NOTICE OF ADOPTED RULES

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

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 131.101 | New Section |
| 131.105 | New Section |
| 131.107 | New Section |
| 131.110 | New Section |
| 131.115 | New Section |
| 131.120 | New Section |
| 131.125 | New Section |
| 131.130 | New Section |
| 131.135 | New Section |
| 131.140 | New Section |
| 131.145 | New Section |
| 131.150 | New Section |
| 131.155 | New Section |
| 131.160 | New Section |
| 131.165 | New Section |
| 131.170 | New Section |
| 131.175 | New Section |
| 131.180 | New Section |
| 131. ILLUSTRATION A | New Section |
- 4) Statutory Authority: 35 ILCS 185/1; 35 ILCS 120/12; 20 ILCS 2505/2505-795
- 5) Effective Date of Rules: December 31, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 14420; September 11, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No

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- 11) Differences between Proposal and Final Version: The following substantive changes were made:

A new subsection 131.107 (c) was added describing the scope of the regulations and describing the additional taxes (those administered by the Department and those administered by other taxing bodies) for which marketplace sellers and remote retailers may be liable. A related change was made in Example 5 of Section 131.130 (g).

Added a new example in Section 131.110 describing a remote retailer that is a winery shipper license holder.

d Sections 131.115 (b) and 131.135 (c) to clarify that for remote retailers and marketplace facilitators, taxes collected beginning on the first day of the quarter following a 12-month lookback period must be remitted to the Department no later than the 20th day of the calendar month following the month in which they were collected or as otherwise provided in accordance with Section 3 of the Retailers' Occupation Tax Act.

Amended Section 131.125 (f) to provide a cross-reference to provisions governing audit procedures for remote retailers using a CSP.

Amended Section 131.130 (a) provisions setting out the two activities required by statute for a person to be considered a marketplace facilitator. Changes clarify that provision on a marketplace of functionality for connection to a payment mechanism meets the requirements of the second required activity.

Amended Section 131.130 (b) and (g) to clarify when a marketplace facilitator is considered the seller of an item sold on the marketplace and the manner in which such sales are sourced.

Amended Example 7 in Section 131.130 to provide additional guidance on the taxes incurred by auctioneers that are marketplace facilitators.

Amended Section 131.145 (f) to clarify that marketplace facilitators must separately register with the Department to file and pay tax on their own sales, and that tax on such sales must be reported and paid on a return separate from the return filed on behalf of marketplace sellers.

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Added a cross-reference in Section 131.145 (h) to the Department's sales tax regulation governing the taxation of rebates, discounts and coupons.

Added provisions to Example 4 in Section 131.155 (c) to provide additional guidance on the taxation of sales made by auctioneers that are marketplace facilitators.

Added provisions to Example 2 in Section 131.155(e) clarifying the manner in which a marketplace seller that is an affiliate of a marketplace facilitator may handle its tax remittance obligations.

Amended Section 131.160 (n) to provide specific procedures to be followed by a CSP when it contemplates material revisions to its systems. The changes outline specific notification to the Department, Department review and discussion with the CSP of the proposed changes, and subsequent recertification procedures, if required.

Amended Section 131.160 (p) to provide that the Department will contact a CSP one year (rather than 6 months) prior to expiration of its certification.

Deleted subsections 131.165 (d)(1) through (3) and added language to subsection (d) that clarifies that a remote retailer using a CAS shall be subject to all provisions of the Retailers' Occupation Tax Act, including but not limited to, recordkeeping, audit, confidentiality, and electronic filing and payment requirements.

Amended Section 131.165 (i) to provide specific procedures to be followed by a CAS when it contemplates material revisions to its systems. The changes outline specific notification to the Department, Department review and discussion with the CAS of the proposed changes, and subsequent recertification procedures, if required.

Amended Section 131.165 (k) to provide that the Department will contact a CAS one year (rather than 6 months) prior to expiration of its certification.

Amended provisions in Section 131.170 (a)(2) governing liability related to tax rate changes to clarify that a person shall not be relieved of its obligation to remit tax as required if it fails "to receive notice provided by the Department prior to the effective date of any rate change".

Changed the structure of the footnote in 131.ILLUSTRATION A (no substantive change).

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Made numerous non-substantive grammatical or stylistic changes throughout the regulations.

- 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: PAs 101-31 and 101-604 amended the Retailers' Occupation Tax to implement a series of structural changes to the Illinois sales tax laws to require "remote retailers" to collect and remit State and local retailers' occupation taxes. This legislation provides that remote retailers may contract with certified service providers to perform their tax remittance functions. Remote retailers may also use certified automated systems to calculate and remit their own taxes. In addition to these changes, the legislation also modified the liability and role of marketplace facilitators. Beginning January 1, 2021, marketplace facilitators are required to remit State and local retailers' occupation taxes on sales made over the marketplace on their own sales and sales made on behalf of marketplace sellers. The legislation provides that State and local retailers' occupation taxes on sales made by remote retailers and marketplace facilitators on behalf of marketplace sellers are incurred based on the rate in effect at the location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing"). State and local retailers' occupation taxes for a marketplace facilitator's own marketplace sales are incurred, depending on the nature of the transaction, either at the rate in effect at the location of Illinois inventory from which a sale is fulfilled or the Illinois location where selling activities otherwise occur ("origin sourcing"), or by using destination sourcing. Section 131.155 of this Part explains the sourcing rules for different types of retailers. The changes made by PAs 101-31 and 101-604 are intended to "level the playing field" between Illinois-based retailers and remote retailers by imposing State and local retailers' occupation taxes on Illinois retailers, remote retailers and marketplace facilitators alike. These regulations implement the new requirements for remote retailers and marketplace facilitators, and explain the requirements for certified service providers and for the certified automated systems used by remote retailers.
- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Jerilynn Gorden
Deputy General Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 131

LEVELING THE PLAYING FIELD FOR ILLINOIS RETAIL ACT

Section

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

131 ILLUSTRATION A Leveling the Playing Field Retailer Flowchart

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

SOURCE: Adopted at 45 Ill. Reg. 931, effective December 31, 2020.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Section 131.101 Purpose and Scope of Regulations

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

Section 131.105 Definitions

As used in this Part:

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

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

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

DEPARTMENT OF REVENUE

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"Certified Service Provider" or "CSP" means an agent certified by the Department to perform the remote retailer's use and occupation tax functions, as outlined in the contract between the State and the certified service provider. [35 ILCS 185/5-10]

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

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

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

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

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

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

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

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"Marketplace Seller" means a person that makes sales through a marketplace operated by an unrelated third-party marketplace facilitator and who has obtained a certification from the marketplace facilitator as provided in Section 131.145. A person that is an affiliate, as defined in this Section, of a marketplace facilitator is not a marketplace seller. [35 ILCS 120/1]

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

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

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

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

**Section 131.107 Description of Different Types of Retailers On and After January 1, 2021
– Scope of Regulations**

- a) Different Types of Retailers On and After January 1, 2021. Public Acts 101-0031 and 101-0604 added several new types of retailers with different tax liabilities to the State's existing sales tax structure. As a result, retailers now include the following:

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- 1) Remote retailers incurring State and local retailers' occupation tax using destination sourcing for sales made to Illinois purchasers;
 - 2) Marketplace facilitators incurring State and local retailers' occupation tax using destination sourcing for sales made over the marketplace on behalf of marketplace sellers to Illinois purchasers;
 - 3) Marketplace facilitators incurring State and local retailers' occupation tax using origin sourcing for their own sales that are fulfilled from inventory located in Illinois and incurring State and local retailers' occupation tax using destination sourcing for all other sales of its own;
 - 4) Out-of-State retailers with a physical presence in Illinois incurring a Use Tax collection obligation for sales made outside Illinois and shipped or delivered to Illinois purchasers; such retailers also incur State and local retailers' occupation taxes using origin sourcing for any sales made in Illinois;
 - 5) Illinois retailers, including brick and mortar retailers, incurring no State or local retailers' occupation taxes for sales made over a marketplace (the marketplace facilitator will now incur State and local retailers' occupation tax liability based on destination sourcing for these sales); and
 - 6) Illinois retailers, including brick and mortar retailers, incurring State and local retailers' occupation taxes based on origin sourcing for sales made in Illinois.
- b) As a result of these differing tax obligations, it is critical that retailers examine their selling activities to determine their specific tax liabilities. This is especially important for retailers that engage in multichannel retailing (for example, retailers that engage in selling through their own website, as well as through a marketplace, or Illinois brick and mortar retailers that also sell over a marketplace).
- c) Scope of Regulations. The rules established in this Part for remote retailers, marketplace facilitators, and marketplace sellers apply only to the remittance of State Retailers' Occupation Tax and local retailers' occupation taxes administered by the Department. Remote retailers or marketplace sellers that incur other taxes administered by the Department, or other taxes not administered by the

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Department, remain liable for the remittance of those taxes to the Department or other taxing authority.

- 1) Examples of other taxes administered by the Department that are not subject to the provisions of this Part include, but are not limited to, the Prepaid Wireless 9-1-1 Surcharge imposed at 50 ILCS 753/15 and the tax imposed at 70 ILCS 210/13 upon persons engaged in the business of selling food, alcoholic beverages and soft drinks within the boundaries of the Metropolitan Pier and Exposition Authority.
- 2) Examples of other taxes not administered by the Department include, but are not limited to, taxes imposed and administered by a home rule municipality on food prepared for immediate consumption and on alcoholic beverages under the authority of 65 ILCS 5/8-11-6a.
- 3) Remote retailers, marketplace sellers and marketplace facilitators that remain liable for the other Department-administered taxes described in this subsection (c) must register with the Department to remit those taxes. In the case of marketplace sellers incurring these additional taxes for tangible personal property sold over a marketplace, the Department strongly encourages them to work with their marketplace facilitators to make arrangements allowing the marketplace facilitator to collect these taxes and remit them to the marketplace seller, along with the gross receipts from the sale, so that the marketplace seller can then remit the taxes to the Department as required.
- 4) Remote retailers, marketplace sellers, and marketplace facilitators that remain liable for the other taxes not administered by the Department are strongly encouraged to contact the appropriate local taxing authority with questions related to registration and remittance of tax.

Section 131.110 Remote Retailers – General Provisions

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

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- b) Remote retailers are deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation taxes are incurred at the rate in effect at this location. (See Section 131.155.)
- c) Sales of tangible personal property that is required to be titled or registered with an agency of the State of Illinois, including motor vehicles, watercraft, aircraft, and trailers, that are made by remote retailers to Illinois purchasers are not subject to the provisions of this Part. State and local use taxes shall continue to be paid by purchasers as required by law as a condition of titling or registering these items.
- d) Remote retailers are often multichannel retailers. That is, they may also sell their products through a marketplace and so are considered marketplace sellers. Marketplace facilitators required to register with the Department, as provided in Section 131.135, incur State and local retailers' occupation taxes on sales made to Illinois purchasers on behalf of remote retailers making sales over the marketplace. Remote retailers do not incur tax on these sales. (See Section 131.150.)
- e) Examples. All facts set forth in EXAMPLE 2 through EXAMPLE 4 apply to each following example.

EXAMPLE 1: On December 31, 2020, ABC Wines, an Illinois Liquor Control Commission Winery Shipper's License holder located in New York that has no physical presence in Illinois, determines that it has made sales to Illinois purchasers for the preceding 12 months that exceed \$100,000. Beginning January 1, 2021, ABC Wines must collect and remit all applicable State and locally imposed retailers' occupation tax for sales to Illinois purchasers for one year.

EXAMPLE 2: Ponchos for Pooches.com is a retailer of rain gear for dogs. Its sales are made exclusively from its manufacturing facility in Portland, Oregon. It has no physical presence in Illinois. Its annual gross receipts from sales to Illinois purchasers exceed \$100,000. Ponchos for Pooches.com is a remote retailer and is required to register with the Department and remit State and local retailers' occupation taxes in effect at the address to which its products are shipped or delivered or at which possession is taken by the purchaser ("destination sourcing").

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EXAMPLE 3: Rain gear sold to Illinois purchasers by Ponchos for Pooches.com has skyrocketed. As a result, the company has begun sending sales representatives to Illinois to market its products through local pet stores. As a result of these activities, Ponchos for Pooches.com is no longer considered a remote retailer because it has a physical presence in Illinois due to the presence of its sales reps. At this point, its tax liability changes. It no longer incurs State and local retailers' occupation taxes on its sales. It instead incurs an obligation to collect and remit only the use tax (6.25%) on its sales.

EXAMPLE 4: Ponchos for Pooches.com has become so popular with Illinois purchasers that the company decides to open up a manufacturing facility in Illinois. Sales to Illinois purchasers are sometimes fulfilled from this facility. For all sales to Illinois purchasers that are fulfilled from its Illinois manufacturing facility, Ponchos for Pooches.com incurs State and local retailers' occupation taxes in effect at the location of the manufacturing facility ("origin sourcing"). In addition, Ponchos for Pooches.com incurs only a use tax collection obligation (6.25%) on sales made from its Oregon manufacturing facility. As illustrated in Example 3, Ponchos for Pooches.com is not considered a remote retailer because it has a physical presence in Illinois (its manufacturing facility).

EXAMPLE 5: Ponchos for Pooches.com decides to sell its products over a marketplace. The marketplace meets the tax remittance requirements of Section 131.135(a) and so is required to remit State and local retailers' occupation taxes to the Department on all sales made to Illinois purchasers by its marketplace sellers. Ponchos for Pooches.com is not responsible for reporting and remitting tax on sales made over the marketplace. As provided in Example 4, Ponchos for Pooches.com maintains a physical presence in Illinois due to its manufacturing facility. Ponchos for Pooches.com incurs State and local retailers' occupation taxes for all sales it makes to Illinois purchasers outside the marketplace that are fulfilled from its Illinois manufacturing facility ("origin sourcing"). In addition, Ponchos for Pooches.com incurs only a use tax collection obligation (6.25%) on sales it makes outside the marketplace to Illinois purchasers that are fulfilled from its Oregon manufacturing facility.

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

- a) Application of ROTA

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- 1) *Beginning January 1, 2021, a remote retailer is a retailer engaged in the occupation of selling at retail in Illinois for purposes of ROTA if either of the following thresholds is met:*
 - A) *The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois are \$100,000 or more; or*
 - B) *The remote retailer enters into 200 or more separate transactions for the sale of tangible personal property to purchasers in Illinois.* [35 ILCS 120/2(b)]
 - 2) Remote retailers that meet or exceed the thresholds in either subsection (a)(1)(A) or (B) shall be liable for all applicable State and locally imposed retailers' occupation taxes administered by the Department on all retail sales to Illinois purchasers.
- b) *A remote retailer shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether it meets the threshold of either subsection (a)(1)(A) or (B) for the preceding 12-month period. If the remote retailer meets the criteria of either subsection (a)(1)(A) or (B) for a 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit the retailers' occupation tax and all retailers' occupation taxes imposed by local taxing jurisdictions in Illinois, provided the local taxes are administered by the Department, and to file all applicable returns for one year. A remote retailer shall begin collecting taxes for sales beginning on the first day of the quarter immediately following the end of the 12-month lookback period. Taxes so collected shall be remitted to the Department no later than the 20th day of the calendar month following the month in which they were collected or as otherwise provided in accordance with Section 3 of ROTA.* [35 ILCS 120/2(b)]
- c) *At the end of that one-year period, during which the remote retailer was remitting taxes, the remote retailer shall determine whether it met the threshold of either subsection (a)(1)(A) or (B) for the preceding 12-month period. If the remote retailer met the threshold in either subsection (a)(1)(A) or (B) for the preceding 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit all applicable State and local retailers' occupation taxes and file returns for the subsequent year.*

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- d) If, at the end of the one-year collection period described in subsection (c), the remote retailer determines that its sales to Illinois purchasers did not meet either of the thresholds in subsection (a)(1) during that year, it must discontinue remitting State and local retailers' occupation taxes. If a remote retailer is no longer required to remit State and local retailers' occupation taxes, it must notify the Department. However, it may alternatively notify the Department that it wishes to change its registration status to voluntarily collect and remit use tax as a courtesy to its Illinois purchasers, since those purchasers will still incur a use tax liability that they must otherwise self-assess and remit directly to the Department. (See 86 Ill. Adm. Code 150.805 for additional information.) All notifications made under this subsection (d) shall be made electronically as required by the Department.
- e) If a remote retailer is no longer required to remit State and local retailers' occupation taxes, it must redetermine, on a rolling quarterly basis, whether it is obligated to once more begin remitting State and local retailers' occupation taxes. For each quarter ending on the last day of March, June, September, and December, the remote retailer must examine its sales for the immediately preceding 12-month period to determine whether it met either of the thresholds in subsection (a)(1). If it met either of those thresholds during that 12-month lookback period, it must remit State and local retailers' occupation taxes for the following 12-month period. At the end of that 12-month period, it must examine its sales, as provided in subsection (a), to determine if it must continue to remit tax.

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

- a) "Gross Receipts" and "Separate Transactions" Defined. The following definitions must be applied by a remote retailer when determining if it meets either of the thresholds establishing tax remittance obligations:
 - 1) "Gross Receipts" means *all the consideration actually received for a sale.* (See 86 Ill. Adm. Code 130.401 for additional information regarding gross receipts.) *Subsection (b) of this Section describes what kinds of transactions must be included or excluded when determining whether the threshold based on gross receipts is met.*

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- 2) "Illinois Purchaser" means *a person in Illinois who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration.*
- 3) "Entering into a Sale" occurs when a remote retailer has taken action that binds it to a sale. This may occur even though the tangible personal property that has been sold has not yet shipped to the purchaser.

EXAMPLE: On December 15, 2020, a remote retailer takes actions binding it to a sale that is scheduled for shipment on January 15, 2021. This sale must be included in the calculation used to determine the remote retailer's sales transactions for its initial lookback period under Section 131.115(b) (i.e., the lookback period of January 1, 2020 through December 31, 2020).

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

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

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

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

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

- 1) Sales for resale must be excluded. (See 86 Ill. Adm. Code 130.210.)

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

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

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

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- a) Remote retailers meeting either of the thresholds in Section 131.115(a) are required to register with the Department to file returns and remit tax for all sales made to Illinois purchasers. However, a remote retailer that has entered into a Tax Remittance Agreement with a CSP is not required to register with the Department. The CSP shall instead register, as agent, for the remote retailer and file returns and make payment of tax as provided in Section 131.160. A remote retailer that no longer has a Tax Remittance Agreement with a CSP as provided in Section 131.160(i) is required to register and file returns to remit tax as otherwise provided in this Part.
- b) A remote retailer may, but is not required to, use a CSP to file returns and remit taxes, as provided in Section 131.160.
- c) A remote retailer may file its own returns, and may, but is not required to, utilize a CAS in filing its own returns and making payment of taxes. A remote retailer using a CAS shall maintain in its books and records the name of the owner or provider of the CAS it is using. A remote retailer shall also maintain this information in its books and records for any subsequent uses of a different CAS. This information shall be made available to the Department upon demand.
- d) If a remote retailer uses a CSP, the CSP is considered the agent of the remote retailer as provided in Section 131.160. All notices, assessments and other communications shall be sent by the Department to the CSP, not the remote retailer. (See Section 131.160 for additional information.)
- e) Remote retailers that are "marketplace sellers" as defined in Section 131.105 are not required to file returns or make payment of tax for sales made to Illinois purchasers over a marketplace that meets the thresholds in Section 131.135, provided that the remote retailer has received certification from the marketplace facilitator that the marketplace facilitator is legally responsible for payment of tax on those sales as provided in Section 131.145. The sales are considered to be sales made by the marketplace facilitator.
- f) *A remote retailer is subject to audit on all its sales, other than those which are made on a marketplace and for which a marketplace facilitator remitted the applicable State and local retailers' occupation taxes, unless the marketplace facilitator seeks relief as a result of incorrect information provided to the marketplace facilitator by the remote retailer as provided in Section 131.145. [35*

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ILCS 120/2(c)] (See Section 131.160(c) and (d) for audit procedures for remote retailers using a CSP.)

- g) A remote retailer shall maintain books and records for its sales, including all sales made over a marketplace, in accordance with the requirements of Section 7 of ROTA.
- h) A remote retailer that files its own returns and makes payment of tax shall be entitled to the retailers' discount for all sales for which it timely files returns and makes payment of tax as required by Section 3 of ROTA. However, a remote retailer is not entitled to the retailers' discount for sales reported on returns filed by a CSP with whom it has a Tax Remittance Agreement. Similarly, a remote retailer is not entitled to the retailers' discount for sales made over a marketplace as provided in subsection (e).
- i) *Remote retailers using a certified service provider or a certified automated system provider are relieved from liability to the State for having remitted the incorrect amount of use or occupation tax resulting from a certified service provider or certified automated system relying, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries, or taxing jurisdictions, or erroneous data provided by the Department in database files concerning the taxability of products and services.* [35 ILCS 185/5-30]
- j) *Remote retailers using a certified automated system shall be liable for any tax resulting from errors caused by use of an updated or upgraded certified automated system prior to recertification of the updated or upgraded certified automated system by the Department as provided in Section 131.165.* [35 ILCS 185/5-25(c)]
- k) Unless otherwise provided to the contrary in this Part, a remote retailer is subject to all the rights and duties, and is subject to the same modes of procedure, as all other retailers under ROTA.
- l) *Nothing in this Section affects the obligation of any consumer to remit use tax for any taxable transaction for which a remote retailer does not collect and remit the appropriate tax.* [35 ILCS 120/2(j)]

Section 131.130 Marketplace Facilitators – General Provisions

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a) Activities of Marketplace Facilitators

- 1) *Beginning January 1, 2021, a marketplace facilitator means a person who, pursuant to an agreement with an unrelated third-party marketplace seller, directly or indirectly through one or more affiliates facilitates a retail sale by an unrelated third-party marketplace seller by:*
 - A) *Listing or advertising for sale by the marketplace seller in a marketplace, tangible personal property that is subject to tax under ROTA; and*
 - B) *Either directly or indirectly, through agreements or arrangements with third parties, collecting payment from the customer and transmitting that payment to the marketplace seller regardless of whether the marketplace facilitator receives compensation or other consideration in exchange for its services. Provision on a marketplace of functionality for connection to a payment mechanism meets the requirements of this subsection (a)(1)(B).*
- 2) *A person who provides advertising services, including listing products for sale, is not considered a marketplace facilitator, so long as the advertising service platform or forum does not engage, directly or indirectly through one or more affiliated persons, in the activities described in subsection (a)(1)(B). [35 ILCS 120/1]*

- b) A marketplace facilitator must indicate to purchasers on its marketplace that the tangible personal property is being sold on behalf of an identified marketplace seller. If the marketplace seller is not identified to the purchaser on the marketplace, then for tax remittance purposes, the marketplace facilitator is considered the seller of the tangible personal property. A marketplace facilitator considered the seller of an item (either because the marketplace seller is not identified or because the marketplace facilitator is making a sale of its own) must register, file returns, and pay tax on its own sales separately from the return filed on behalf of marketplace sellers. Auctioneers that operate as marketplace facilitators must follow the provisions for disclosed or undisclosed principals at 86 Ill. Adm. Code 130.1915 in determining whether or not their marketplace sellers are identified. If none of the tangible personal property sold over a marketplace is identified to purchasers on the marketplace as tangible personal

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property sold on behalf of an identified marketplace seller, the requirements of subsection (a)(1)(A) are not met. (See EXAMPLE 4 at the end of this Section.)

- c) Sales of tangible personal property that is required to be titled or registered with an agency of the State of Illinois, including motor vehicles, watercraft, aircraft, and trailers, that are made over a marketplace to Illinois purchasers are not subject to the provisions of this Part. State and local uses taxes shall continue to be paid by purchasers as required by law as a condition of titling or registering these items.
- d) On and after January 1, 2021, a marketplace facilitator that meets either of the thresholds in Section 131.135(a) is considered a retailer engaged in the occupation of selling at retail in Illinois and is liable for all applicable State and local retailers' occupation taxes administered by the Department on all sales to Illinois purchasers made over the marketplace, including its own sales and sales made over the marketplace on behalf of marketplace sellers.
- e) Affiliates of a Marketplace Facilitator Are Not "Marketplace Sellers". As a result, a marketplace facilitator is not considered to be the retailer and is not liable for tax on sales made to Illinois purchasers by affiliates selling over its marketplace. An affiliate must consider several factors in determining its tax liability. First, it must determine if it is a "remote retailer" under Section 131.110. (See also Illustration A.) If it is a remote retailer, it must calculate whether its sales meet either of the tax remittance thresholds in Section 131.115(a). If it is not a remote retailer, it must examine its selling activities to determine if it has any other type of tax liability. (See Section 131.155.) An affiliate of a marketplace facilitator that is a remote retailer and is liable for ROTA must register with the Department to file returns and make payment of the tax separately from any returns remitted to the Department by a marketplace facilitator. However, if a marketplace facilitator has obtained certification as a CSP or a CAS, it may assist affiliates in filing their returns and performing other tax functions as provided in Section 131.160 or 131.165.
- f) Marketplace facilitators that meet either of the thresholds in Section 131.135(a) are deemed to be engaged in the business of selling on behalf of their marketplace sellers at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation taxes are incurred at the rate in effect at this location for all

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sales made on behalf of marketplace sellers over the marketplace. (See Section 131.155 and 35 ILCS 120/2-12(7).)

- g) Marketplace facilitators that meet either of the thresholds in Section 131.135(a) and that make sales over their marketplace (or are considered to be the seller because the marketplace seller is not identified as explained in subsection (b)) are subject to State and local retailers' occupation tax. For sales that are fulfilled from inventory located in Illinois, the marketplace facilitator is deemed to be engaged in the business of selling at the location of the inventory. State and local retailers' occupation tax is incurred at the rate in effect at the location of the inventory. For sales that are not fulfilled from inventory in Illinois or for which selling is not engaged in at any location in Illinois (see 86 Ill. Adm. Code 270.115), the marketplace facilitator is deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser. State and local retailers' occupation tax is incurred at the rate in effect at this location for all such sales. (See Section 131.155.)

EXAMPLE 1: Carabibi, a social media network, provides a forum in which persons using the network can buy and sell used tangible personal property. Carabibi functions solely as an advertising platform bringing buyers and sellers together. Once the buyer and seller have contacted each other over the network, they must negotiate the sale and make payment arrangements themselves. While the forum provided by Carabibi constitutes a marketplace as defined in Section 131.101, Carabibi is not considered a marketplace facilitator because it does not engage in the activities described in subsection (a)(1)(B).

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

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

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is the sale of an intangible, not the sale of tangible personal property. Marketplace facilitators must engage in facilitating sales of tangible personal property.

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

EXAMPLE 5: Mandameal.com is an online and mobile food-ordering and delivery service that enters into over 200 transactions with Illinois purchasers. It contracts with a variety of partner restaurants by advertising meals available for purchase from partner restaurants; it also offers delivery service for the food orders. Customers place food orders using the Mandameal app or through its online website. Mandameal.com accepts payments from customers, completes the orders with the restaurants, and transmits payment on a regular basis to the restaurants. Mandameal.com engages in activities that make it a marketplace facilitator. Mandameal.com is required to register with the Department and remit retailers' occupation tax, including applicable local retailers' occupation taxes administered by the Department, on sales made on its marketplace on behalf of partner restaurants. State and local retailers' occupation taxes are incurred at the rate in effect at the delivery location of the purchaser. For example, if the food order is delivered to a customer address, Mandameal.com incurs State and local retailers' occupation taxes in effect at the location where the order is delivered. If the order is picked up at the restaurant, however, Mandameal.com incurs State and local retailers' occupation taxes in effect at the restaurant location.

EXAMPLE 6: CanineCorner.com is a marketplace that sells dog gear. Its gross receipts from sales to Illinois purchasers are over \$100,000. Ponchos for Pooches.com decides to sell its rain gear over this marketplace. Some of the inventory Ponchos for Pooches.com sells over the marketplace is fulfilled from its manufacturing plant in Portland, Oregon, while other sales are fulfilled from its warehouse in Kankakee, Illinois. CanineCorner.com incurs Retailers' Occupation Tax, including all applicable local retailers' occupation taxes, for all sales of rain gear made over the marketplace on behalf of Ponchos for Pooches.com. Tax on

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all sales, both those fulfilled from Portland, Oregon and from the Kankakee, Illinois warehouse, is incurred at the rate in effect at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser.

EXAMPLE 7: Antiquities, Inc. is an auction house located in Edwardsville, Illinois. It enters into agreements with individuals desiring to sell items at a weekly, in-person auction. A week before the auction, Antiquities, Inc. provides to the public an online listing of the items that will be sold. Once an item is sold, Antiquities, Inc. collects payment from the purchaser and pays the original owner of the item sold, minus an agreed-upon commission. Antiquities, Inc. is a marketplace facilitator operating a marketplace. Provided that it meets either of the thresholds in Section 131.135(a), it is required to remit State and local retailers' occupation taxes on all sales made through the marketplace. The tax rate that is applicable will depend upon whether the marketplace seller is identified (see 86 Ill. Adm. Code 130.1915 for further information). Sales made by an identified marketplace seller are taxed at the destination rate. (See Section 131.155(b).) If the marketplace seller is not identified, the marketplace facilitator/auctioneer will be considered the seller of the item and the tax rate that is applicable will depend upon the location at which the marketplace facilitator/auctioneer is engaged in the business of selling. (See subsection (g) and Section 131.155(c).)

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

Section 131.135 Marketplace Facilitators – Determination of Obligation to Remit Tax

- a) *Beginning January 1, 2021, a marketplace facilitator, as defined in Section 131.101, is considered a retailer engaged in the occupation of selling at retail in Illinois for purposes of ROTA if either of following thresholds is met:*

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- 1) *The cumulative gross receipts from sales of tangible personal property to purchasers in Illinois made through the marketplace by the marketplace facilitator and by marketplace sellers are \$100,000 or more; or*
 - 2) *The marketplace facilitator and marketplace sellers selling through the marketplace cumulatively enter into 200 or more separate transactions for the sale of tangible personal property to purchasers in Illinois.*
- b) *Marketplace facilitators that meet or exceed either of the thresholds in subsection (a) shall be liable for all applicable State and local retailers' occupation taxes administered by the Department on all retail sales to Illinois purchasers.*
- c) *The marketplace facilitator shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether it meets either of the thresholds in subsection (a) for the preceding 12-month period. If the marketplace facilitator meets either threshold for a 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit the retailers' occupation tax and all retailers' occupation taxes imposed by local taxing jurisdictions in Illinois, provided those local taxes are administered by the Department, and to file all applicable returns for one year. A marketplace facilitator shall begin collecting taxes for sales beginning on the first day of the quarter immediately following the end of the 12-month lookback period. Taxes so collected shall be remitted to the Department no later than the 20th day of the calendar month following the month in which they were collected or as otherwise provided in accordance with Section 3 of ROTA.*
- d) *At the end of that one-year period, the marketplace facilitator shall determine whether it met either of the thresholds in subsection (a) for the preceding 12-month period. If the marketplace facilitator met either threshold for the preceding 12-month period, he or she is considered a retailer engaged in the occupation of selling at retail in Illinois and is required to remit all applicable State and local retailers' occupation taxes and file returns for the subsequent year. [35 ILCS 120/2(c)]*
- e) *If, at the end of the one-year collection period in subsection (d), the marketplace facilitator determines that its sales to Illinois purchasers did not meet either of the thresholds in subsection (a) during that year, it must discontinue remitting State and local retailers' occupation taxes.*

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- f) If a marketplace facilitator is no longer required to remit State and local retailers' occupation taxes, it must notify the Department and its marketplace sellers of this change. It must also provide the Department with the name, address and FEIN of all marketplace sellers making sales to Illinois purchasers during the previous one-year period. Notification to the Department and provision of the information required by this subsection (f) shall be made electronically as required by the Department.
- g) *If a marketplace facilitator is no longer required to remit State and local retailers' occupation taxes and has discontinued tax remittance, it must redetermine, on a rolling quarterly basis, whether it is obligated to once more begin remitting State and local retailers' occupation taxes. For each quarter ending on the last day of March, June, September, and December, the marketplace facilitator must examine its sales for the immediately preceding 12-month period to determine whether it met either of the thresholds in subsection (a). If it met either of those thresholds during that 12-month lookback period, it must remit State and local retailers' occupation taxes for the following 12-month period. At the end of that 12-month period, it must examine its sales as provided in subsection (a) to determine if it must continue to remit tax. [35 ILCS 120/2]*

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

- a) "Gross Receipts" and "Separate Transactions" Defined. The following definitions must be applied by a marketplace facilitator when determining if it meets either of the thresholds establishing tax remittance obligations:
- 1) "Gross Receipts" means all the consideration actually received for a sale. (See 86 Ill. Adm. Code 130.401 for additional information regarding gross receipts.) Subsection (b) describes what kinds of transactions must be included or excluded when determining whether the threshold based on gross receipts is met.
 - 2) "Illinois Purchaser" means *a person in Illinois who, through a sale made over a marketplace, acquires the ownership of tangible personal property for a valuable consideration. [35 ILCS 120/1]*

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- 3) "Entering into a Sale" occurs when a marketplace seller has taken action that binds it to a sale. This may occur, even though the tangible personal property that has been sold has not yet shipped to the purchaser.

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

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

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

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

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

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

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be included or excluded for purposes of determining if it meets either of the thresholds establishing tax remittance obligations:

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

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

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

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

- a) Marketplace facilitators meeting either of the thresholds in Section 131.135(a) are required to register with the Department, file returns and remit tax for all sales made over the marketplace to Illinois purchasers, including their own sales and sales made on behalf of marketplace sellers.
- b) *A marketplace facilitator shall certify to each marketplace seller:*
 - 1) *That the marketplace facilitator assumes the rights and duties of a retailer under ROTA and all applicable local retailers' occupation taxes administered by the Department with respect to sales made by the marketplace seller through the marketplace; and*
 - 2) *That the marketplace facilitator will remit taxes imposed by the retailers' occupation tax and all applicable local retailers' occupation taxes*

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administered by the Department for sales made through the marketplace.
[35 ILCS 120/2(d)]

- c) *A marketplace facilitator is liable for the remittance of all applicable State and local retailers' occupation taxes administered by the Department on sales made on behalf of marketplace sellers on the marketplace, as well as its own sales made over the marketplace, and is subject to audit on all such sales. A marketplace facilitator is not liable for tax on any sales made by a marketplace seller that take place outside of the marketplace and that are not a part of an agreement between a marketplace facilitator and a marketplace seller for the facilitation of sales by the marketplace seller over the marketplace.* [35 ILCS 120/2(f)]
- d) *Marketplace facilitators shall not be liable to State and local governments of Illinois for having charged and remitted an incorrect amount of State and local retailers' occupation tax if, at the time of the sale, the tax is computed based on erroneous data provided by the Department in database files on tax rates, boundaries, or taxing jurisdictions or on incorrect information provided to the marketplace facilitator by a marketplace seller.* [35 ILCS 120/2(c)] (See also Section 131.150(b) and (c) for further information.)
- e) A marketplace facilitator shall maintain books and records for sales made over the marketplace to Illinois purchasers on behalf of marketplace sellers in accordance with the requirements of Section 7 of ROTA.
- f) *Marketplace facilitators shall file returns and remit tax on sales made over the marketplace to Illinois purchasers on behalf of marketplace sellers separately from any sales made directly by the marketplace facilitator itself.* [35 ILCS 120/2(C)] Marketplace facilitators must separately register with the Department to file and pay tax on their own sales; tax on those sales shall be reported and paid on a return separate from the return filed on behalf of marketplace sellers.
- g) Marketplace facilitators are not authorized to file returns and remit tax on sales made by affiliates over the marketplace to Illinois purchasers unless the marketplace facilitator is acting as a certified CSP or CAS for the affiliate.
- h) *A marketplace facilitator shall be entitled to any credits, deductions, or adjustments to the sales price otherwise provided to the marketplace seller, in addition to any such adjustments provided directly to the marketplace facilitator, such as discounts, coupons, and rebates.* [35 ILCS 120/2(c)] For provisions

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regarding the taxation of rebates, discounts, and coupons, see 86 Ill. Adm. Code 130.2125.

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

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

- a) *Except as otherwise provided in this Section, a marketplace seller is not liable for State and local retailers' occupation taxes for sales of tangible personal property sold to Illinois purchasers through a marketplace, provided that, prior to its sales, it has obtained a certification from the marketplace facilitator as established in Section 131.145(b).*
- b) *A marketplace seller shall furnish to the marketplace facilitator information that is necessary for the marketplace facilitator to correctly remit tax on each sale made on its behalf over the marketplace. The information may include a certification that an item being sold is taxable, not taxable, exempt from taxation, or taxable at a specified rate (for example, at either the general merchandise rate or the preferential low rate of tax).*

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

Section 131.155 Tax Sourcing Provisions

- a) Under P.A. 101-0031 and P.A. 101-604, the type of tax liability incurred by a retailer and the manner in which that liability is sourced depends upon the manner in which a retailer conducts its selling activities, as well as the type of nexus (or

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lack thereof) that a retailer has with the State. Retailers may incur State and local retailers' occupation taxes based either upon the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing") or upon the location in Illinois at which the selling activities occur ("origin sourcing"; see 86 Ill. Adm. Code 270.115). Some retailers, in contrast, may incur only a use tax collection obligation. Still other retailers may incur no tax obligations at all. Multichannel retailers may incur a combination of any of these liabilities. Because of these distinctions, it is critical that retailers evaluate their selling activities carefully to determine their proper tax liability.

- b) Marketplace facilitators required to remit State and local retailers' occupation tax on sales to Illinois purchasers for sales made on behalf of marketplace sellers. On and after January 1, 2021, marketplace facilitators meeting either of the thresholds in Section 131.135(a)(1) or (a)(2) are deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser for sales made over the marketplace on behalf of a marketplace seller. (See 35 ILCS 120/2-12(7).)
- c) Marketplace facilitators required to remit State and local retailers' occupation tax for their own sales to Illinois purchasers, or sales for which they are considered the seller because the marketplace seller is not identified (see Section 131.130(b)). On and after January 1, 2021, marketplace facilitators meeting either of the thresholds in Section 131.135(a)(1) or (a)(2) may incur either destination sourcing or origin sourcing on a sale to an Illinois purchaser. When a marketplace facilitator makes a sale to an Illinois purchaser that is fulfilled from inventory located in Illinois (or for which selling activities otherwise occur at a location in Illinois; see 86 Ill. Adm. Code 270.115), it is deemed to be engaged in the business of selling at the Illinois location at which the inventory is located or at which the selling activities otherwise occur ("origin sourcing"). When a marketplace facilitator makes a sale to an Illinois purchaser that is fulfilled from inventory located outside Illinois and for which selling activities otherwise occur at a location outside Illinois (see 86 Ill. Adm. Code 270.115), it is deemed to be engaged in the business of selling at the Illinois location to which the tangible personal property is shipped or delivered or at which possession is taken by the purchaser ("destination sourcing").

EXAMPLE 1: World of Spices operates a marketplace selling various spices on behalf of marketplace sellers. It meets the thresholds for tax remittance in Section

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

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

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

EXAMPLE 4: Conkle's Auctioneers operates an auction house in Carbondale, Illinois. Its location in Carbondale is where it is engaged in the occupation of selling tangible personal property applying the provisions of 86 Ill. Adm. Code 270.115. All the items sold are located in Carbondale at the time of sale. Conkle's engages in activities qualifying it as a marketplace, and meets the tax remittance threshold in Section 131.135(a)(2). It holds a weekly, in-person auction. Some, but not all, marketplace sellers are identified. Most purchasers take possession of their purchases in Carbondale at the time of sale. However, some instead request that Conkle's ship their items to a different location. When purchasers take possession of their purchases at the auction house, State and local retailers' occupation taxes are always incurred at the tax rate in effect at the location of the auction house in Carbondale. The result is the same for both identified and unidentified marketplace sellers. For sales by identified marketplace sellers, tax is incurred at the rate in effect at the auction house in Carbondale because that is

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where the purchaser takes possession of the item (the destination rate). For sales by unidentified marketplace sellers, Conkle's is considered the seller. It will incur tax liability at the rate in effect at the auction house in Carbondale because, in this example, that is the location at which Conkle's is engaged in the occupation of selling tangible personal property in Illinois (and is also the location of inventory). (See subsection (c).) For items that are delivered to Illinois purchasers and that are sold on behalf of identified marketplace sellers, Conkle's incurs State and local retailers' occupation taxes in effect at the location to which the purchased items are shipped or delivered (destination rate). For items delivered to Illinois purchasers and that are sold on behalf of unidentified marketplace sellers, Conkle's is considered the seller. Tax for these sales will be incurred at the rate in effect at the location of the auction house in Carbondale because this is the location in this example where Conkle's is engaged in the business of selling tangible personal property in Illinois (and is also the location of inventory). (See subsection (c).) If Conkle's ships the items sold to purchasers in California and meets all the other requirements of 86 Ill. Adm. Code 130.605, no State and local retailers' occupation taxes are incurred, because this is an exempt sale into interstate commerce.

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

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

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

EXAMPLE 1: Vichy Vines is a vintner in the Columbia River Valley that holds an Illinois Liquor Control Commission Winery Shipper's License and sells wine to Illinois purchasers over its website. It has no physical presence in Illinois and meets the tax remittance threshold of Section 131.115(a)(1). Consequently, for purposes of tax imposed under ROTA, it is deemed to be engaged in the business of selling at the Illinois location to which its wine is shipped or delivered or at which possession is taken by the purchaser. Vichy Vines sells a case of its best grenache to an Illinois purchaser and delivers it to an address in Chicago, Cook County. Vichy Vines incurs all State, municipal, county, and special district retailers' occupation taxes in effect at the location to which the wine is shipped or delivered.

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

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

EXAMPLE 1: Company A is a sushi restaurant supply company headquartered in San Francisco. It routinely sends representatives to Illinois to market supplies to sushi restaurants. All of its sales to Illinois purchasers are filled from inventory in Oakland, California. The representatives make no sales from locations in Illinois. Company A is not a remote retailer because it has a physical presence in Illinois due the activities of its sales representatives. It is required to register to collect and remit Use Tax (6.25%) on its sales to Illinois purchasers.

EXAMPLE 2: DanubeDeliveries.com is an affiliate of a large multinational marketplace facilitator. The facilitator meets either of the tax remittance thresholds of Section 131.135(a) and so is required to remit State and local retailers' occupation tax for sales made on behalf of marketplace sellers on the marketplace. DanubeDeliveries.com sells 35% of its products over the marketplace, and these sales are fulfilled from a warehouse of the marketplace facilitator located in Monee, Illinois. The remaining 65% of its sales to Illinois purchasers are made outside Illinois. Because DanubeDeliveries.com is an affiliate of the marketplace facilitator, it is not considered a marketplace seller. As a result, the marketplace facilitator is not authorized to remit tax on sales made over the marketplace on behalf of DanubeDeliveries.com. as it does for all its marketplace sellers. It may, however, collect the tax and send it to DanubeDeliveries.com to remit to the Department, or, if the marketplace facilitator has obtained certification as a CSP or CAS, it may assist DanubeDeliveries.com in filing its returns and performing other tax functions, as provided in Section 131.160 or 131.165. DanubeDeliveries must next determine its tax obligations. In making this determination, it must first consider whether it is a remote retailer. It is not considered a remote retailer because it has a physical presence in Illinois due to inventory in Monee, Illinois, from which Illinois purchases are fulfilled. As a result, it incurs two different types of tax liability on

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its sales. It incurs State and local retailers' occupation tax at the rate in effect in Monee, Illinois for sales made to Illinois purchasers that are fulfilled from inventory in Monee ("origin sourcing"). For all sales made to Illinois purchasers from outside Illinois, DanubeDeliveries.com is required to collect and remit Illinois Use Tax (6.25%). DanubeDeliveries.com must register to report and remit tax on all its sales, including those made over the marketplace.

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

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

- a) A certified service provider (CSP) is an agent of a remote retailer that performs all of a remote retailer's sales tax functions, as outlined in the contract between the Department and the CSP. These functions include the preparation and filing of all required tax returns or amended returns, payment of tax, and resolution of any notices or audits of the remote retailer. These functions do not include remittance of use tax by the remote retailer on its own purchases.
- b) The software of a CSP interfaces with a remote retailer's accounting system to:
 - 1) Identify which products are taxable;
 - 2) Apply the appropriate tax rate; and
 - 3) Maintain a record of the transaction
- c) A CSP will provide services necessary to:
 - 1) Set up and integrate the CSP's software with the remote retailer's system;

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- 2) As agent for the remote retailer, prepare and file all required returns or amended returns;
 - 3) As agent for the remote retailer, remit tax to the Department;
 - 4) As agent for the remote retailer, resolve any notices or audits by the Department; and
 - 5) Provide for the protection and confidentiality of tax information consistent with the requirements of Section 11 of ROTA.
- d) The Department shall send all notices, assessments and other communications regarding the remote retailer's tax functions to the CSP, as agent for the remote retailer. The Department shall not, except as otherwise provided in this subsection, send these communications to the remote retailer. A remote retailer must contact the CSP with whom it has contracted in order to receive copies of the notices, assessments and other communications. In the event that an assessment has been issued to a CSP, and the CSP demonstrates to the satisfaction of the Department that its failure to correctly remit tax on a retail sale resulted from its good faith reliance on incorrect or insufficient information provided by a remote retailer, the Department shall withdraw the assessment of the CSP and issue the assessment to the remote retailer, who shall be liable for any resulting tax, penalties and interest due.
- e) A CSP, or the remote retailer that has contracted with the CSP, shall be subject to all the same conditions, restrictions, limitations, penalties and modes of procedure as other retailers under ROTA in cases in which assessments have been issued as provided in subsection (d).
- f) Before acting as a CSP for a remote retailer, a CSP must be certified by the Department. Certification requires that a CSP applicant meet all established evaluation criteria. In addition, the systems of a CSP must have been tested and approved by the Department for properly determining the taxability of items to be sold, the correct rate of tax to apply to a transaction, and the appropriate jurisdictions to which the tax must be remitted.
- g) A CSP that has been certified by the Department shall enter into a contractual relationship with the Department. The contract shall, at a minimum:

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- 1) *Provide that the CSP shall be held liable for State and local retailers' occupation taxes administered by the Department if the CSP fails to correctly remit the tax after having been provided with the tax and information by a remote retailer to correctly remit those taxes. However, if the CSP demonstrates to the satisfaction of the Department that its failure to correctly remit tax on a retail sale resulted from the CSP's good faith reliance on incorrect or insufficient information provided by the remote retailer, the CSP shall be relieved of liability for the tax on that retail sale, and the remote retailer shall be liable for any resulting tax, penalties and interest due;*
- 2) *Provide for the responsibilities of the CSP and the remote retailers that contract with the CSP with respect to record keeping and auditing consistent with the requirements imposed under ROTA;*
- 3) *Provide for the protection and confidentiality of tax information consistent with the requirements of Section 11 of ROTA;*
- 4) *Provide that the CSP is entitled to compensation equal to 1.75% of the tax dollars remitted to the State by a CSP on a timely basis on a return that has been properly and timely filed by the CSP on behalf of a remote retailer, and that a remote retailer using a CSP may not claim the vendor's discount allowed under Section 3 of ROTA;*
- 5) Provide that a CSP shall enter into a Tax Remittance Agreement with a remote retailer prior to acting as a CSP for that remote retailer, under which the CSP agrees to remit all State and local retailers' occupation taxes administered by the Department for sales made by the remote retailer. The agreement shall be retained by the CSP in its books and records and shall be provided to the Department upon demand;
- 6) Provide that a CSP shall obtain and provide to the Department, upon request, a Power of Attorney, in the form and manner required by the Department, for each remote retailer with whom it has a Tax Remittance Agreement;
- 7) Provide that a CSP shall obtain and maintain updated information for each remote retailer with which it has a Tax Remittance Agreement. This information shall include the name, post office address, email address,

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phone number, and FEIN or SSN of the remote retailer. It shall also include the name and address of the person or persons identified by the remote retailer who are responsible for filing returns and payment of taxes due under ROTA. This information shall be made available to the Department upon request.

- 8) *Provide that a CSP shall file a separate return for each remote retailer with which it has a tax remittance agreement* and make payment by electronic means as required by the Department. [35 ILCS 185/5-25]
- h) A CSP that has been certified must electronically register with the Department. Registration shall include an acceptance of responsibility signed by the person or persons of the CSP who will be responsible for filing returns and payment of the taxes due under ROTA. As part of its registration, a CSP must also certify that it has obtained from each remote retailer for whom it acts as agent an acceptance of responsibility signed by the person or persons of the remote retailer who are responsible for filing returns and making payment of taxes under ROTA, that it will keep the information current, and that it will provide the information to the Department upon request.
- i) Once certified, a CSP must notify the Department that it has entered into a Tax Remittance Agreement with a remote retailer within 30 days after execution of the Tax Remittance Agreement. A CSP cannot file returns or pay tax on behalf of a remote retailer until it has notified the Department that it has entered into a Tax Remittance Agreement with a remote retailer. Returns and payment of tax made on behalf of a remote retailer may then be filed by the CSP only for periods beginning with the current reporting period of the remote retailer (monthly, quarterly or annual). The CSP is not authorized to file returns, including amended returns, for any periods prior to the commencement of the current reporting period. Only one CSP is authorized to file a return for a remote retailer for any given reporting period (e.g., if the remote retailer terminates its contract with a CSP and enters into a contract with a new CSP before the end of its current reporting period, only one of those CSPs can file the return for the remote retailer). A CSP shall notify the Department of the termination of a Tax Remittance Agreement within 30 days after the termination of the Tax Remittance Agreement. Notification shall be made electronically as required by the Department.

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- j) *A CSP shall file a separate return for each remote retailer with whom it has a Tax Remittance Agreement. [35 ILCS 185/5-25]*
- k) *A CSP shall be entitled to compensation equal to 1.75% of the tax that is remitted with a return that is timely and properly filed on behalf of a remote retailer. [35 ILCS 185/5-25]*
- l) *A CSP shall not be held liable for any State and local retailers' occupation taxes administered by the Department if the remote retailer does not provide the CSP with the tax and information to correctly remit all taxes due. A CSP that demonstrates that it relied in good faith on incorrect or insufficient information provided by the remote retailer shall be relieved of liability for the tax on that transaction. [35 ILCS 185/5-25] Incorrect or insufficient information includes, but is not limited to, incorrect information that an item being sold is taxable or not taxable, exempt from tax, or taxed at a specified rate (e.g., the rate applicable to either general merchandise or the low preferential 1% rate). Incorrect or insufficient information also includes failure of the remote retailer to report sales or to obtain properly executed documentation of an exemption as required by ROTA and 86 Ill. Adm. Code 130.*
- m) *A CSP is relieved of liability to the Department for having remitted the incorrect amount of tax resulting from reliance, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries or taxing jurisdictions, or erroneous data provided by the Department concerning the taxability of products and services (Illinois Sales Tax Matrix). [35 ILCS 185/5-30]*
- n) *When a CSP contemplates a material revision to its systems, it must notify the Department at least 60 days before any such revision. Upon receipt of that notification, the Department shall discuss the proposed revision with the CSP. If the Department determines that the revision is sufficiently material, the CSP must be recertified. The Department shall test the proposed revision to assess whether the revised system of the CSP can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. The Department shall recertify revised systems that meet these requirements. A CSP shall be liable for any tax resulting from errors caused by use of a revised system prior to recertification by the Department. [35 ILCS 185/5-25]*

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- o) The Department shall provide each CSP with a test deck two times per year, in December and June, as a check to ensure that the CSP's system can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. (See 35 ILCS 185/5-25.)
- p) A CSP must be recertified every three years. At least 1 year prior to expiration of a CSP's certification status, the Department shall contact the CSP to initiate the recertification process. Once recertified, the Department's contract with the CSP shall be amended or renewed.

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

- a) A certified automated system (CAS) is software that is designed for or by a remote retailer that wants to use certified tax calculation software but keep the responsibility for filing returns and remitting tax in-house.
- b) The software system of a CAS interfaces with a remote retailer's accounting system to:
 - 1) Identify which products are taxable;
 - 2) Apply the appropriate tax rate;
 - 3) Maintain a record of the transaction; and
 - 4) Determine the amount of tax the remote retailer must report and pay to the Department.
- c) Before a CAS can be utilized by a remote retailer, the CAS must be certified by the Department. Certification requires that a CAS applicant meet all established evaluation criteria. In addition, the systems of a CAS must have been tested and approved by the Department or properly determining the taxability of items to be sold, the correct rate of tax to apply to a transaction, and the appropriate jurisdictions to which the tax must be remitted.

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- d) A remote retailer that uses a CAS shall be subject to all provisions of ROTA, including, but not limited to, recordkeeping, audit, confidentiality, and electronic filing and payment requirements.
- e) A remote retailer using a CAS shall maintain in its books and records the name of the owner or provider of the CAS it is using. A remote retailer shall also maintain this information in its books and records for any subsequent uses of a different CAS. This information shall be made available to the Department upon demand.
- f) A remote retailer using a CAS shall file its own returns and make payment of tax by electronic means, and perform all other sales and use tax functions.
- g) A remote retailer using a CAS shall be entitled to a retailers' discount of 1.75% of the tax that is remitted with a return that is timely and properly filed.
- h) *Remote retailers using certified automated systems and their certified automated systems providers are relieved of liability to the Department for having remitted the incorrect amount of tax resulting from reliance, at the time of the sale, on erroneous data provided by the Department in database files on tax rates, boundaries or taxing jurisdictions, or erroneous data provided by the Department concerning the taxability of products and services (Illinois Sales Tax Matrix). [35 ILCS 185/5-30]*
- i) When a material revision to a certified automated system is contemplated, the owner or provider of the CAS must notify the Department at least 60 days prior to any such revision. Upon receipt of that notification, the Department shall discuss the proposed revision with the owner or provider of the CAS. If the Department determines that the revision is sufficiently material, the CAS must be recertified. *The Department shall test the proposed revision to assess whether the revised system of the CAS can properly determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted. The Department shall recertify revised systems that meet these requirements. If the Department notifies the remote retailer using a CAS that a recertification is necessary, the remote retailer shall be liable for any tax resulting from errors caused by use of a revised system prior to recertification by the Department. [35 ILCS 185/5-25]*
- j) The Department will provide each CAS with a test deck two times per year, in December and June, as a check to ensure that the CAS's system can properly

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determine the taxability of items to be sold, the correct tax rate to apply to a transaction, and the appropriate jurisdictions to which the tax shall be remitted.

- k) A CAS must be recertified every three years. At least 1 year prior to expiration of a CAS's certification status, the Department shall contact the CAS to initiate the recertification process.

Section 131.170 Department Responsibilities

- a) Provision of Databases. No later than July 1, 2020, the Department will:
 - 1) Provide and maintain an electronic database of defined product categories that identifies the taxability of each category. The Department will meet this requirement by the provision and maintenance of the Illinois Sales Tax Matrix on the Department's website. The Department will provide persons subject to this Part with as much advance notice as practicable of changes in the Sales Tax Matrix. Failure of the Department to provide notice or failure of a person to receive notice shall not relieve the person of its obligation to remit tax as required by law. However, persons may petition the Department for abatement of penalties on reasonable cause shown;
 - 2) Provide and maintain an electronic database of all retailers' occupation tax rates for the jurisdictions in Illinois that levy a retailers' occupation tax administered by the Department. The Department will meet this requirement by the provision and maintenance of the Tax Rate Finder Tax Rate Database on the Department's website. Local retailers' occupation taxes for jurisdictions in Illinois are generally subject to change twice a year, effective July 1 and January 1, and prior to these dates, any such changes are reflected on the Department's Tax Rate Finder Tax Rate Database. The Department will, as much as practicable, provide a CSP or CAS with notice of the changes by publishing updated tax rates on the Tax Rate Finder Tax Rate Database on the Department's website at least one month prior to the effective date of any tax rate changes. However, failure of a person to receive notice provided by the Department prior to the effective date of any tax rate change as set forth in this subsection (a)(2) shall not relieve the person of its obligation to remit tax as required by law. Persons subject to this Part may petition the Department for abatement of penalties on reasonable cause shown; and

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- 3) Provide and maintain an electronic database that assigns delivery addresses in Illinois to the applicable taxing jurisdictions. The Department will provide a CSP or CAS with notice of any changes to this database on January 1 and July 1 of each year. Until that notification, the CSP or CAS may rely upon the information in the database to correctly remit taxes as required in this Part. (See 35 ILCS 185/5-20.)
- b) Certification of CSP and CAS. No later than July 1, 2020, the Department will:
 - 1) Establish uniform minimum standards that companies wishing to be designated as certified service providers in Illinois must meet;
 - 2) Establish uniform minimum standards that certified automated systems must meet; and
 - 3) Establish a certification process to review the systems of companies wishing to be designated as certified service providers in Illinois or of companies wishing to provide certified automated systems to remote retailers.
- c) The Department will enter into a contractual relationship with each company that qualifies as a CSP. (See Section 131.160.) As a condition of its registration, a remote retailer using a CAS must agree to comply with the requirements set forth in Section 131.165(d).

Section 131.175 Local Taxing Jurisdiction Responsibilities

- a) *Beginning February 1, 2022 and on or before February 1 of each year thereafter, the Department will make available to each local taxing jurisdiction the taxing jurisdiction's boundaries, determined by the Department, for its verification. Jurisdictions shall verify these taxing jurisdiction boundaries and notify the Department of any changes, additions, or deletions by April 1 of each year in the form and manner required by the Department. The Department will use its best judgment and information to confirm the information provided by the taxing jurisdictions and update its database. The Department will administer and enforce the changes on the first day of the next following July. [35 ILCS 185/5-30(c)]*

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- b) *The clerk of any municipality or county from which territory has been annexed or disconnected shall notify the Department of that annexation or disconnection in the form and manner required by the Department. Required documentation shall include a certified copy of the plat of annexation or, in the case of disconnection, the ordinance, final judgment, or resolution of disconnection together with an accurate depiction of the territory disconnected. Notification shall be provided to the Department either:*
- 1) *On or before the first day of April, whereupon the Department will confirm the information provided by the municipality or county and update its database and proceed to administer and enforce the confirmed changes on the first day of July next following proper notification; or*
 - 2) *On or before the first day of October, whereupon the Department will confirm the information provided by the municipality or county and update its database and proceed to administer and enforce the confirmed changes on the first day of January next following proper notification. [35 ILCS 185/5-30(d)]*

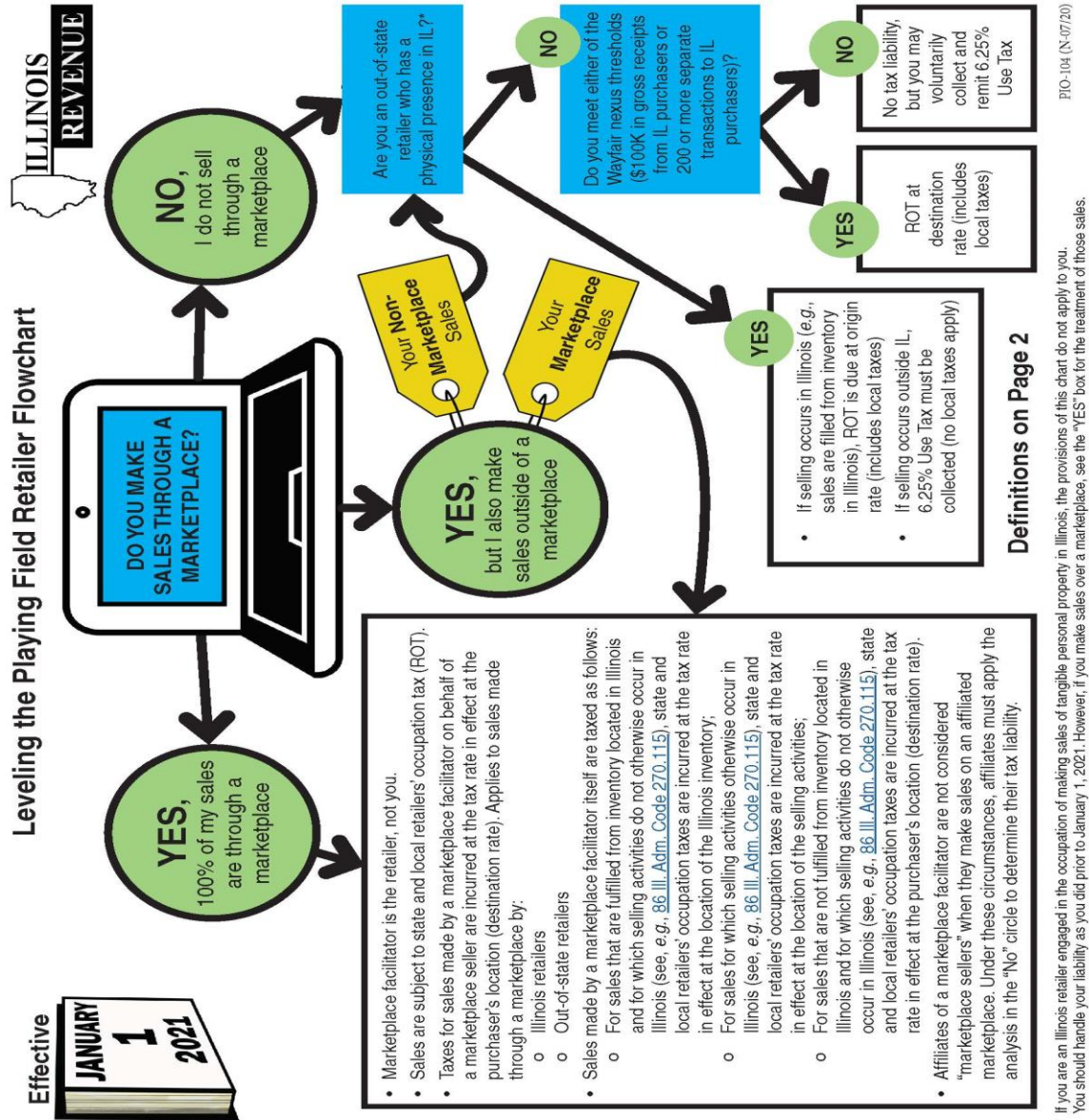
Section 131.180 Application of Other Rules

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

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Section 131. ILLUSTRATION A: Leveling the Playing Field Retailer Flowchart



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*If you are an Illinois retailer engaged in the occupation of making sales of tangible personal property in Illinois and you make sales over a marketplace, see the "YES" box for the treatment of those sales. If you do not make any sales over a marketplace, the provisions of this chart do not apply to you and you should handle your liability as you did prior to January 1, 2021.

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Definitions

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

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

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

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

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

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

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

"ROT" or "Retailers' Occupation Tax" means the tax levied under the Retailers' Occupation Tax Act and all applicable local retailers' occupation taxes collected by the Illinois Department of Revenue in conjunction with the state retailers' occupation tax. [35 ILCS 135/5-10]

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

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

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

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

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

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

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.310 Emergency Action: Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- 5) Effective Date of Emergency Rule: January 1, 2021
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: December 31, 2020
- 8) A copy of the emergency amendment, 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: Due to the COVID-19 pandemic, DHS will be lowering parent co-payment fees to ensure that CCAP families can receive childcare benefits during this pandemic. This rulemaking adds language that will reduce all parent co-payment fees for CCAP families to \$1.25 and adds language addressing future unforeseen, extraordinary events. Co-payments and income guidelines will be reinstated to their standard levels on March 1, 2021. This rule is proposed as an emergency because it addresses a threat to public interest, including the safety and welfare of the citizens of Illinois.
- 10) A Complete Description of the Subject and Issues Involved: Due to the COVID-19 pandemic, DHS will be lowering parent co-payment fees to ensure that CCAP families can receive childcare benefits during this pandemic. This rulemaking adds language that will reduce all parent co-payment fees for CCAP families to \$1.25 and adds language addressing future unforeseen, extraordinary events. Co-payments and income guidelines will be reinstated to their standard levels on March 1, 2021.
- 11) Are there any other rulemakings pending on this Part? No

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- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/785-9772

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONSPART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

| Section | |
|---------|---|
| 50.101 | Incorporation by Reference |
| 50.105 | Definitions |
| 50.110 | Participant Rights and Responsibilities |
| 50.120 | Notification of Available Services |
| 50.130 | Child Care Overpayments and Recoveries |

SUBPART B: APPLICABILITY

| Section | |
|---------|---|
| 50.210 | Child Care |
| 50.220 | Method of Providing Child Care |
| 50.230 | Child Care Eligibility |
| 50.235 | Income Eligibility Criteria |
| 50.240 | Qualified Provider (Repealed) |
| 50.250 | Additional Service to Secure or Maintain Child Care |
| 50.260 | Job Search (Repealed) |

SUBPART C: PAYMENT FEES

| Section | |
|---------------------------|--|
| 50.310 | Fees for Child Care Services |
| EMERGENCY | |
| 50.320 | Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care |

SUBPART D: PROVIDER REQUIREMENTS

| Section | |
|---------|---------|
| 50.400 | Purpose |

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| | |
|--------|--|
| 50.410 | Qualified Provider |
| 50.420 | Provider Registration and Certification Requirements |
| 50.430 | Provider Background Checks |
| 50.440 | Payment for Child Care Services |

SUBPART E: GREAT START PROGRAM

| | |
|---------|---|
| Section | |
| 50.510 | Great START Program |
| 50.520 | Method of Providing the Wage Supplement |
| 50.530 | Eligibility |
| 50.540 | Employer Responsibility |
| 50.550 | Notification of Eligibility |
| 50.560 | Phase-in of Wage Supplement Scale |
| 50.570 | Wage Supplement Scale |
| 50.580 | Evaluation |

SUBPART F: CHILD CARE COLLABORATION PROGRAM

| | |
|---------|---|
| Section | |
| 50.610 | Child Care Collaboration Program |
| 50.620 | Approvable Models of Collaboration |
| 50.630 | Requirements for Approval in the Child Care Collaboration Program |
| 50.640 | Notification of Eligibility |
| 50.650 | Rules and Reporting for the Child Care Collaboration Program |

SUBPART G: GATEWAYS TO OPPORTUNITY CREDENTIALS

| | |
|---------|---|
| Section | |
| 50.710 | Gateways to Opportunity, the Illinois Professional Development System |
| 50.720 | Gateways to Opportunity Credentials |
| 50.730 | Application for Credentials |
| 50.740 | Framework for Gateways to Opportunity Credentials |
| 50.750 | Professional Knowledge |
| 50.760 | Gateways to Opportunity Registry |

SUBPART H: STAFF QUALIFICATIONS AND TRAINING STANDARDS

| | |
|---------|--|
| Section | |
|---------|--|

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NOTICE OF EMERGENCY AMENDMENT

| | |
|--------|--|
| 50.800 | Purpose |
| 50.810 | Applicability |
| 50.820 | Staff Qualifications for License Exempt School-Age Providers |
| 50.830 | Training Standards for License Exempt School-Age Providers |

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011;

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emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; emergency expired August 28, 2011; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012; amended at 36 Ill. Reg. 16085, effective October 29, 2012; amended at 38 Ill. Reg. 18490, effective August 22, 2014; amended at 38 Ill. Reg. 19513, effective September 17, 2014; emergency amendment at 39 Ill. Reg. 10072, effective July 1, 2015, for a maximum of 150 days; emergency rule modified in response to JCAR objection at 39 Ill. Reg. 15158, effective November 9, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 15540, effective November 23, 2015; emergency amendment at 41 Ill. Reg. 12890, effective October 1, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 3745, effective February 7, 2018; amended at 42 Ill. Reg. 8491, effective May 8, 2018; emergency amendment at 42 Ill. Reg. 13898, effective July 1, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. 22555, effective November 27, 2018; emergency amendment at 43 Ill. Reg. 7632, effective July 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 11338, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 14416, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 6951, effective April 16, 2020; emergency amendment at 44 Ill. Reg. 6442, effective April 13, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11187, effective June 18, 2020, for the remainder of the 150 days; emergency rule effective April 13, 2020, as amended June 18, 2020, expired September 9, 2020; emergency amendment at 44 Ill. Reg. 13789, effective August 7, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 19874, effective December 14, 2020; emergency amendment at 45 Ill. Reg. 980, effective January 1, 2021, for a maximum of 150 days.

SUBPART C: PAYMENT FEES

Section 50.310 Fees for Child Care Services**EMERGENCY**

- a)** All parents must share in the cost of child care as illustrated in Section 50.320, except relatives (other than parents) who receive a child-only TANF benefit for children needing care due to the relatives' employment and families with active CCAP cases in which all parents in the household are called into active military duty and the relative caregivers are employed or in an approved education/training activity. If all of the children in care are of school age and are approved for part-time (less than 5 hours per day) day care for any month September through May, the parent share is 50% of the amount shown in Section 50.320. A school age child is a child whose age is 5 to 13 years and is enrolled in school.

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- b) Due to repercussions of the COVID-19 pandemic, all parent co-payment fees for families receiving CCAP shall be reduced to \$1.25 until February 28, 2021. Co-payment fees will be reassessed to the standard level (see Section 50.320) starting on March 1, 2021.
- c) If there is an unforeseen, extraordinary event that is beyond the control of families and the program, the Department may elect to reduce copayments, by rulemaking, for a specified period of time to lessen the financial impact of that event on participating families. "An unforeseen, extraordinary event" is one that is triggered by an emergency declaration by the State of Illinois or the federal government, and may include, but is not limited to, an emergency declaration due to a natural disaster (e.g., flood, tornado, blizzard) or due to a public health-related epidemic or other public health-related event.
- d) If an unforeseen, extraordinary event affects only a specific geographic area, the Department may elect to reduce copayments, by rulemaking, for a specific period of time, and the reduction may apply to the specific geographic area only.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 980, effective January 1, 2021, for a maximum of 150 days)

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- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3) Section Number: 690.50 Emergency Action: New Section
- 4) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].
- 5) Effective Date of Rule: January 4, 2021
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The Department will review this rulemaking and may modify it before the end of the 150-day period in conjunction with the stages of the Governor's Restore Illinois Plan and the latest public health guidance and metrics.
- 7) Date Filed with the Index Department: January 4, 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 rule is adopted in response to the COVID-19 epidemic.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subjects and Issues Involved: The Department has jurisdiction to address dangerously contagious or infectious disease outbreaks to protect the health and lives of the people of the State, and is using that authority to establish restrictions to slow the transmission of COVID-19. This rule requires people over age two who are able to medically tolerate a face covering (a mask or cloth face covering to cover their nose and mouth) to use a face covering when in a public place and they are unable to maintain at least a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in an outdoor space. Any business, service, facility or

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organization open to the public or employees shall require employees, customers, and other individuals on the premises to cover their nose and mouth with a face covering when on premises. This requirement also applies to all schools and day care facilities.

This emergency rule also prohibits gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy if 50% of a building maximum occupancy is less than 50 people).

- 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.
- 13) Information and questions regarding this emergency rule shall be directed to:

Elizabeth Paton
Acting Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

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

The full text of the Emergency 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 k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690

CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

Section

| | |
|------------------|--|
| 690.10 | Definitions |
| 690.20 | Incorporated and Referenced Materials |
| 690.30 | General Procedures for the Control of Communicable Diseases |
| <u>690.50</u> | <u>Pandemic or Epidemic Respiratory Disease – Emergency Provisions</u> |
| <u>EMERGENCY</u> | |

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section

| | |
|---------|----------------------------------|
| 690.100 | Diseases and Conditions |
| 690.110 | Diseases Repealed from This Part |

SUBPART C: REPORTING

Section

| | |
|---------|-----------|
| 690.200 | Reporting |
|---------|-----------|

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL
OF COMMUNICABLE DISEASES

Section

| | |
|---------|--|
| 690.290 | Acquired Immunodeficiency Syndrome (AIDS) (Repealed) |
| 690.295 | Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours)) |
| 690.300 | Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed) |
| 690.310 | Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed) |

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- 690.320 Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)
- 690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)
- 690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)
- 690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically, within 24 hours)
- 690.360 Cholera (Toxigenic *Vibrio cholerae* O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.361 Coronavirus, Novel, including Coronavirus Disease 19 (COVID-19), Severe Acute Respiratory Syndrome (SARS) and Middle Eastern Respiratory Syndrome (MERS). (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)
- 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)
- 690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)
- 690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)

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- 690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.400 Escherichia coli Infections (E. coli O157:H7 and Other Shiga Toxin Producing E. coli) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable)

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- (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (See Tickborne Disease)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.540 Meningococcemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
- 690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)

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- 690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease) (Repealed)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)
- 690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)

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- 690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
- 690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.745 Vibriosis (Other than Toxigenic *Vibrio cholera* O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

- Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

- Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

- Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

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SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

Section

- 690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
- 690.1210 Funerals (Repealed)

SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

Section

- 690.1300 General Purpose
- 690.1305 Department of Public Health Authority
- 690.1310 Local Health Authority
- 690.1315 Responsibilities and Duties of the Certified Local Health Department
- 690.1320 Responsibilities and Duties of Health Care Providers
- 690.1325 Conditions and Principles for Isolation and Quarantine
- 690.1330 Order and Procedure for Isolation, Quarantine and Closure
- 690.1335 Isolation or Quarantine Premises
- 690.1340 Enforcement
- 690.1345 Relief from Isolation, Quarantine, or Closure
- 690.1350 Consolidation
- 690.1355 Access to Medical or Health Information
- 690.1360 Right to Counsel
- 690.1365 Service of Isolation, Quarantine, or Closure Order
- 690.1370 Documentation
- 690.1375 Voluntary Isolation, Quarantine, or Closure
- 690.1380 Physical Examination, Testing and Collection of Laboratory Specimens
- 690.1385 Vaccinations, Medications, or Other Treatments
- 690.1390 Observation and Monitoring
- 690.1400 Transportation of Persons Subject to Public Health or Court Order
- 690.1405 Information Sharing
- 690.1410 Amendment and Termination of Orders
- 690.1415 Penalties

SUBPART J: REGISTRIES

Section

- 690.1500 Extensively Drug-Resistant Organism Registry
- 690.1510 Entities Required to Submit Information

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- 690.1520 Information Required to be Reported
- 690.1530 Methods of Reporting XDRO Registry Information
- 690.1540 Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 9282, effective May 15, 2020, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 44 Ill. Reg. 10000, effective May 20, 2020; emergency amendment at 44 Ill. Reg. 13473, effective August 3, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 20145, effective December 9, 2020; emergency amendment at 44 Ill. Reg. 13807, effective August 7, 2020, for a maximum of 150 days; emergency rule expired January 3, 2021; emergency amendment at 45 Ill. Reg. 987, effective January 4, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

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Section 690.50 Pandemic or Epidemic Respiratory Disease – Emergency Provisions
EMERGENCY

- a) The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. As part of that general supervision, the Department has jurisdiction to address dangerously contagious or infectious disease outbreaks to protect the health and lives of the people of the State. The Department shall take means it considers necessary to restrict and suppress dangerously contagious or infectious diseases, especially when existing in epidemic form. (Section 2(a) of the Act)
- b) The Department shall have the general authority to delegate to certified local health departments the duties and powers under those Acts it is authorized to enforce for the purpose of local administration and enforcement. [20 ILCS 2310/15]
- c) In order to restrict and suppress the novel coronavirus SARS-CoV-2 that causes the coronavirus disease 2019 (COVID-19), a dangerously contagious and infectious respiratory disease in the form of a pandemic or epidemic, which is spread person to person in respiratory droplets released by a person infected with the disease, the Department implements the following restrictions and requirements:
- 1) Any individual who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in a public place and unable to maintain at least a six-foot social distance. This requirement applies whether in an indoor space, such as a store, or in an outdoor space.
 - 2) Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses,

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services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal or written warnings to customers who are not wearing a face covering to inform them of the requirement to wear a face covering when on the premises; requesting verbally or in writing that customers leave the premises if not wearing a face covering; and making available reasonable accommodations for individuals who are not able to medically tolerate a face covering.

- 3) Schools, including preschools, public and nonpublic schools that serve students in grades pre-kindergarten through grade 12, institutions of higher education, and vocational programs, and day cares, including day care centers, day care homes, and group day care homes licensed by the Department of Children and Family Services (DCFS) and day care centers that are exempt from licensure, shall require students, employees, and other individuals who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises. Schools and day cares may permit face coverings to be removed while eating or drinking, when individuals are outdoors and social distance is maintained, while playing a musical instrument if necessary, and, for staff, while using a face shield when necessary to allow for facial visualization during instruction and communication.

- 4) Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Public and nonpublic schools serving pre-kindergarten through 12th grade students must limit the number of people in one space to fifty or fewer.

- d) Pursuant to 20 ILCS 2305/2(a), all local boards of health, health authorities and officers, police officers, sheriffs, and all other officers and employees of the State or any locality, including the Department and certified local health departments under 20 ILCS 2310/15 ("enforcing entities"), shall enforce the rules and

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regulations so adopted and orders issued by the Department. Enforcing entities shall enforce this Section as follows:

- 1) Enforcement against a business, service, facility or organization open to the public. Businesses, services, facilities or organizations shall be responsible for compliance with subsection (c). No individual shall be held responsible for compliance with subsection (c) on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. Subsection (c) shall be enforced for businesses, services, facilities or organizations open to the public by enforcing entities in the following manner:
 - A) First, businesses, services, facilities or organizations open to the public shall be given a written notice of non-compliance by an enforcing entity and a reasonable opportunity to take prompt actions to comply with subsection (c). The reasonableness of the time period to take prompt action will be determined by the enforcing entity depending on the facts and circumstances, including, but not limited to, the nature of the activity taking place, whether the activity is being conducted indoors or outdoors, the public health risk, the number of individuals at risk of exposure to COVID-19, and the size of the building and crowd occupying the building. Examples of actions that might be taken include, but are not limited to, promptly distributing face coverings to patrons and/or employees, or in instances where a business, service, non-profit or other entity open to the public is too crowded, reducing the number of persons on-site by placing an employee at the entrance to limit the number of people entering until the occupancy is in compliance with subsection (c)(4). Enforcing entities may observe until voluntary compliance is achieved or return at a later time to ensure that compliance was achieved depending on the time period provided to allow for compliance.
 - B) Second, if the enforcing entity concludes that the business, service, facility, or organization open to the public has not voluntarily complied in a reasonable period of time after receiving a written notice pursuant to subsection (d)(1)(A), the enforcing entity may issue a written order to the business, service, facility or

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organization open to the public to have all or some of the persons on premises disperse (order to disperse) in order to restrict and suppress COVID-19, until such time as the business or establishment is in compliance with subsection (c).

- C) Third, if the business, service, facility or organization open to the public refuses to comply with a written order to disperse pursuant to subsection (d)(1)(B), that business, service, facility or organization open to the public shall be subject to the penalties set forth in Section 8.1 of the Act. As provided in subsection (d)(2), no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this Section, including an individual owner, officer, principal or employee of a business, service, facility or organization.
- D) A business, service, facility or organization open to the public may also be subject to the penalties set forth in Section 8.1 of the Act in the following circumstances:
- i) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving two or more written notices of non-compliance pursuant to subsection (d)(1)(A); or
 - ii) the business, service, facility or organization open to the public engages in repeated or continued violations after receiving one or more written orders to disperse pursuant to subsection (d)(1)(B). As provided in subsection (d)(2), no individual may be subject to the penalties set forth in Section 8.1 of the Act for violation of this Section, including an individual owner, officer, principal or employee of a business, service, facility or organization. When determining whether a business, service, facility or organization should be subject to the penalties set forth in Section 8.1 of the Act based on repeated violations, enforcing entities shall take into consideration the time period between violations.

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- E) When determining whether a business, service, facility or organization has failed to comply with subsection (c)(2), enforcing entities shall take into consideration reasonable efforts taken by the business, service, facility or organization to ensure all individuals who are able to medically tolerate a face covering, including, but not limited to, patrons and employees, wear a face covering while they are on premises and unable to maintain a social distance of at least six feet. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal or written warnings to customers who are not wearing a face covering to inform them of the requirement to wear a face covering when on the premises; requesting verbally or in writing that customers leave the premises if not wearing a face covering; and making available reasonable accommodations for individuals who are not able to medically tolerate a face covering.
- 2) Enforcement against an individual. Enforcing entities shall not enforce this Section against an individual for non-compliance with subsection (c), including, but not limited to, the penalties set forth in Section 8.1 of the Act. No individual shall be held responsible for compliance with this Section on behalf of a business, service, facility or organization even if the individual is an owner, officer, principal or employee of that business, service, facility or organization. Nothing in this Section alters or supersedes an enforcing entity's authority to seek such penalties related to violation of an isolation or quarantine order pursuant to Section 690.1415(b).
- 3) Enforcement against a school or day care. Enforcing entities may give a written notice of non-compliance and a reasonable opportunity to cure to a school or day care that fails to comply with subsection (c)(3) or (c)(4). Under this subsection (d)(3), a reasonable opportunity should be no less than the next business day. The enforcing entity shall notify the following entities after issuing a written notice of non-compliance to the school or daycare: the certified local health department, the local board of health or health authorities (if enforcing entity is other than the local board of health or health authorities), for public schools, the local school district, or for

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nonpublic schools, the parent institution with which the school is affiliated, as applicable, and the Illinois State Board of Education, Illinois Board of Higher Education, the Illinois Community College Board, or DCFS, as appropriate. Upon receipt of a notice of non-compliance, a school or day care must notify parents in writing that a notice of non-compliance was issued and disclose its plan to comply. The local board of health, local health authorities or certified local health department shall take action to ensure a school or day care complies with this Section. Pursuant to Section 2(a) of the Act, the Department may take necessary measures to ensure compliance with subsection (c)(3) if the certified local health department, local board of health or local health authorities neglect or refuse to promptly do so.

- 4) The Department will post on its website and provide to all certified local health departments a sample written notice of non-compliance and a sample written order to disperse.
- e) Pursuant to Section 690.30(a), the Department and local health authorities may investigate the occurrence of cases, suspect cases or carriers of COVID-19 in a public or private place for the purposes of verifying the existence of the disease, locating and evaluating contacts of cases, identifying those at risk of disease, and determining necessary control measures. Such investigations may include entering a place of employment for purposes of conducting investigations of those conditions within the place of employment that are relevant, pertinent and necessary to the investigation. When two or more suspected cases of COVID-19 occur in any business, organization, institution, facility, school or day care the business owner, or the person in charge of the establishment shall cooperate with public health authorities in the investigation of cases, suspect cases, outbreaks and suspect outbreaks.
- f) Pursuant to the procedures set forth in Subpart I of this Part, the Department or a certified local health department may order the closure of a business, service, facility or organization, school or day care. For purposes of a school or day care, the occurrence of an outbreak of COVID-19 among students or staff may constitute an emergency consistent with Section 690.30(c), and closure should result in shifting to remote instruction as opposed to in-person instruction.
- g) Unless expressly indicated in this Section, a violation of the provisions of this Section shall not be subject to the penalties set forth in Section 8.1 of the Act.

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- h) Nothing in this Section supersedes any provisions of an Executive Order or guidance issued pursuant to an Executive Order.
- i) Nothing in this Section supersedes any authority of an enforcing entity to enforce a local rule, ordinance or order.

(Source: Former Section 690.50 added by emergency rulemaking at 44 Ill. Reg. 13807, effective August 7, 2020, for a maximum of 150 days; emergency rule expired January 3, 2021; new Section added by emergency rulemaking at 45 Ill. Reg. 987, effective January 4, 2021, for a maximum of 150 days)

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Registered Apprenticeship Program
- 2) Code Citation: 23 Ill. Adm. Code 255
- 3) Section Number: 255.200
- 4) Date Proposal Published in *Illinois Register*: 44 Ill. Reg. 4553; March 20, 2020
- 5) Date Adoption Published in *Illinois Register*: 44 Ill. Reg. 14799; September 11, 2020
- 6) Date Request for Expedited Correction Published in *Illinois Register*: 44 Ill. Reg. 17491; October 30, 2020
- 7) Adoption Effective Date: August 27, 2020
- 8) Correction Effective Date: August 27, 2020
- 9) Reason for Approval of Expedited Correction: In Section 255.200(b)(4), the word "unless" should be replaced with "if"; this was a clerical error and needs to be fixed as the Section does not function without this change.

The full text of the Corrected Rule begins on the following page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EXPEDITED CORRECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 255

REGISTERED APPRENTICESHIP PROGRAM

Section

255.100 Definitions

255.200 Registered Apprenticeship Program

AUTHORITY: Implementing Section 2-3.175 of the School Code [105 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. 14799, effective August 27, 2020; expedited correction at 45 Ill. Reg. 1004, effective August 27, 2020.

Section 255.200 Registered Apprenticeship Program

- a) Each school district that maintains any of grades 9 through 12 may adopt a policy to allow a student of any high school who is 16 years of age or older to participate in a registered apprenticeship program.
- b) A school district that chooses to adopt a policy under this Section shall include all of the following in that policy:
 - 1) Allowing a student enrolled in a registered apprenticeship program to satisfy one or more high school courses or academic graduation requirements by successfully completing the program.
 - 2) A definition of a registered apprenticeship program that meets the criteria outlined in Section 255.100.
 - 3) Opportunities for students enrolled in a registered apprenticeship program to earn postsecondary credit toward a certificate or degree, as applicable.
 - 4) Language confirming that successful completion of a registered apprenticeship program may be substituted for a required course or academic graduation requirement under any policy adopted by a school

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board under this Section ~~if~~^{unless} the student's parent or guardian approves the substitution in writing on a form that the school district makes available on its website.

- 5) *A waiver of all non-academic requirements mandated for graduation from high school under the Code that would otherwise prohibit or prevent a student from participating in the registered apprenticeship program (Section 2-3.175 of the Code).*
- c) A school district that chooses to adopt a policy under this Section shall:
 - 1) Post the policy on its website for students, parents, and members of the business and industry community to access; and
 - 2) Notify students and parents of the opportunities for registered apprenticeships. At a minimum, a school district must provide this notification through the school district's website and the school handbook. This notification must include:
 - A) a statement that a student may participate in any registered apprenticeship program listed by the school district; and
 - B) a statement that a student may find a registered, but not listed, apprenticeship program with a business or organization, if a registered apprenticeship program is not offered in the school district.
- d) A school district shall identify, and submit to the State Board through the Student Information System (see 23 Ill. Adm. Code 1.75), data on those students who are participating in a registered apprenticeship program.
- e) A school district shall identify and attempt to eliminate any barriers to student participation in a registered apprenticeship.
- f) If a school district awards endorsements under the Postsecondary and Workforce Readiness Act [110 ILCS 148], the registered apprenticeship program must be included in the Career Pathway Endorsement.

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(Source: Added at 44 Ill. Reg. 14799, effective August 27, 2020; expedited correction at 45 Ill. Reg. 1004, effective August 27, 2020)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) Section Number: 375.40
- 4) Date Proposal Published in *Illinois Register*: 44 Ill. Reg. 2718; February 14, 2020
- 5) Date Adoption Published in *Illinois Register*: 44 Ill. Reg. 13364; August 14, 2020
- 6) Date Request for Expedited Correction Published in *Illinois Register*: 44 Ill. Reg. 16938; October 16, 2020
- 7) Adoption Effective Date: July 28, 2020
- 8) Correction Effective Date: July 28, 2020
- 9) Reason for Approval of Expedited Correction: In Section 375.40(c)(2), an inadvertent error occurred in subsectioning. The layout of that subsection is being corrected.

The full text of the Corrected Rule begins on the following page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EXPEDITED CORRECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

| | |
|---------|---|
| 375.10 | Definitions |
| 375.20 | Rights of Students |
| 375.30 | Notification |
| 375.40 | Maintenance and Destruction of School Student Records |
| 375.50 | Cost for Copies of Records |
| 375.60 | Emergency Release of Information |
| 375.70 | Release of Information |
| 375.75 | Public and Nonpublic Schools: Transmission of Records for Transfer Students |
| 375.80 | Directory Information |
| 375.90 | Challenge Procedures |
| 375.100 | Implementation |
| 375.110 | Enforcement |

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Sections 2-3.13a and 2-3.64a-5 of the School Code [105 ILCS 5].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008; amended at 32 Ill. Reg. 16475, effective September 29, 2008; amended at 36 Ill. Reg. 2220, effective January 24, 2012; amended at 37 Ill. Reg. 9479, effective June 19, 2013; amended at 39 Ill. Reg. 2449, effective February 2, 2015; amended at 40 Ill. Reg. 2287, effective January 13, 2016; amended at 42 Ill. Reg. 5899, effective March 15, 2018; amended at 44 Ill. Reg. 13364, effective July 28, 2020; expedited correction at 45 Ill. Reg. 1008, effective July 28, 2020.

Section 375.40 Maintenance and Destruction of School Student Records

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- a) The provisions within the Act and this Part requiring the official records custodian to separate school student records into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:
 - 1) In compliance with the request of a parent or eligible student that this categorization occur; and
 - 2) The official records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 or 6 of the Act or by court order* [105 ILCS 10/4(f)]. For the purposes of this Part, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney, or an administrative agency official shall not be considered a court order unless signed by a judge.
- b) Pursuant to Section 4(g) of the Act, student temporary records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary, or irrelevant information pursuant to Section 375.10. The records review is required in any given school year at the time a student first changes attendance centers within a district, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year.
- c) Destruction of Records
 - 1) Upon graduation, transfer, or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of the student's records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of official records custodian, name of student, and the scheduled destruction date of temporary and permanent records.
 - 2) A school may provide reasonable prior notice to a parent or student

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through:

- A) *notice in the school's parent or student handbook;*
 - B) *publication in a newspaper published in the school district; or, ~~or~~ if no newspaper is published in the school district, ~~in~~ in a newspaper of general circulation within the school district;*
 - C~~ii~~) *U.S. mail delivered to the last known address of the parent or student; or*
 - D~~iii~~) *other means provided the notice is confirmed to have been received. (Section 4(h) of the Act)*
- 3) Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-18.34 of the Code, as applicable.
- d) Upon graduation or permanent withdrawal of a student with a disability, as defined in Article 14 of the Code and 23 Ill. Adm. Code 226 (Special Education), special education records, and other information contained in the student temporary record that may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.
- e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60]).
- f) Any final finding report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be

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removed from the student's record and returned to the Department of Children and Family Services (DCFS) upon written request made by DCFS pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives a request from DCFS has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of DCFS' request to the receiving school, which shall comply with this subsection. No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the school student record.

- g) School student records shall be maintained for at least the period of time set forth in Section 4 of the Act.
 - 1) The official records custodian shall take all reasonable measures to protect school student records through administrative, technical, and security safeguards against risks, such as unauthorized access, release, or use.
 - 2) With the exception of material eliminated in accordance with subsections (b), (d), and (f), the destruction or disposal of any records or information contained in those records shall be subject to the provisions of the Act and authorization by the appropriate Local Records Commission (see Section 7 of the Local Records Act).

(Source: Amended at 44 Ill. Reg. 13364, effective July 28, 2020; expedited correction at 45 Ill. Reg. 1008, effective July 28, 2020)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 29, 2020 through January 4, 2021. These rulemakings are scheduled for the February 16, 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 |
|-----------------------------|--|-----------------------------------|-----------------|
| 2/17/21 | <u>Department of Financial and Professional Regulation</u> , Real Estate License Act of 2000 (68 Ill. Adm. Code 1450) | 10/16/20 44 Ill. Reg. 16584 | 2/16/21 |

DEPARTMENT ON AGING

JANUARY 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:
- Jason Jordan
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
- 217/720-4041
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)

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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 Effect upon small businesses, small municipalities, or not-for-profit corporations.
- F) Agency contact person for information:

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

217/720-4041
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:

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- 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); and (3) update appeals and hearing process.
- 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 Effect upon small businesses, small municipalities, or not-for-profit corporations.
- F) Agency contact person for information:

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

217/720-4041
aging.rulemaking@illinois.gov

- G) Related rulemakings and other pertinent information: None

- d) Part (Heading and Code Citation): Older Americans Act Programs (89 Ill. Adm. Code 230)

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1) Rulemaking:

- A) Description: Part 230 will be amended as necessary to update outdated language and provisions for providers of nutrition services.
- 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-for-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:

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

217/720-4041
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)1) Rulemaking:

- A) Description: Part 240 will be amended 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

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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. 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:

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

DEPARTMENT ON AGING

JANUARY 2021 REGULATORY AGENDA

217/720-4041

aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Introduction (89 Ill. Adm. Code 210)1) Rulemaking:A) Description: Part 210 will be amended to update language implementing Public Act 101-325, which revised the definition of "greatest social need" in the Illinois Act on Aging (20 ILCS 105/3.11).B) Statutory Authority: Public Act 101-325 and as authorized by 20 ILCS 105/4, 4.01(4), 4.01(11), and 4.02; 5 ILCS 100C) 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 Effect upon small businesses, small municipalities, or not-for-profit corporations.F) Agency contact person for information:

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

217/720-4041

aging.rulemaking@illinois.gov

DEPARTMENT ON AGING

JANUARY 2021 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) 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; and (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 Effect upon small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

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

217/720-4041
aging.rulemaking@illinois.gov

DEPARTMENT ON AGING

JANUARY 2021 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Part 270 will be updated by proposing amendments to: (1) Ombudsman emergency response procedures; and (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 Effect upon small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information:

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

217/720-4041
aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR THE CAPITAL DEVELOPMENT BOARD

JANUARY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Chief Procurement Officer for the Capital Development Board, (44 Ill. Adm. Code 8)
- 1) Rulemaking:
- A) Description: The Chief Procurement Officer for the Capital Development Board anticipates amendments to address legislative changes made by the 100th General Assembly.
- B) Statutory Authority: 30 ILCS 500
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: March 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.
- F) Agency contact person for information:
- Arthur Moore
Chief Procurement Officer
Chief Procurement Office for Capital Development Board
401 S. Spring Street
Room 318 Stratton Office Building
Springfield IL 62706

217/558-2156
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): Pay Plan (80 Ill. Adm. Code 310)1) 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 310.130 Effective Date, the change advances the effective date of the Pay Plan to the new fiscal year 2022.

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 various sections, 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.

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- 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 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.

Proposed amendments for the fiscal year 2022 will be filed in March 2021.

- 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 Doggett
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2021 REGULATORY AGENDA

504 William G. Stratton Building
401 South Spring Street
Springfield IL 62706

217/782-4687
fax: 217/524-4570
CMS.PayPlan@Illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

DEPARTMENT OF HUMAN RIGHTS

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- a) Part (Heading and Code Citation): Procedures Applicable to All Agencies (44 Ill. Adm. Code 750).

1) Rulemaking:

- A) Description: The Rulemaking will revise the Department's Rules to clarify that all vendors who seek to do business with the State are required to register and obtain an Illinois Department of Human Rights Eligibility Number.
- B) Statutory Authority: Implementing Sections 2-105(A), 7-101(A) and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: May 15, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: May affect small businesses, small municipalities or not-for-profit corporations because they will be required to register and obtain an IDHR Number in order to be awarded a contract.
- F) Agency contact person for information:
- Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601
- 312/814-3386
Betsey.M.Madden@Illinois.gov
fax: 312/814-1436
TTY: 866/740-3953
- G) Related rulemakings and other pertinent information: None

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- b) Part (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).

1) Rulemaking:

- A) Description: The Rulemaking will revise the Department's procedures for amending non-housing charges to clarify that it will amend an existing charge to cure technical defects and it will process a separate charge to allege new harms or bases. Further, the Department will clarify that a charge or the issues of a charge may be administratively closed when the same or similar allegations are contained in a previously filed charge.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: May 15, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601
- 312/814-3386
Betsey.M.Madden@Illinois.gov
fax: 312/814-1436
TTY: 866/740-3953
- G) Related rulemakings and other pertinent information: None

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- c) Part (Heading and Code Citation): Joint Rules of the Department of Human Rights and the Human Rights Commission: Disability Discrimination in Employment (56 Ill. Adm. Code 2500).

1) Rulemaking:

- A) Description: The Rulemaking will clarify and update the Department of Human Rights and the Human Rights Commission's Joint Rules on Disability Discrimination.
- B) Statutory Authority: Implementing Section 7-106(B) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A) and 7-101(A)].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: May 15, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601

312/814-3386
Betsey.M.Madden@Illinois.gov
fax: 312/814-1436
TTY: 866/740-3953

- G) Related rulemakings and other pertinent information: None

- d) Part (Heading and Code Citation): Access to Records of the Department of Human Rights (2 Ill. Adm. Code Part 926).

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1) Rulemaking:

- A) Description: The Rulemaking will amend the Department's Rule to provide that investigator notes of the U.S. Department of Housing and Urban Development shall be confidential and not subject to disclosure.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: May 15, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601

312/814-3386
Betsey.M.Madden@Illinois.gov
fax: 312/814-1436
TTY: 866/740-3953

- G) Related rulemakings and other pertinent information: None

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- a) Part (Heading and Code Citation): Standards for Protection Against Laser Radiation (32 Ill. Adm. Code 315)
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency will propose amendments to update references and charts in Part 315. In addition, the Agency is anticipating amending, as needed, requirements for laser display shows, as a result of recent inquiries.
- B) Statutory Authority: Authorized by Section 35 of the Laser System Act of 1997 [420 ILCS 56/].
- C) Scheduled meeting/hearing dates: None are currently scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer/Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Requirements for small business and municipalities or not-for-profit corporations may change, especially for lasers used for entertainment purposes.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/720-8342
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Certification of Individuals to Perform Industrial Radiography (32 Ill. Adm. Code 405)

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- 1) Rulemaking: Proposed Amendment
 - A) Description: The Agency will propose amendments to accurately reflect procedures for online examinations; add clarification for the felony reviews; and update outdated language.
 - B) Statutory Authority: Authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/].
 - C) Scheduled meeting/hearing dates: None are currently 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/Winter 2021
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities could have effects if they conduct industrial radiography or have individuals working for them that perform industrial radiography.
 - F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698
 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Material or Extremely Hazardous Substance (29 Ill. Adm. Code 430)
 - 1) Rulemaking: Proposed Repealer

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- A) Description: IEMA plans to repeal this regulation because requirements for reporting hazardous spills are included in both 29 Ill. Adm. Code 430 and 29 Ill. Adm. Code 620. IEMA will include any necessary requirements in 29 Ill. Adm. Code 620. Merging the requirements into one regulation will streamline requirements and alleviate public confusion.
- B) Statutory Authority: Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 [42 USC 11004] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)] and Section 7 of the Hazardous Materials Emergency Act [430 ILCS 50/7].
- C) Scheduled meeting/hearing dates: None are currently scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: IEMA anticipates amending 29 Ill. Adm. Code 620, Emergency Planning and Community Right-to-Know.
- d) Part (Heading and Code Citation): Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 Ill. Adm. Code 501)

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- 1) Rulemaking: Proposed Amendment
 - A) Description: The Agency will propose to amend contact information due to reorganization within IEMA and to add language to update the rule to reflect current procedures regarding the submittal of documentation in the IEMA grants portal.
 - B) Statutory Authority: Authorized by the Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].
 - C) Scheduled meeting/hearing dates: No meeting/hearing dates are currently scheduled. All meeting/hearing dates will be published on IEMA's Proposed Regulations webpage and in the Illinois Register.
 - D) Date Agency anticipates First Notice: January 2021
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: This amendment will not affect small businesses or not-for-profit corporations. This amendment may affect small municipalities if they receive grant funding from the radiological emergency preparedness program; however, the effect will be minimal as entities are already in compliance.
 - F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698
 - G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Emergency Planning and Community Right-To-Know (29 Ill. Adm. Code 620)

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1) Rulemaking: Proposed Amendment

- A) Description: IEMA plans to propose amendments to reflect recent changes in federal requirements and to update antiquated references and procedures. IEMA also plans to merge requirements from 29 Ill. Adm. Code 430.
- B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11001 et seq.) and the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/720-8342
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: IEMA also anticipates repealing 29 Ill. Adm. Code 430, merging those requirements into Part 620.

f) Part (Heading and Code Citation): Administrative Hearings (32 Ill. Adm. Code 200)

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1) Rulemaking: Proposed Amendment

- A) Description: IEMA anticipates proposing amendments to IEMA's hearing regulations to identify the CMS Bureau of Administrative Hearings and include hearing procedures for all programs of IEMA and procedures for quashing subpoenas.
- B) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100], Illinois Grant Funds Recovery Act [30 ILCS 705] and 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA does not anticipate these entities will be Effected unless they have a hearing before IEMA.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

1) Rulemaking: Proposed Amendment

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- A) Description: IEMA plans to propose amendments to clarify the definition of dosimetry processor to include new technologies, such as direct ion storage, for obtaining and storing dosimetry results. In addition, IEMA is proposing to delete duplicative language and add definitions necessary for future rulemakings. IEMA will also add an exemption from licensing for federal contractors.
- B) Statutory Authority: Implementing and authorized by Section 10 of 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Spring 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This change will benefit all businesses with a radioactive material license by giving them an alternate method of measuring and reporting occupational doses to workers.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)

- 1) Rulemaking: Proposed Amendment

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- A) Description: IEMA plans to propose an amendment to Section 330.40(d) to remove the exemption for water treatment residuals from this Part. Revised regulations for water treatment residuals will be provided in a new rule being proposed by IEMA.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer/Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that businesses, small and some not-for-profit corporations will be affected if they are producing or in possession of water treatment residuals.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/720-8342
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: See information regarding the proposal of 32 Ill. Adm. Code 622.

2) Rulemaking: Proposed Amendment

- A) Description: IEMA will propose amendments to Section 330.310 (i)(l) to include sealed sources in the two-year storage restriction for radioactive material that is not being used and Section 330.310(c) to add a time limitation on submittal of information for transfer of ownership for licenses. IEMA needs to have a written request in hand 90 days prior to

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transfer in order to make sure all the licensing requirements are met and that the new owner is legally bound to adhere to those requirements. IEMA plans to eliminate duplicative language and outdated cross-references.

- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer/Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments may affect these entities if they have licensed radioactive material in storage. The amendment would increase the level of oversight of material and may result in costs for disposal of unwanted material. In addition, these entities may be affected if they transfer ownership of their license. This change will benefit all entities as it ensures that regulatory requirements are met with no delay in production for businesses.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/720-8342
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: The source storage regulation already exists in 32 Ill. Adm. Code 330.220(a)(6) for generally licensed sources.
- i) Part (Heading and Code Citation): Fees for Radioactive Material Licensees (32 Ill. Adm. Code 331)

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- 1) Rulemaking: Proposed Amendment
 - A) Description: IEMA will propose amendments to add clarifying language to ensure that fees are required unless the licensee has submitted a termination request and disposed of licensed radioactive material prior to September 30th and to ensure consistency of billing with recovery and remediation fees and reciprocity fees. In addition, IEMA will propose an exemption to the reciprocity fee for federal agencies and their prime contractors that provide training to first responders and governmental entities in Illinois.
 - 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 on IEMA's website or in the Illinois Register.
 - D) Date Agency anticipates First Notice: Summer/Fall 2021
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments could affect small businesses or not-for-profit corporations if they hold a radioactive material license. The effect should be minimal and will help prevent unnecessary billing to the licensee. The fee exemption for federal agencies will be beneficial to small municipalities who receive training as the cost of the fee will not be passed down.
 - F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

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- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose amendments to change a reference for obtaining instructions for completing waste manifests from our federal counterparts at U.S. NRC and to change the requirement for securing portable gauges under two locks when not under the control of the licensee to include all portable devices. Recent events have demonstrated that this additional layer of protection is necessary for public health and safety.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Spring 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses in possession of a portable gauge; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill. Adm. Code 350)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Part 350 adding a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Spring 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to include another lock or locking container into their storage and transportation procedures. This will benefit the licensee and the public by ensuring radioactive material is secured from loss, theft or sabotage. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/720-8342
fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: A similar regulation was adopted in 32 Ill. Adm. Code 340.810(g) for portable gauges.
- l) Part (Heading and Code Citation): Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill. Adm. Code 351)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Part 351 to add a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Spring 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2021 REGULATORY AGENDA

217/720-8342

fax: 217/524-3698

- G) Related rulemakings and other pertinent information: A similar rule in 32 Ill. Adm. Code 340.810(g) for portable gauges has been in existence since 2007.
- m) Part (Heading and Code Citation): Notices, Instructions and Reports to Workers; Inspections (32 Ill. Adm. Code 400)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Section 400.120 adding a requirement to maintain records of training for five years so that these can be verified during inspections. The amendment would also clarify that signatures are not required for on-line training if identity can be verified.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Spring/Summer 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This could affect all these entities if they have a radioactive material license with IEMA. They will have to ensure that documented evidence of training is maintained. The effect should be minimal since most licensees already have this in place. It will also allow larger institutions such as universities to use on-line training without securing actual signatures from every user.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2021 REGULATORY AGENDA

Springfield IL 62704

217/720-8342

fax: 217/524-3698

G) Related rulemakings and other pertinent information: Nonen) Part (Heading and Code Citation): Water Treatment Residuals (32 Ill. Adm. Code 622)1) Rulemaking: Proposed New Rule

- A) Description: IEMA anticipates proposing a new rule that provides requirements and guidance for entities in possession of water treatment residuals. Currently, requirements for possession of water treatment residuals are located in 32 Ill. Adm. Code 330.40(d) as an exemption to radioactive material licensing. IEMA's anticipated rule amendments will remove the exemption in Section 330.40(d) and replace it with revised requirements in the new Part 622. Part 622 will not require a radioactive material license as long as certain possession and worker safety requirements are met.
- 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 on IEMA's website or in the Illinois Register.
- D) Date Agency anticipates First Notice: Summer/Fall 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities and not-for-profit corporations may be affected if they possess water treatment residuals. A radioactive material license will not be required as long as certain possession and worker safety requirements are met. Some of the regulatory burdens such as annual reporting will be eliminated.
- F) Agency contact person for information:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2021 REGULATORY AGENDA

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/720-8342
fax: 217/524-3698

- G) Related rulemakings and other pertinent information: See also
information under proposed amendment to 32 Ill. Adm. Code 330.40(d).

EXECUTIVE ETHICS COMMISSION

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- a) Part (Heading and Code Citation): Organization, Information, Rulemaking and Hearings (2 Ill. Adm. Code 1620)

1) Rulemaking:

- A) Description: The Commission will propose amendments designed to implement the amendments made to the State Officials and Employees Ethics Act by Public Act 101-221, effective August 9, 2019, and Public Act 101-617, effective December 20, 2020. In particular, the rules will address expansion of oversight of the sexual harassment training programs to include prevention of other forms of harassment and unlawful discrimination and new procedural rights of subjects of harassment and discrimination violations. In addition, the rules will adjust filing requirements and clarify the handling of summary reports and other matters.
- B) Statutory Authority: State Officials and Employees Act [5 ILCS 430]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: The Commission anticipates filing the proposed rulemaking in the first quarter of 2021.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michelle Casey
Executive Director
Executive Ethics Commission
401 S. Spring St.
513 William Stratton Building
Springfield IL 62706

217/558-1393

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2021 REGULATORY AGENDA

I. DIVISION OF FINANCIAL INSTITUTIONSa) Part (Heading and Code Citation): Currency Exchange Act (38 Ill. Adm. Code 120)1) Rulemaking:

- A) Description: Several updates and/or modifications which would primarily reduce regulatory burdens by eliminating extraneous record and paperwork requirements.
- B) Statutory Authority: Currency Exchange Act [205 ILCS 405]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: March 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: State-licensed Currency Exchanges could be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): 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)1) Rulemaking:

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- A) Description: Modify the procedure for charging less than applicable maximum rates.
- B) Statutory Authority: Currency Exchange Act [205 ILCS 405]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: March 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: State-licensed Currency Exchanges could be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

II. DIVISION OF PROFESSIONAL REGULATION

- a) Part (Heading and Code Citation): Cannabis Regulation and Tax Act (68 Ill. Adm. Code 1291)
 - 1) Rulemaking:
 - A) Description: As part of its implementation of the Adult Use Cannabis program, the Department must promulgate rules for the Responsible vendor program. These rules provide the necessary framework to establish this program including licensing and enforcement requirements.
 - B) Statutory Authority: Cannabis Regulation and Tax Act [410 ILCS 705]

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- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: March 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed cannabis dispensaries will be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

- G) Related rulemakings and other pertinent information: PA 101-27 created the Cannabis Regulation and Tax Act which provides that it is lawful for persons 21 years of age or older to possess, use, and purchase limited amounts of cannabis for personal use in accordance with the Act. It also provides for the regulation and licensing of various entities and occupations engaged in cultivation, dispensing, processing, transportation, and other activities regarding cannabis for adult use. The new Act sets forth duties of an Illinois Cannabis Regulation Oversight Officer, the Department of State Police, the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Public Health, the Department of Commerce and Economic Opportunity, the Department of Human Services, the Department of Revenue, the State Treasurer, the Illinois Criminal Justice Information Authority, and other governmental entities. Therefore, a new Part was promulgated for implementation for the Adult Use Cannabis Program.

- b) Part (Heading and Code Citation): Pharmacy Practice Act (68 Ill. Adm. Code 1330)

- 1) Rulemaking:

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- A) Description: Various sections may be amended to address changes as a result of the sunset reauthorization of the Act.
- B) Statutory Authority: Pharmacy Practice Act [225 ILCS 85]
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date Agency anticipates First Notice: April 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed pharmacists, pharmacy technicians, and pharmacies will be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290)
- 1) Rulemaking:
 - A) Description: Due to the evolving nature of the cannabis industry, the medical cannabis rules require updates and technical changes. These changes will include updates to security requirements, recordkeeping, inventory controls and other matters to protect against the diversion and theft.
 - B) Statutory Authority: Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]

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- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed cannabis dispensaries may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF JUVENILE JUSTICE

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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: February 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 PA 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 when a

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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: June 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.

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- 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: June 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 PA 101-441. 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 peer educators 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.

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- D) Date Agency anticipates First Notice: June 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

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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: June 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:

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- 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: June 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

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(Temporary Confinement). Review of disciplinary reports will also be 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: June 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

JANUARY 2021 REGULATORY AGENDA

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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.
- 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

DEPARTMENT OF JUVENILE JUSTICE

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- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date Agency anticipates First Notice: May 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

- i) Part (Heading and Code Citation): County Juvenile Detention Standards (20 Ill. Adm. Code 2602)

- 1) Rulemaking:

- A) Description: The Department of Juvenile Justice is required to establish the minimum standards for physical conditions of the juvenile detention centers across the State. These standards have not been updated since 1988. During that time, there have been significant changes to the way youth are provided detention services. Because the amendments are extensive, the current Part 2602 will be repealed, and a new Part will replace it.

The proposed new Part provides minimum standards that reflect current practices. Numerous definitions will be added. Additionally, relevant Sections the Prison Rape Elimination Act's (PREA) (33 USC 303) federal rules (29 CFR 125) be included. These provisions will detail the guidelines the juvenile detention centers are required to follow with

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respect to personnel matters including hiring, promotion and training; youth record keeping; medical assessment; placement of youth; grievances regarding sexual abuse and sexual harassment; searches of youth; and rules of conduct for youth while in the facility. Also, a Section for mental health services will be added allowing the juvenile detention centers to hire or contract with mental health providers. Juvenile detention centers shall also have a policy regarding suicide prevention and intervention. A Section for all grievances, other than those covered by PREA, has been added to allow youth the opportunity to file a grievance on matters such as damaged or lost personal property, staff conduct, handling of mail, dietary issues, medical or mental health treatment issues, requests for Americans with Disabilities Act accommodations, and disciplinary issue.

Other updates will include clarifying calls with attorneys are private and shall not be monitored, updating standards for visitation, clarifying when strip searches are appropriate, and updates to the minimum standards for education facilities within the detention centers

- 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: January 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

DEPARTMENT OF JUVENILE JUSTICE

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- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
- 1) Rulemaking:
- A) Description: This Part will be amended to update regulations.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): General Hunting and Trapping on Department-Owned or -Managed Sites (17 Ill. Adm. Code 510)
- 1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

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- A) Description: This Part is being amended to update provisions of special hunts conducted for young and novice hunters in order to promote hunter recruitment
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)

1) Rulemaking:

- A) Description: This Part will be amended to update statewide rules and regulations.
- B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

DEPARTMENT OF NATURAL RESOURCES

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- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Landowner Permits (17 Ill. Adm. Code 528)

1) Rulemaking:

- A) Description: This Part is being amended to allow family members of more landowner groups to receive landowner hunting permits. The modifications 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.
- B) Statutory Authority: Implementing and authorized by Section 2.11 and 2.26 of the Wildlife Code [520 ILCS 5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2021 REGULATORY AGENDA

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

217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

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- f) Part (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat, and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

- g) Part (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat, and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes.

DEPARTMENT OF NATURAL RESOURCES

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- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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

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G) Related rulemakings and other pertinent information: Nonej) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)1) Rulemaking:A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].C) Scheduled meeting/hearing dates: NoneD) Date Agency anticipates First Notice: JanuaryE) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

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

217/782-1809

G) Related rulemakings and other pertinent information: Nonek) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)

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1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None

- 1) Part (Heading and Code Citation): Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.

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- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

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

217/782-1809

- G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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

217/782-1809

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Youth Hunting Seasons (17 Ill. Adm. Code 685)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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

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G) Related rulemakings and other pertinent information: Noneo) Part (Heading and Code Citation): Squirrel Hunting (17 Ill. Adm. Code 690)1) Rulemaking:A) Description: This Part will be amended to make statewide program changes.B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5].C) Scheduled meeting/hearing dates: NoneD) Date Agency anticipates First Notice: JanuaryE) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonep) Part (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)1) Rulemaking:A) Description: This Part will be amended to make statewide program changes.

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- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

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- G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)

1) Rulemaking:

- A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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

217/782-1809

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes. This Part will also be amended to add refund language to include closure of state sites and being unable to hunt due to a disaster declaration or executive order.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10, 2.11 and 2.20].

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way

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G) Related rulemakings and other pertinent information: Nones) Part (Heading and Code Citation): Dove Hunting (17 Ill. Adm. Code 730)1) Rulemaking:A) Description: This Part will be amended to make statewide program changes.B) Statutory Authority: Implementing and authorized by Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5/1.3 and 1.4]C) Scheduled meeting/hearing dates: NoneD) Date Agency anticipates First Notice: JanuaryE) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: Nonet) Part (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)1) Rulemaking:

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- A) Description: This Part will be amended to make statewide program changes.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

- u) Part (Heading and Code Citation): Conservation Reserve Enhancement Program (17 Ill. Adm. Code 1515)

1) Rulemaking:

- A) Description: This Part is being amended to update the land conservation program that provides compensation to landowners to improve water quality and enhance fish and wildlife habitat on private lands in the Illinois River Watershed and Kaskaskia River Watershed.
- B) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property

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Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5].

- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: March
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Nicole Thomas, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

v) Part (Heading and Code Citation): Operation of Watercraft Carrying Passengers for Hire on Illinois Waters (17 Ill. Adm. Code 2080)

- 1) Rulemaking:
 - A) Description: This Part is being amended to comply with the USCG regulations.
 - B) Statutory Authority: Implementing and authorized by Section 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].
 - C) Scheduled meeting/hearing dates: None
 - D) Date Agency anticipates First Notice: January
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

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F) Agency contact person for information:

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

217/782-1809

G) Related rulemakings and other pertinent information: Nonew) Part (Heading and Code Citation): Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)1) Rulemaking:

A) Description: Pursuant to Executive Order 2016-13 and the 2014 House Joint Resolution HJR0095, this Part will be amended to update, clarify or simplify the current rules. The proposed amendments will add in General Provisions, Standard Permit Conditions, Emergency Permit Conditions, and eliminate the Statewide Permits section to expedite state approvals for several minor floodway construction activities that would otherwise require full environmental review processing and instead exempt such minor activities when appropriate. These proposed amendments would ensure consistent regulatory standards across the State of Illinois and allow for similar levee standards along interstate waterways. To further reduce permit application review costs and associated permit application review fees, the proposed amendments create several new General Permits for common floodplain construction activities or public body of water uses.

B) Statutory Authority: Implementing and authorized by Sections 23, 29a, 30 and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 26a, 29a, 30 and 35]

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: March

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Robert G. Mool, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citation): Regulation of Public Waters (17 Ill. Adm. Code 3704)

1) Rulemaking:

A) Description: Pursuant to Executive Order 2016-13, this Part will be amended to update, clarify or simplify the current rules. The proposed amendments would ensure consistent regulatory standards across the State of Illinois.

B) Statutory Authority: Implementing and authorized by Sections 5/18g and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/18g and 35]

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Robert G. Mool, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

DEPARTMENT OF NATURAL RESOURCES

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G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citation): The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)

1) Rulemaking:

- A) Description: This Part is being amended to simplify the requirements in the area of review for applications for proposed Class II UIC wells and update spacing requirements for drilling units.
- B) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILC 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: March
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

John Heidinger, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act

1) Rulemaking:

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- A) Description: This Part is being amended to update and clarify regulations pertaining to blasting operations conducted at aggregate mining operations.
- B) Statutory Authority: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: May
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Amy Wolff Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citation): Abandoned Mined Lands Reclamation (62 Ill. Adm. Code 2501)

1) Rulemaking:

- A) Description: This Part is being amended to clean up revisions and a new reference to the renamed federal inventory system, as well as reference the Department's ability to enter into cost share agreements with local government entities for the repair of public utilities damaged by mine subsidence.
- B) Statutory Authority: Implementing and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920].
- C) Scheduled meeting/hearing dates: None

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- D) Date Agency anticipates First Notice: March
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Amy Wolff Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
- 217/782-1809
- G) Related rulemakings and other pertinent information: None

SECRETARY OF STATE

JANUARY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Illinois State Library, Library Operations Division (23 Ill. Adm. Code 3010)

1) Rulemaking:

- A) Description: In Section 3010.160, SOS will eliminate processing fees for lost material.
- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: February 1, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect.
- F) Agency contact person for information:

Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796

217/558-1745
fax: 217/557-2619
jnatale@ilsos.gov

- G) Related rulemakings and other pertinent information: The Consortium of College and Academic Libraries of Illinois (CARLI) approved a recommendation that members of the consortium eliminate processing fees for lost material. In order to be a CARLI member institution in good standing, the Illinois State Library intends to comply with the recommendation.

SECRETARY OF STATE

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- b) Part (Heading and Code Citation): Public Library Non-Resident Services (23 Ill. Adm. Code 3050)

1) Rulemaking:

- A) Description: In the Library and Learn and Public Library Construction Act Grant programs, libraries will be allowed to advertise and receive project bids, but cannot negotiate or award bids until a grant contract is signed and executed by the Office of the Secretary of State and Illinois State Library.
- B) Statutory authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18]
- C) Scheduled meeting/hearing date: None
- D) Date Agency anticipates First Notice: March 1, 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect.
- F) Agency contact person for information:

Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield IL 62701-1796

217/558-1745
fax 217/557-2619
jnatale@ilsos.gov

- G) Related rulemakings and other pertinent information: None

OFFICE OF THE TREASURER

JANUARY 2021 REGULATORY AGENDA

a) Part (Heading and Code Citation): E-Pay Program (74 Ill. Adm. Code 735)1) Rulemaking:

- A) Description: This rulemaking will provide guidance on the implementation of PA 100-490, which clarifies that revenue received by the State in various forms, including electronic checks and credit card payments, and the processing thereof, shall be authorized for acceptance and collection by the State Treasurer.
- B) Statutory Authority: Section 17 of the State Treasurer Act [15 ILCS 505/17]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: March 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Maya Ganguly
Assistant General Counsel
Illinois State Treasurer
100 W. Randolph St., Suite 15-600
Chicago IL 60601

312/814-3642
fax: 312/814-5930
MGanguly@illinoistreasurer.gov

- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Home Ownership Made Easy Act (74 Ill. Adm. Code 750)1) Rulemaking:

OFFICE OF THE TREASURER

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- A) Description: This rulemaking will repeal this Part following repeal of the statute through PA 100-621.
- B) Statutory Authority: Home Ownership Made Easy Act [310 ILCS 55]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: March 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Sara Meek
Legislative Director
Illinois State Treasurer
219 State House
Springfield IL 62706

217/524-0530
fax: 217/785-2777
SMeek@illinoistreasurer.gov

- G) Related rulemakings and other pertinent information: None

- c) Part (Heading and Code Citation): Public Information, Rulemaking and Information (2 Ill. Adm. Code 650)

- 1) Rulemaking:

- A) Description: This rulemaking will revise the outdated rule to better reflect current practices.
- B) Statutory Authority: Illinois Administrative Procedure Act [5 ILCS 100/5-15] and State Treasurer Act [15 ILCS 505/17.1]
- C) Scheduled meeting/hearing dates: None

OFFICE OF THE TREASURER

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- D) Date Agency anticipates First Notice: February 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Christopher M. Flynn
Deputy General Counsel
Illinois State Treasurer
1 East Old State Capitol Plaza
Springfield IL 62701

217/558-0115
fax: 217/524-3822
CFlynn@illinoistreasurer.gov

- G) Related rulemakings and other pertinent information: None

- d) Part (Heading and Code Citation): Access to Records of the Office of the Illinois State Treasurer (2 Ill. Adm. Code 651)

- 1) Rulemaking:

- A) Description: This rulemaking will revise the outdated rule to update citations, make it consistent with the Freedom of Information Act, and better reflect current practices
- B) Statutory Authority: Freedom of Information Act [5 ILCS 140], State Treasurer Act [15 ILCS 505/17.1], and Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: February 2021
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

OFFICE OF THE TREASURER

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F) Agency contact person for information:

Christopher M. Flynn
Deputy General Counsel
Illinois State Treasurer
1 East Old State Capitol Plaza
Springfield IL 62701

217/558-0115
fax: 217/524-3822
CFlynn@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2021 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Administrative Requirements for Official Testing Stations (92 Ill. Adm. Code 451)

1) Rulemaking:

- A) Description: The Department will propose significant updates to this Part to address changes in operational requirements for official testing stations. The proposed amendments will include updated procedures for the completion and submission of vehicle inspection reports, additions to the list of approved testing equipment, and amendments to CST testing and qualification requirements. Additional changes are expected.
- B) Statutory Authority: 625 ILCS 5/6-410; 625 ILCS 5/12-812; and 625 ILCS 5/Ch. 13
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect small businesses or small municipalities that operate official testing stations in Illinois.
- F) Agency contact person for information:
- Greg Stucka, Rules Manager
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 317
Springfield IL 62764
- G) Related rulemakings and other pertinent information: None

- b) Part (Heading and Code Citation): Selection of Architectural, Engineering and Land Surveying Services (44 Ill. Adm. Code 625)

1) Rulemaking:

- A) Description: The Department will propose a general update to this Part not inconsistent with the requirements of 23 C.F.R. 172. Amendments

DEPARTMENT OF TRANSPORTATION

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will include updates to the notification procedures for selected firms and changes to the membership of the selection committee. Additional non-substantive amendments are expected.

- B) Statutory Authority: 30 ILCS 535/10; 605 ILCS 5/4-201.1; and 20 ILCS 5/5-625
- C) Scheduled meeting/hearing date: None scheduled
- D) Date Agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking will affect small businesses that bid on State contracts for architectural, engineering, and land surveying services; however, no adverse impact is expected.
- F) Agency contact person for information:

Greg Stucka, Rules Manager
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 317
Springfield IL 62764
- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE

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44 - 8 1022

80 - 310 1023

44 - 750 1026

32 - 315 1030

2 - 1620 1046

38 - 120 1047

20 - 2203 1052

17 - 110 1063

23 - 3010 1085

74 - 735 1087

92 - 451 1091