
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 2022

Issue#	Rules Due Date	Date of Issue
1	December 20, 2021	January 3, 2022
2	December 27, 2021	January 7, 2022
3	January 3, 2022	January 14, 2022
4	January 10, 2022	January 21, 2022
5	January 18, 2022	January 28, 2022
6	January 24, 2022	February 4, 2022
7	January 31, 2022	February 14, 2022
8	February 7, 2022	February 18, 2022
9	February 14, 2022	February 25, 2022
10	February 22, 2022	March 4, 2022
11	February 28, 2022	March 11, 2022
12	March 7, 2022	March 18, 2022
13	March 14, 2022	March 25, 2022
14	March 21, 2022	April 1, 2022
15	March 28, 2022	April 8, 2022
16	April 4, 2022	April 15, 2022
17	April 11, 2022	April 22, 2022
18	April 18, 2022	April 29, 2022
19	April 25, 2022	May 6, 2022
20	May 2, 2022	May 13, 2022
21	May 9, 2022	May 20, 2022

22	May 16, 2022	May 27, 2022
23	May 23, 2022	June 3, 2022
24	May 31, 2022	June 10, 2022
25	June 6, 2022	June 17, 2022
26	June 13, 2022	June 24, 2022
27	June 21, 2022	July 1, 2022
28	June 27, 2022	July 8, 2022
29	July 5, 2022	July 15, 2022
30	July 11, 2022	July 22, 2022
31	July 18, 2022	July 29, 2022
32	July 25, 2022	August 5, 2022
33	August 1, 2022	August 12, 2022
34	August 8, 2022	August 19, 2022
35	August 15, 2022	August 26, 2022
36	August 22, 2022	September 2, 2022
37	August 29, 2022	September 9, 2022
38	September 6, 2022	September 16, 2022
39	September 12, 2022	September 23, 2022
40	September 19, 2022	September 30, 2022
41	September 26, 2022	October 7, 2022
42	October 3, 2022	October 14, 2022
43	October 11, 2022	October 21, 2022
44	October 17, 2022	October 28, 2022
45	October 24, 2022	November 4, 2022
46	October 31, 2022	November 14, 2022
47	November 7, 2022	November 18, 2022
48	November 14, 2022	November 28, 2022
49	November 21, 2022	December 2, 2022
50	November 28, 2022	December 9, 2022
51	December 5, 2022	December 16, 2022
52	December 12, 2022	December 27, 2022
53	December 19, 2022	December 30, 2022

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

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

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

James Shovlin
Deputy General Counsel
Illinois Department on Aging

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

(217) 524-7945
Aging.Rulemaking@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Health Care and Social Assistance
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
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240.120	Services Provided
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240.140	Program Limitations
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240.160	Definitions

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240.235	Emergency Home Response Service
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240.260	Care Coordination Service
240.270	Alternative Provider
240.280	Individual Provider (Repealed)

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240.320	Nondiscrimination
240.330	Freedom of Choice
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- 240.370 Voluntary Repayment

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- 240.410 When the Appeal May Be Filed
- 240.415 What May Be Appealed
- 240.420 Group Appeals
- 240.425 Informal Review
- 240.430 Informal Review Findings
- 240.435 Withdrawing an Appeal
- 240.436 Cancelling an Appeal
- 240.440 Examining Department Records
- 240.445 Hearing Officer
- 240.450 The Hearing
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- 240.470 Rescheduling the Appeal Hearing
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- 240.480 The Appeal Decision
- 240.485 Reviewing the Official Report of the Hearing

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

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240.610	Establishing Initial Eligibility
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DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

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

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

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NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT ON AGING

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150 days; emergency expired December 31, 2010; amended at 35 Ill. Reg. 8919, effective June 2, 2011; emergency amendment at 35 Ill. Reg. 13936, effective July 28, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 20130, effective December 6, 2011; emergency amendment at 37 Ill. Reg. 11381, effective July 1, 2013, for a maximum of 150 days; emergency expired November 27, 2013; amended at 38 Ill. Reg. 5800, effective February 21, 2014; amended at 38 Ill. Reg. 14230, effective June 25, 2014; amended at 41 Ill. Reg. 15233, effective January 1, 2018; recodified at 42 Ill. Reg. 817; amended at 42 Ill. Reg. 20653, effective January 1, 2019; amended at 44 Ill. Reg. 2780, effective January 29, 2020; amended at 44 Ill. Reg. 5995, effective April 3, 2020; amended at 44 Ill. Reg. 8609, effective May 13, 2020; amended at 45 Ill. Reg. 13819, effective October 21, 2021; amended at 46 Ill. Reg. _____, effective _____.

SUBPART G: NON-FINANCIAL REQUIREMENTS

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

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

SERVICE MAXIMUM LEVEL

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

DON SCORE	2022 <u>2024</u>)
29	\$ 627 <u>587</u>
30	701 <u>657</u>
31	777 <u>728</u>
32	852 <u>798</u>
33	926 <u>868</u>
34	1,002 <u>939</u>
35	1,077 <u>1,009</u>
36	1,150 <u>1,078</u>
37	1,226 <u>1,149</u>
38	1,301 <u>1,219</u>
39	1,375 <u>1,289</u>
40	1,451 <u>1,360</u>
41	1,526 <u>1,430</u>
42	1,599 <u>1,499</u>
43	1,676 <u>1,571</u>

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

44	<u>1,750</u> 1,640
45	<u>1,827</u> 1,712
46	<u>1,899</u> 1,780
47	<u>1,975</u> 1,851
48	<u>2,051</u> 1,922
49	<u>2,123</u> 1,990
50	<u>2,200</u> 2,062
51	<u>2,275</u> 2,132
52	<u>2,350</u> 2,203
53	<u>2,424</u> 2,272
54	<u>2,496</u> 2,340
55	<u>2,573</u> 2,412
56	<u>2,648</u> 2,482
57	<u>2,725</u> 2,554
58	<u>2,797</u> 2,622
59	<u>2,874</u> 2,694
60	<u>2,949</u> 2,764
61	<u>3,022</u> 2,833
62	<u>3,098</u> 2,904
63	<u>3,174</u> 2,975
64	<u>3,247</u> 3,044
65	<u>3,322</u> 3,114
66	<u>3,399</u> 3,186
67	<u>3,471</u> 3,254
68	<u>3,547</u> 3,325
69	<u>3,622</u> 3,395
70	<u>3,696</u> 3,465
71	<u>3,772</u> 3,536
72	<u>3,847</u> 3,606
73	<u>3,920</u> 3,675
74	<u>3,997</u> 3,747
75	<u>4,071</u> 3,816
76	<u>4,147</u> 3,887
77	<u>4,221</u> 3,957
78	<u>4,296</u> 4,027
79	<u>4,372</u> 4,098
80	<u>4,444</u> 4,166
81	<u>4,521</u> 4,238
82	<u>4,596</u> 4,308

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

83	<u>4,671</u> 4,379
84	<u>4,745</u> 4,448
85	<u>4,822</u> 4,520
86	<u>4,895</u> 4,589
87	<u>4,969</u> 4,658
88	<u>5,046</u> 4,730
89	<u>5,118</u> 4,798
90	<u>5,195</u> 4,870
91	<u>5,270</u> 4,940
92	<u>5,343</u> 5,009
93	<u>5,419</u> 5,080
94	<u>5,495</u> 5,151
95	<u>5,568</u> 5,220
96	<u>5,643</u> 5,290
97	<u>5,720</u> 5,362
98	<u>5,792</u> 5,430
99	<u>5,868</u> 5,501
100	<u>5,944</u> 5,572

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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

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

DON SCORE	SERVICE MAXIMUM LEVEL	
	(Effective on and after January <u>April</u> 1, 2022 <u>2021</u>)	
29	\$	<u>1,284</u> 1,200
30		<u>1,493</u> 1,395
31		<u>1,717</u> 1,604
32		<u>1,937</u> 1,810
33		<u>2,161</u> 2,019
34		<u>2,382</u> 2,226
35		<u>2,518</u> 2,353

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36	<u>2,652</u> 2,478
37	<u>2,786</u> 2,603
38	<u>2,920</u> 2,729
39	<u>3,055</u> 2,855
40	<u>3,191</u> 2,982
41	<u>3,325</u> 3,107
42	<u>3,460</u> 3,233
43	<u>3,595</u> 3,360
44	<u>3,729</u> 3,485
45	<u>3,865</u> 3,612
46	<u>4,000</u> 3,738
47	<u>4,135</u> 3,864
48	<u>4,268</u> 3,989
49	<u>4,403</u> 4,115
50	<u>4,538</u> 4,241
51	<u>4,673</u> 4,367
52	<u>4,809</u> 4,494
53	<u>4,941</u> 4,618
54	<u>5,076</u> 4,744
55	<u>5,212</u> 4,871
56	<u>5,344</u> 4,994
57	<u>5,481</u> 5,122
58	<u>5,615</u> 5,248
59	<u>5,750</u> 5,374
60	<u>5,884</u> 5,499
61	<u>6,019</u> 5,625
62	<u>6,154</u> 5,751
63	<u>6,287</u> 5,876
64	<u>6,424</u> 6,004
65	<u>6,557</u> 6,128
66	<u>6,693</u> 6,255
67	<u>6,830</u> 6,383
68	<u>6,961</u> 6,506
69	<u>7,098</u> 6,634
70	<u>7,233</u> 6,760
71	<u>7,367</u> 6,885
72	<u>7,502</u> 7,011
73	<u>7,637</u> 7,137
74	<u>7,771</u> 7,263

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75	<u>7,905</u> 7,388
76	<u>8,041</u> 7,515
77	<u>8,175</u> 7,640
78	<u>8,311</u> 7,767
79	<u>8,445</u> 7,893
80	<u>8,578</u> 8,017
81	<u>8,714</u> 8,144
82	<u>8,849</u> 8,270
83	<u>8,983</u> 8,395
84	<u>9,118</u> 8,522
85	<u>9,254</u> 8,649
86	<u>9,386</u> 8,772
87	<u>9,522</u> 8,899
88	<u>9,656</u> 9,024
89	<u>9,789</u> 9,149
90	<u>9,926</u> 9,277
91	<u>10,059</u> 9,401
92	<u>10,196</u> 9,529
93	<u>10,332</u> 9,656
94	<u>10,463</u> 9,779
95	<u>10,600</u> 9,907
96	<u>10,735</u> 10,033
97	<u>10,870</u> 10,159
98	<u>11,004</u> 10,284
99	<u>11,138</u> 10,410
100	<u>11,273</u> 10,536

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Pesticide Act
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Section Number: 250.220 Proposed Action: Amendment
- 4) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- 5) A Complete Description of the Subjects and Issues Involved: Updates and expands the types of herbicide products that participants in a supervised job training program can use on public lands.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.230	New Section	45 Ill. Reg. 15494; December 17, 2021
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

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

ILLINOIS DEPARTMENT OF AGRICULTURE

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217/524-6905

217/785-4505 (fax)

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed amendments: There is no adverse impact to small business.
- B) Categories that the agency reasonably believes the rulemaking will impact, including: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.The full text of the Proposed Amendment begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROLPART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation Violations of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides
250.220	Special Application of Herbicides to Control Invasive Plants on Public Lands
250.230	Use of Pesticides Containing Dicamba on Soybeans

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective

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January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired January 10, 2003; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill. Reg. 12756, effective July 14, 2006; amended at 35 Ill. Reg. 351, effective January 1, 2011; emergency amendment at 43 Ill. Reg. 4340, effective March 22, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 7402, effective June 21, 2019; emergency amendment at 45 Ill. Reg. 2071, effective February 5, 2021, for a maximum of 150 days; emergency expired July 4, 2021; emergency amendment at 45 Ill. Reg. 6606, effective May 6, 2021, for a maximum of 150 days; emergency expired October 02, 2021; amended at 46 Ill. Reg. _____, effective _____.

Section 250.220 Special Application of Herbicides to Control Invasive Plants on Public Lands

- a) Any person who receives training, pursuant to subsection (b) from an individual possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department, after receipt of a certificate issued by the Department, may apply a herbicide product for the control of invasive plants on public lands without further compliance with the licensing provisions of this Part if all of the following are met:
- 1) The individual providing training pursuant to subsection (b) must be a compensated employee of the organization that has direct control of the public lands upon which the herbicide product applications are to be made;
 - 2) The individual making herbicide product applications under this Section shall not receive compensation for the herbicide product applications. For the purposes of this Section, participation in a supervised conservation job training program shall not be considered as receiving compensation;
 - 3) The signal word contained on the herbicide product is "CAUTION" or "WARNING";
 - 4) The herbicide product to be applied shall not be classified as a "restricted use" pesticide;

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- 5) The herbicide product application method is limited to the method or methods included in the training provided under subsection (b);
 - 6) A review of the specific herbicide product's label must have been included in the training program described in subsection (b);
 - 7) The herbicide product application site or sites are limited to the public lands identified during the training provided under subsection (b) and the public lands must be under the direct control of the trainer who provided the training or the trainer's organization;
 - 8) All mixing of the herbicide product and loading of the herbicide product into any required application device or devices shall be conducted by the trainer who provided the training or other licensed applicator possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department; and
 - 9) Each individual making herbicide product applications under this Section shall utilize the personal protective equipment specified on the herbicide product label for handlers during the application activity.
- b) The training shall be not less than one hour in duration and shall include a review of the herbicide product labels, use restrictions, application rates, application methods, first aid, potential environmental hazards, personal protective equipment, and any other information deemed appropriate by the trainer for the safe and effective use of the herbicide products that meet the criteria listed in subsections (a)(3) and (4).
 - c) Upon completion of the training, the trainer shall immediately provide to the Department a complete legible listing, including name, address, telephone number, birth date, and sponsoring organization for whom the herbicide product applications are to be made, of all individuals who received the training and are thus eligible to apply only the herbicide products that meet the requirements of this Section.
 - d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date, trainer's organization,

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and a legible copy of the specific herbicide product label or labels utilized in the training session.

- e) An individual trained to apply a herbicide product under this Section, and only after receiving the certificate issued by the Department, may only:
 - 1) apply the specific herbicide products included in the training described in this Section;
 - 2) make the applications on the public lands identified in the training; and
 - 3) make applications during the calendar year in which the training was received.
- f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Works Jobs Program Act
- 2) Code Citation: 14 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
680.20	Amendment
680.90	New Section
680.100	New Section
680.110	New Section
680.120	New Section
680.130	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Works Jobs Program Act [30 ILCS 559/20-15(e)] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-55].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Works Preapprenticeship Program is a grant program designed to create a network of community-based organizations throughout the State that will recruit, prescreen, and provide preapprenticeship skills training, for which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades. Upon completion of the Illinois Works Preapprenticeship Program, the candidates will be skilled and work-ready.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

jolene.clarke@illinos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

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

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TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 680

ILLINOIS WORKS JOBS PROGRAM ACT

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section

680.10	Purpose
680.20	Definitions

SUBPART B: ILLINOIS WORKS APPRENTICESHIP INITIATIVE

Section

680.30	Apprenticeship Goal
680.40	Reduction or Waiver of the Apprenticeship Goal
680.50	Certification of Compliance
680.60	Failure to Comply
680.70	Compliance with Federal Apprenticeship Requirements
680.80	Agency Responsibilities

SUBPART C: ILLINOIS WORKS PREAPPRENTICESHIP PROGRAMSection

<u>680.90</u>	<u>Purpose</u>
<u>680.100</u>	<u>Eligible Grant Applicants</u>
<u>680.110</u>	<u>Administrative Requirements</u>
<u>680.120</u>	<u>Allowable Costs</u>
<u>680.130</u>	<u>Reporting</u>

AUTHORITY: Implementing and authorized by the Illinois Works Jobs Program Act [30 ILCS 559/Art. 20] and Section 605-55 of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 8502, effective May 8, 2020, for a maximum of 150 days; adopted at 44 Ill. Reg. 16767, effective September 29, 2020; amended at 46 Ill. Reg. _____, effective _____.

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SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section 680.20 Definitions

The following definitions are applicable to this Part.

"Act" means the Illinois Works Jobs Program Act [30 ILCS 559/Art. 20].

"Agency" means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of these entities and as may be created by executive order of the Governor. [5 ILCS 100/1-20]

"Applicant" means a person, business, public or private corporation, partnership, individual, union, committee, club, unincorporated association, or other organization or group of individuals, or other legal entity corporation, partnership, limited liability company, or joint venture that applies for a grant or contract from appropriated capital funds to finance, in whole or in part, a public works project.

"Apprentice" means a participant in an apprenticeship program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. [30 ILCS 559/20-10]

"Apprenticeship Program" means an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. [30 ILCS 559/20-10]

"Appropriated Capital Funds" means moneys appropriated by the General Assembly from either a fund holding State of Illinois bonds proceeds or any other fund that receives and holds public funds for use in funding capital programs and projects. "Appropriated capital funds" are those appropriations designated as capital appropriations in the Governor's Office of Management and Budget

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document entitled "Enacted Budget – Enacted Appropriations by Line Item", produced for each Fiscal Year and posted on the GOMB website at <https://www2.illinois.gov/sites/budget/Pages/BudgetBooks.aspx>.

"Bid Credit" means a virtual dollar for a contractor or subcontractor to use toward future bids on contracts with the State for public works projects. [30 ILCS 559/20-10]

"Community-based Organization" means a nonprofit organization, including an accredited public college or university, [industry associations, chambers of commerce, local workforce areas, community colleges, technical schools and school districts](#), selected by the Department to participate in the Illinois Works Preapprenticeship Program. To qualify as a "community-based organization", the organization must demonstrate the following:

the ability to effectively serve diverse and underrepresented populations, including by providing employment services to those populations;

knowledge of the construction and building trades;

the ability to recruit, prescreen, and provide preapprenticeship training to prepare workers for employment in the construction and building trades; and

a plan to provide the following:

preparatory classes;

workplace readiness skills, such as resume preparation and interviewing techniques;

strategies for overcoming barriers to entry and completion of an apprenticeship program; and

any prerequisites for acceptance into an apprenticeship program. [30 ILCS 559/20-10]

"Contractor" means a person, corporation, partnership, limited liability company, or joint venture entering into a contract to construct a public work,

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whether the contract is entered directly with an agency or indirectly with a grantee using appropriated capital funds to pay for the contract. [30 ILCS 559/20-10]

"Department" means the Department of Commerce and Economic Opportunity. [30 ILCS 559/20-10]

"Estimated Total Project Cost" means a good faith approximation of the costs of an entire project being paid for in whole or in part by appropriated capital funds to construct a public work. Operational costs are not included in the calculation of estimated total project costs.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"Grant" means a grant award issued under the Illinois Works Jobs Program Act. [30 ILCS 559]

"Grantee" means the recipient of a grant award from an agency paid from appropriated capital funds for the purpose of funding a public works project.

"Labor Hours" means the total hours for workers who are receiving an hourly wage and who are directly employed for the public works project. "Labor hours" includes hours performed by workers employed by the contractor and subcontractors on the public works project. "Labor hours" does not include hours worked by the forepersons, superintendents, owners, and workers who are not subject to prevailing wage requirements. [30 ILCS 559/2-10]

"Minorities" means minority persons as defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575]. [30 ILCS 559/2-10]

"NOFO" or Notice of Funding Opportunity means an agency's formally issued announcement of the availability of State, federal or federal pass-through funding through one of its financial assistance programs. A NOFO will provide eligibility and evaluation criteria, funding preferences/priorities, the submission deadline, and information on how to obtain an application for the funding opportunity, among other information.

"Participant" is an individual enrolled in a Preapprenticeship Program.

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"Preapprenticeship Program" is a program funded under the Illinois Works Jobs Program Act that has a documented partnership or relationship with employers (including union and non-union contractors) and trade unions, and is designed to prepare individuals to enter and succeed in a registered apprenticeship program.

"Public works" means all projects, contracted or funded by the State or any agency of the State, in whole or in part, from appropriated capital funds (as defined in this section), that constitute public works under the Prevailing Wage Act [820 ILCS 130]. [30 ILCS 559/2-10]

"Project" means the activities established by the agency and set forth in the Grant Agreement or contract that are funded, in whole or in part, by appropriated State funds.

"State" means the State of Illinois.

"Stipend" is a sum of money fixed by the Department and paid to a participant in a preapprenticeship program in accordance with the participant's performance in the program. The stipend is to be used for living expenses while the participant is enrolled in the program.

"Subcontractor" means a person, corporation, partnership, limited liability company, or joint venture that has contracted with the contractor to perform all or part of the work to construct a public work by a contractor. [30 ILCS 559/2-10]

"Underrepresented Populations" means populations identified by the Department that historically have had barriers to entry or advancement in the workforce.

"Underrepresented populations" includes, but is not limited to, minorities, women, and veterans. [30 ILCS 559/2-10]

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: ILLINOIS WORKS PREAPPRENTICESHIP PROGRAMSection 680.90 Purpose

The goal of the Illinois Works Preapprenticeship Program is to create a network of community-based organizations throughout the State that will recruit, prescreen, and provide

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preapprenticeship skills training, for which participants may attend free of charge and receive a stipend, to create a qualified, diverse pipeline of workers who are prepared for careers in the construction and building trades. Upon completion of the Illinois Works Preapprenticeship Program, the candidates will be skilled and work-ready. [30 ILCS 559/20-15(a)]

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 680.100 Eligible Grant Applicants

Eligible grant applicants must be Community-Based Organizations. To be eligible for a grant award, an applicant shall have an active GATA registration and be qualified on the GATA Grantee Portal (<https://grants.illinois.gov/portal/>) at the time the application is submitted.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 680.110 Administrative Requirements

Grant opportunities and awards will be administered in a manner that complies with all State requirements applicable to each funding opportunity, including, but not limited to, GATA and all applicable State laws. Grant applicants and grant recipients shall review all application materials and grant award documents which will include the specific applicable requirements for the grant opportunity. The Department reserves the right to suspend or terminate a grant agreement or withhold any future year funding for non-compliance with these provisions.

a) Application Process

- 1) The Department will post one or more NOFO on the GATA Grantee Portal seeking applications contingent upon available funds. Applicants shall submit their application materials by the deadlines set forth by DCEO in the NOFO which will be at least 30 days after posting the NOFO.
- 2) The applicants will be required to submit an application package, which will include the following:
 - A) a description of the how the applicant will design, develop, and implement a high-quality preapprenticeship program that will increase apprenticeship opportunities for underrepresented populations;

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- B) a description of the plan to provide stipends;
- C) a description of the plan to provide wrap-around services;
- D) a description of the plan to provide student support services;
- E) a narrative description of how the applicant will articulate their understanding of how race, ethnicity and gender may impact individuals' access to and experience within the context of construction and building trade apprenticeships;
- F) a description of the plan for marketing, outreach, wraparound supports, and accommodations;
- G) a description of how the applicant plans to coordinate with local workforce areas and local and regional apprenticeship navigators and intermediaries focused on construction and building trades, union groups, community colleges, employers, employer associations, community-based organizations and secondary schools;
- H) A description of the outcome measures, including but not limited to:
 - i) a description of the applicant's recruitment, screening, and training efforts;
 - ii) the number of individuals who apply to, participate in, and complete the applicant's program, broken down by race, gender, age and veteran status, and
 - iii) the number of individuals referenced in subsection (a)(2)(H)(ii) who are initially accepted and placed into apprenticeship programs in the construction and building trades;

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- D) a description of how applicant will coordinate education and learning, necessary support and retention services, coaching from other partner institutions;
 - J) a proposed curriculum;
 - K) a description of proposed opportunities for preeapprentices to do construction work at job sites while taking instruction or immediately after completing instruction;
 - L) a description of the plan for applicants to assist students in transitioning to registered apprenticeship programs, including connecting them to employers and unions;
 - M) a description of the plan to refer students who do not have the minimum program requirements to educational services in their communities, such as free literacy, GED, ESL classes, among others;
 - N) a description of a plan to utilize funding from other partner organizations for process acceleration that help stakeholders rapidly embrace programs, and
 - O) a description of the plan to support and track participants who do not immediately apply to enroll in a DOL-registered apprenticeship program.
- b) Grant Award Selection
 - 1) Grants will be awarded by DCEO to grantees following a merit review by DCEO pursuant to GATA requirements (44 Ill. Adm. Code 7000.350). In evaluating applications, the Department will consider all requirements as set forth in the NOFO, including some or all of the following criteria and any additional criteria set forth in the NOFO:
 - A) The application indicates the project will serve individuals who are within underrepresented populations;
 - B) The applicant's grant performance history, including meeting the

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goals of any previous grants and the level of success in achieving employment, wage, and retention goals, if applicable;

- C) The experience of the applicant in serving individuals who are in the underrepresented populations of the outcomes achieved with past programs;
 - D) The level of participation of local employers or industry associations in the training partnership and the proposed work plan;
 - E) The amount of matching funds provided (either cash or in-kind);
 - F) The likelihood that training will result in the placement of individuals who are in the underrepresented population into the specific occupations within the target industries and the average wage at placement;
 - G) The credentials, licenses or certifications training participants will earn;
 - H) The career pathways facilitating long-term advancement with the employer or within the industry sector a participant will gain.
 - I) The qualifications of personnel assigned to the proposed project; and
 - J) The quality of the proposed curricula and related materials.
- 2) Applicants shall work with local partners, including, but not limited to, local employers, unions, and/or industry associations to design programs with maximum benefits to individuals in the underrepresented populations.
- c) Grant Disbursements
Disbursement of Grant funds from the Department will be made in accordance with a schedule included in the grant agreement. The Department may disburse funds based on the grant recipient making satisfactory progress to implement Grant activities.

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- d) Grant Performance, Monitoring and Reporting Requirements
Grant recipient shall comply with all GATA and Department requirements for Grant performance, administration, monitoring and reporting, including monitoring any subrecipients.
- e) Grant Extensions
Contingent upon the availability of funds and consistent with GATA as applicable, the Department may negotiate Grant extensions and add funds for grant projects that were originally competitively procured and performed successfully.
- f) Records Retention
A grant recipient shall maintain, for the period of time set forth in the GATA rules (44 Ill. Adm. Code 430(a), (b)), adequate books, all financial records and supporting documents, statistical records, and all other records pertinent to the Program. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken. Grant recipients shall be responsible for ensuring that contractors and subrecipients comply with the retention requirements.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 680.120 Allowable Costs

Grant expenditures must comply with GATA and be reasonable and necessary. Specific allowable grant costs will include one or more of the following:

- a) expenses to design training curricula and related materials;
- b) expenses to provide industry linked skill training and work-based learning to individuals in the underrepresented populations (e.g., instructor costs, curriculum materials);
- c) expenses for the ongoing evaluation and refinement of the curricula and related materials;
- d) expenses for the design and implementation of a needs assessment to determine

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the education and training needs of the underrepresented populations relative to the skill needs of local industries;

- e) expenses related to wrap-around costs;
- f) expenses related to student/participant support services, such a career counseling, life coaching, and tutoring;
- g) stipends;
- h) expenses for technical assistance as set forth in the applicable NOFO;
- i) expenses incurred to meet grant administration requirements;
- j) expenses related to securing participants industry recognized certifications;
- k) expenses related to professional development and certifications for staff and instructors; or
- l) any other costs determined to be reasonable and necessary to carry out the grant program activities as permitted by GATA, the applicable NOFO, and approved by the Department.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 680.130 Reporting

Each community-based organization that receives funding from the Illinois Works Fund shall provide an annual report to the Illinois Works Review Panel by April 1 of each calendar year. The annual report shall include the following information [30 ILCS 559/20-15(c)]:

- a) a description of the community-based organization's recruitment, screening, and training efforts;
- b) the number of individuals who apply to, participate in, and complete the community-based organization's program, broken down by race, gender, age, and veteran status; and
- c) the number of the individuals referenced in subsection (b) who are initially

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accepted and placed into apprenticeship programs in the construction and building trades.

(Source: Added at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.Appendix D Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/27-9.1a
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 102-0522 sets forth criteria for all classes that teach comprehensive personal health and safety and comprehensive sexual health education. The Act requires the Illinois State Board of Education (ISBE) to, on or before Aug. 1, 2022, develop and adopt rigorous learning standards in the area of comprehensive personal health and safety education for pupils in kindergarten through fifth grade and comprehensive sexual health education for pupils in sixth through 12th grades. The standards being proposed are the National Sex Education Standards.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1.285	Amendment	45 Ill. Reg. 12250; October 8, 2021
1.720	Amendment	45 Ill. Reg. 14061; November 12, 2021
1.781	Amendment	45 Ill. Reg. 14061; November 12, 2021
1.794	Amendment	45 Ill. Reg. 14061; November 12, 2021
1.Appendix A	Amendment	45 Ill. Reg. 14061; November 12, 2021
1.20	Amendment	45 Ill. Reg. 15576; December 17, 2021
1.95	Amendment	45 Ill. Reg. 15576; December 17, 2021
1.295	New Section	46 Ill. Reg. 1707; January 28, 2022
1.420	Amendment	46 Ill. Reg. 2169; February 14, 2022

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1.425	Amendment	46 Ill. Reg. 2169; February 14, 2022
1.430	Amendment	46 Ill. Reg. 2169; February 14, 2022
1.440	Amendment	46 Ill. Reg. 2169; February 14, 2022
1.Appendix D	Amendment	46 Ill. Reg. 2169; February 14, 2022

- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Azita Kakvand
Illinois State Board of Education
555 West Monroe Street
Suite 900
Chicago, Illinois 60661
- (312) 783-2757
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

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

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.323 Teacher Evaluation Ratings During a Declared Gubernatorial Disaster
- 1.325 Teacher Remediation Plan During a Declared Gubernatorial Disaster
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

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SUBPART E: SUPPORT SERVICES

Section

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

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 9-12 through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004 (Repealed)
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004 (Repealed)
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004 (Repealed)
- 1.745 Assignment of Reading Teachers and Reading Specialists
- 1.750 Standards for Media Services through June 30, 2004 (Repealed)
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services

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1.762	Supervision of Speech-Language Pathology Assistants
1.770	Standards for Special Education Personnel
1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782	Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher
1.792	Short-Term Substitute Teacher
1.794	Substitute Teachers; Recruiting Firms
1.APPENDIX A	Professional Staff Educator Licensure
1.APPENDIX B	Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning and Learning Standards
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, 27-9.1a, 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,

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

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amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at 44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; emergency expired December 27, 2020; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17816, effective October 23, 2020, for the remainder of the 150 days; emergency rule as amended expired February 25, 2021; amended at 45 Ill. Reg. 867, effective January 4, 2021; amended at 45 Ill. Reg. 1644, effective January 22, 2021; emergency amendment at 45 Ill. Reg. 4543, effective March 24, 2021, for a maximum of 150 days; emergency expired August 20, 2021; amended at 45 Ill. Reg. 5362, effective April 12, 2021; amended at 45 Ill. Reg. 5744, effective April 21, 2021; amended at 45 Ill. Reg. 8280, effective June 24, 2021; amended at 45 Ill. Reg. 9446, effective July 7, 2021; amended at 45 Ill. Reg. 9760, effective July 22, 2021; emergency amendment at 45 Ill. Reg. 11212, effective August 26, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 13180, effective October 8, 2021; emergency amendment at 45 Ill. Reg. 14211, effective October 28, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 15344, effective November 22, 2021, for the remainder of the 150 days; amended at 45 Ill. Reg. 14769, effective November 10, 2021; amended at 45 Ill. Reg. 15997, effective December 1, 2021; amended at 46 Ill. Reg. _____, effective _____.

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Section 1. APPENDIX D State Goals for Learning and Learning Standards

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessment and the Illinois Kindergarten Individual Development Survey are designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

**ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES,
SCIENCE, AND TECHNICAL SUBJECTS**

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512 and posted at <http://www.corestandards.org/the-standards>. No later amendments to or editions of these standards are incorporated by this Section.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington DC 20001-1512 and posted at <http://www.corestandards.org/the-standards>. No later amendments to or editions of these standards are incorporated by this Section.

WORLD LANGUAGES

The applicable standards shall be the World-Readiness Standards for Learning Languages. 4th ed. (2015) published by the National Standards Collaborative Board, 1001 N. Fairfax Street, Suite 200, Alexandria VA 22314 and posted at <https://www.actfl.org/publications/all/world-readiness-standards-learning-languages>. No later amendments to or editions of these standards are incorporated by this Section.

COMPREHENSIVE PERSONAL HEALTH AND SAFETY AND

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COMPREHENSIVE SEXUAL HEALTH EDUCATION STANDARDS

There are no State Goals for Learning in this area and the applicable standards shall be the National Sex Education Standards: Core Content and Skills, K–12 (Second Edition) (2020) published by Future of Sex Education Initiative. Posted at <https://siecus.org/wp-content/uploads/2020/03/NSES-2020-2.pdf>. All later amendments to or editions of these standards are incorporated by this Section. The State Board of Education may provide additional guidance on such standards, available at www.isbe.net.

SCIENCE

Beginning in the 2016-17 school year, there are no State Goals for Learning in this area and the applicable standards shall be the "Next Generation Science Standards" (2013) published by Achieve, Inc., 1400 16th Street NW, Suite 510, Washington DC 20036 and posted at <http://www.nextgenscience.org/>. No later amendments to or editions of these standards are incorporated by this Section.

SOCIAL SCIENCE

Beginning in the 2017-18 school year, there are no State Goals for Learning in this area and the standards applicable to individual grade levels shall be in effect.

Standards Beginning in the 2017-18 School Year Through the 2021-22 School Year

The Social Science Standards consist of both inquiry standards and disciplinary standards. In implementing the Social Science Standards, the inquiry standards should be used simultaneously with the individual disciplinary standards to ensure both students' comprehension and application of the knowledge and skills acquired.

Inquiry Standards

Kindergarten and Grades 1 and 2

Create questions to help guide inquiry about a topic with guidance from adults and/or peers.

Explore facts from various sources that can be used to answer the developed questions.

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Gather information from one or two sources with guidance and support from adults and/or peers.

Evaluate a source by distinguishing between fact and opinion.

Ask and answer questions about arguments and explanations.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom.

Grades 3-5

Develop essential questions and explain the importance of the questions to self and others.

Create supporting questions to help answer the essential questions in an inquiry.

Determine sources representing multiple points of view that will assist in answering the essential questions.

Gather relevant information and distinguish between fact and opinion to determine credibility of multiple sources.

Develop claims using evidence from multiple sources to answer essential questions.

Construct and critique arguments and explanations using reasoning, examples and details from multiple sources.

Identify a range of local problems and some ways in which people are trying to address these problems.

Use listening, consensus-building and voting procedures to decide on and take action in the classroom and school.

Grades 6-8

Create essential questions to help guide inquiry about a topic.

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Ask essential and focusing questions that will lead to independent research.

Determine sources representing multiple points of view that will assist in organizing a research plan.

Determine the value of sources by evaluating their relevance and intended use.

Determine the credibility of sources based upon their origin, authority and context.

Gather relevant information from credible sources and determine whether they support each other.

Appropriately cite all the sources used.

Identify evidence from multiple sources to support claims, noting any limitations of the evidence.

Develop claims and counterclaims while pointing out the strengths and limitations of both.

Construct arguments using claims and evidence from multiple sources, while acknowledging the arguments' strengths and limitations.

Construct explanations using reasoning, correct sequencing, examples and details, while acknowledging their strengths and weaknesses.

Present arguments and explanations that would appeal to audiences and venues outside of the classroom, using a variety of media.

Critique the structure and credibility of arguments and explanations (self and others).

Analyze how a problem can manifest itself and the challenges and opportunities faced by those trying to address it.

Assess individual and collective capacities to take action to address problems and identify potential outcomes.

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Apply a range of deliberative and democratic procedures to make decisions and take action in schools and community contexts.

Grades 9-12

Address essential questions that reflect an enduring issue in the field.

Explain how supporting questions contribute to inquiry.

Develop new supporting and essential questions through investigation, collaboration and using diverse sources.

Gather and evaluate information from multiple sources while considering the origin, credibility, point of view, authority, structure, context and corroborative value of the sources.

Identify evidence that draws information from multiple sources to revise or strengthen claims.

Construct and evaluate explanations and arguments using multiple sources and relevant, verified information.

Articulate explanations and arguments to a targeted audience in diverse settings.

Use interdisciplinary lenses to analyze the causes and effects of, and identify solutions to, local, regional or global concerns.

Use deliberative processes and apply democratic strategies and procedures to address local, regional or global concerns, and take action in or out of school.

Civics Standards

Kindergarten

Describe roles and responsibilities of people in authority.

Explain the need for and purposes of rules in various settings, inside and outside of the school.

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Grade 1

Explain how all people, not just official leaders, play important roles in a community.

Identify and explain how rules function in various settings, inside and outside of the school.

Grade 2

Explain what governments are and some of their functions (e.g., making and enforcing laws, protecting citizens, collecting taxes).

Describe how communities work to accomplish common tasks, establish responsibilities and fulfill roles of authority.

Grade 3

Describe ways in which interactions among families, workplaces, voluntary organizations and government benefit communities.

Explain how groups of people make rules to create responsibilities and protect freedoms.

Compare procedures for making decisions in the classroom, school and community.

Describe how people have tried to improve their communities over time.

Grade 4

Distinguish the responsibilities and powers of government at the local, State and national levels.

Explain how a democracy relies on people's responsible participation, and draw implications for how individuals should participate.

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Identify core civic virtues, such as honesty, mutual respect, cooperation and attentiveness to multiple perspectives, and democratic principles, such as equality, freedom, liberty and respect for individual rights, that guide Illinois and the United States.

Explain how rules and laws change society and how people change rules and laws in Illinois.

Grade 5

Distinguish the responsibilities and powers of government officials at various levels and branches of government and in different times and places.

Examine the origins and purposes of rules, laws and key U.S. constitutional provisions.

Compare the origins, functions and structure of different systems of government.

Explain how policies are developed to address public problems.

Grades 6-8

Identify roles played by citizens, for example, voters, jurors, taxpayers, military, protesters and officeholders.

SS.CV.2.6-8.LC. Describe the origins, purposes and impact of constitutions, laws, treaties and international agreements.

Describe the roles of political, civil and economic organizations in shaping people's lives.

Explain the origins, functions and structure of government with reference to the U.S. Constitution, Illinois Constitution and other systems of government.

Evaluate the powers and responsibilities of citizens, political parties, interest groups and the media.

Analyze the powers and limits of governments, public officials and bureaucracies at different levels in the United States and other countries.

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Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Explain the connection between interests and perspectives, civic virtues and democratic principles when addressing issues in government and society.

Apply civic virtues and democratic principles in school and community settings.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Analyze ideas and principles contained in the founding documents of the United States and other countries, and explain how they influence the social and political system.

Compare the means by which individuals and groups change societies, promote the common good and protect rights.

Critique deliberative processes used by a wide variety of groups in various settings.

Determine whether specific rules and laws (both those that are in effect and proposed) resolve the problems they were meant to address.

Analyze the purposes, implementation and consequences of public policies in historic and contemporary settings.

Develop procedures for making decisions in historic and contemporary settings, such as the school, civil society, or local, state or national government.

Grades 9-12

Distinguish the rights, roles, powers and responsibilities of individuals and institutions in the political system.

Evaluate the opportunities and limitations of participation in elections, voting and the electoral process.

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Analyze the impact of constitutions, laws and agreements on the maintenance of order, justice, equality and liberty.

Explain how the U.S. Constitution established a system of government that has powers, responsibilities and limits that have changed over time and are still contested while promoting the common good and protecting rights.

Analyze the impact of personal interest and diverse perspectives on the application of civic dispositions, democratic principles, constitutional rights and human rights.

Describe how political parties, the media and public interest groups both influence and reflect social and political interests.

Describe the concepts and principles that are inherent to American constitutional democracy.

Analyze how individuals use and challenge laws to address a variety of public issues.

Evaluate public policies in terms of intended and unintended outcomes and related consequences.

Explain the role of compromise and deliberation in the legislative process.

Economic Standards

Kindergarten

Explain that choices are made because of scarcity (i.e., because individuals cannot have everything that they want).

Grade 1

Explain and give examples of when choices are made that something else is given up.

Describe the skills and knowledge required to produce certain goods and services.

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Explain how people earn pay or income in exchange for work.

Grade 2

Demonstrate how our choices can affect ourselves and others in positive and negative ways.

Explain the role of money in making exchange easier.

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Explain that money can be saved or spent on goods and services.

Grade 3

Compare the goods and services that people in the local community produce and those that are produced in other communities.

Generate examples of the goods and services that governments provide.

Describe the role of banks and other financial institutions in an economy.

Explain that, when people borrow, they receive something of value now and agree to repay the lender over time.

Grade 4

Explain how profits reward and influence sellers.

Describe how goods and services are produced using human, natural and capital resources (e.g., tools, machines).

Analyze how spending choices are influenced by prices, as well as many other factors (e.g., advertising, peer pressure, options).

Explain that income can be saved, spent on goods and services, or used to pay taxes.

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Grade 5

Analyze why and how individuals, businesses and nations around the world specialize and trade.

Discover how positive incentives (e.g., sale prices, earning money) and negative consequences (e.g., library fines, parking tickets) influence behavior in the U.S. economy and around the world.

Determine the ways in which government pays for goods and services it provides.

Explain that interest is the price the borrower pays for using someone else's money.

Grades 6-8

Explain how economic decisions affect the well-being of individuals, businesses and society.

Explain how external benefits and costs influence choices.

Evaluate alternative approaches or solutions to current economic issues in terms of benefits and costs for different groups and society as a whole.

Analyze the role of innovation and entrepreneurship in a market economy.

Describe the roles of institutions, such as corporations, non-profit organizations and labor unions, in a market economy.

Explain how changes in supply and demand cause changes in prices and quantities of goods and services, labor, credit and foreign currencies.

Explain why standards of living increase as productivity improves.

Explain barriers to trade and how those barriers influence trade among nations.

Evaluate employment, unemployment, inflation, total production, income and economic growth data and how they affect different groups.

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Analyze the relationship among skills, education, jobs and income.

Explain the roles and relationships among savers, borrowers, interest, time and the purposes for saving.

Identify how people choose to buy goods and services while still maintaining a budget based on income, taxes, savings, and fixed and variable expenses.

Explain the correlation among investors, investment options (and associated risks) and income/wealth.

Describe the connection among credit, credit options, interest and credit history.

Analyze the relationship among financial risks and protection, insurance and costs.

Grades 9-12

Analyze how scarcity and incentives influence choices to consume or produce for different individuals and groups.

Use marginal benefits and marginal costs to propose a solution to an economic issue for an individual or community.

Evaluate how much competition exists within and among sellers and buyers in specific markets.

Evaluate the effectiveness of government policies to improve market outcomes, address inequality or reduce inefficiencies.

Analyze the ways in which competition and government regulation influence what is produced and distributed in a market system.

Use data and economic indicators to analyze past and current states of the economy and predict future trends.

Describe how government policies are influenced by and have an impact on a variety of stakeholders.

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Analyze how advances in technology and investment in capital goods and human capital affect economic growth and standards of living.

Analyze the role of comparative advantage in global trade of goods and services.

Explain how globalization trends and policies affect social, political and economic conditions in different nations.

Analyze the costs and benefits of various strategies to increase income.

Explain how to make informed financial decisions by collecting information, planning and budgeting.

Explain how time, interest rates and inflation influence saving patterns over a lifetime.

Analyze costs and benefits of different credit and payment options for goods and services, the role of lenders and interest.

Evaluate risks and rates of return of diversified investments.

Analyze the costs and benefits of insurance, including the influences of an individual's characteristics and behavior.

Geography Standards

Kindergarten

Explain how weather, climate and other environmental characteristics affect people's lives.

Identify and explain how people and goods move from place to place.

Grade 1

Construct and interpret maps and other representations to navigate a familiar place.

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Grade 2

Construct and interpret maps and other graphic representations of both familiar and unfamiliar places.

Identify some cultural and environmental characteristics of your community and compare to other places.

Explain how people in your community use local and distant environments to meet their daily needs.

Grade 3

Locate major landforms and bodies of water on a map or other representation.

Compare how people modify and adapt to the environment and culture in their community to other places.

Show how the consumption of products connects people to distant places.

Grade 4

Construct and interpret maps of Illinois and the United States using various media.

Analyze how the cultural and environmental characteristics of places in Illinois change over time.

Describe some of the current movements of goods, people, jobs or information to, from or within Illinois, and explain the reasons for the movements.

Grade 5

Investigate how the cultural and environmental characteristics of places within the United States change over time.

Describe how humans have utilized natural resources in the United States.

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Compare the environmental characteristics of the United States to other world regions.

Analyze the effects of specific catastrophic and environmental events, as well as technological developments, that have affected the United States and compare those to other places.

Grades 6-8

Use geographic representations (e.g., maps, photographs, satellite images) to explain relationships between the locations (places and regions) and changes in their environment.

Use mapping and graphing to represent and analyze spatial patterns of different environmental and cultural characteristics.

Construct different representations to explain the spatial patterns of cultural and environmental characteristics.

Explain how humans and their environment affect one another.

Compare and contrast the cultural and environmental characteristics of different places or regions.

Evaluate how cultural and economic decisions influence environments and the daily lives of people in both nearby and distant places.

Explain how environmental characteristics affect human migration and settlement.

Explain how changes in transportation and communication influence the spatial connections among human settlements and affect the spread of ideas and culture.

Evaluate the influences of long-term, human-induced environmental change on spatial patterns of conflict and cooperation.

Identify how cultural and environmental characteristics vary among regions of the world.

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Explain how global changes in population distribution patterns affect changes in land use.

Analyze how the environmental characteristics of places and production of goods influence patterns of world trade.

Grades 9-12

Use maps (created using geospatial and related technologies, if possible), satellite images and photographs to display and explain the spatial patterns of physical, cultural, political, economic and environmental characteristics.

Use self-collected or pre-existing data sets to generate spatial patterns at multiple scales that can be used to conduct analyses or to take civic action.

Analyze and explain how humans affect and interact with the environment and vice versa.

Evaluate how political and economic decisions have influenced cultural and environmental characteristics of various places and regions.

Analyze how human societies plan for and respond to the consequences of human-made and naturally occurring catastrophes and how these events affect trade, politics and migration.

Analyze how historical events and the diffusion of ideas, technologies and cultural practices have influenced migration patterns and the distribution of the human population.

Evaluate how economic activities and political decisions affect spatial patterns within and among urban, suburban and rural regions.

Evaluate how short- and long-term climate variability affects human migration and settlement patterns, resource use and land uses.

Describe and explain the characteristics that constitute a particular culture.

Explain how and why culture shapes worldview.

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Explain how globalization affects the cultural, political, economic and environmental characteristics of a place or region.

Evaluate how competition for scarce natural resources contributes to conflict and cooperation within and among countries.

History Standards

Kindergarten

Compare life in the past to life today.

Explain the significance of the national holidays of the United States, and the heroism and achievements of the people associated with them.

Grade 1

Create a chronological sequence of multiple events.

Describe individuals and groups who have shaped a significant historical change.

Compare perspectives of people in the past to those of people in the present.

Grade 2

Summarize changes that have occurred in the local community over time.

Compare individuals and groups who have shaped a significant historical change.

Explain how different kinds of historical sources, such as written documents, objects, artistic works and oral accounts, can be used to study the past.

Grade 3

Create and use a chronological sequence of events.

Describe how significant people, events and developments have shaped students' own community and region.

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Identify artifacts and documents as either primary or secondary sources of historical data from which historical accounts are constructed.

Grade 4

Explain connections among historical contexts and why individuals and groups differed in their perspectives during the same historical period.

Using artifacts and primary sources, investigate how individuals contributed to the founding and development of Illinois.

Explain probable causes and effects of events and developments in Illinois history.

Grade 5

Create and use a chronological sequence of related events to compare developments that happened at the same time.

Use information about a historical source, including the maker, date, place of origin, intended audience and purpose, to judge the extent to which the source is useful for studying a particular topic.

Explain probable causes and effects of events and developments in U.S. history.

Grades 6-8

Classify a series of historical events and developments as examples of change and/or continuity.

Analyze connections among events and developments in broader historical contexts.

Use questions generated about individuals and groups to analyze why they, and the developments they shaped, are seen as historically significant.

Explain how and why perspectives of people have changed over time.

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Analyze multiple factors that influenced the perspectives of people during different historical eras.

Analyze how people's perspectives influenced what information is available in the historical sources they created.

Classify the kinds of historical sources used in a secondary interpretation.

Detect possible limitations in the historical record based on evidence collected from different kinds of historical sources.

Analyze how people's perspectives influenced what information is available in the historical sources they created. Use other historical sources to infer a plausible maker, date, place of origin and intended audience for historical sources when this information is not easily identified.

Explain multiple causes and effects of historical events.

Compare the central historical arguments in secondary works across multiple media.

Organize applicable evidence into a coherent argument about the past.

Grades 9-12

Evaluate how historical developments were shaped by time and place, as well as broader historical contexts.

Analyze change and continuity within and across historical eras.

Evaluate the methods used by people and institutions to promote change.

Analyze how people and institutions have reacted to environmental, scientific and technological challenges.

Analyze the factors and historical context that influenced the perspectives of people during different historical eras.

Analyze the concept and pursuit of the "American Dream".

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Identify the role of individuals, groups and institutions in people's struggle for safety, freedom, equality and justice.

Analyze key historical events and contributions of individuals through a variety of perspectives, including those of historically underrepresented groups.

Analyze the relationship between historical sources and the secondary interpretations made from them.

Analyze the causes and effects of global conflicts and economic crises.

Analyze multiple and complex causes and effects of events in the past.

Analyze the geographic and cultural forces that have resulted in conflict and cooperation.

Standards for Anthropology, Psychology and Sociology Apply to Grades 9-12 Only

Anthropology Standards

Analyze the elements of culture and explain the factors that shape these elements differently around the world.

Explain how cultures develop and vary in response to their physical and social environment, including local, national, regional and global patterns.

Explain why anthropologists study culture from a holistic perspective.

Evaluate one's own cultural assumptions using anthropological concepts.

Apply anthropological concepts and anthropological knowledge to a variety of everyday, real-world situations.

Explain how local actions can have global consequences and how global patterns and processes can affect seemingly unrelated local actions.

Psychology Standards

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Identify scientific methodologies utilized in psychological research.

Evaluate the conclusions made by psychological research, including ethical concerns.

Understand a variety of psychological perspectives and apply their concepts and theoretical ideas to the investigation of similarities and differences in behavior and mental processes.

Analyze how biological, psychological and sociocultural factors and their interactions influence individuals' behavior and mental processes.

Evaluate the complexities of human thought and behavior, as well as the factors related to the individual differences among people.

Identify and apply psychological thinking to personal and societal experiences and issues.

Apply psychological knowledge to one's daily life.

Use appropriate psychological terminology with reference to psychologists and their experiments and theories in order to explain the possible causes of and impact on behavior and mental processes.

Sociology Standards

Identify and apply the sociological perspective and a variety of sociological theories.

Analyze the impact of social structure, including culture, institutions and societies.

Hypothesize how primary agents of socialization influence the individual.

Describe the impact of social relationships on the self, groups and socialization processes.

Explain the social construction of self and groups and their impact on the life changes of individuals.

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Analyze the impact of stratification and inequality on groups and the individuals within them.

Standards Beginning in the 2022-23 School Year.

The Social Science Standards consist of both inquiry standards and disciplinary standards. In implementing the Social Science Standards, the inquiry standards should be used simultaneously with the individual disciplinary standards to ensure both students' comprehension and application of the knowledge and skills acquired.

In addition to the Social Science Standards, there are State-mandated units of study that may apply to Social Science coursework or curriculum. These mandates can be found in the School Code and are summarized at <https://www.isbe.net/Documents/IL-Mandated-Units-of-Study.pdf>.

All standards are coded for ease of use and reference. The code is keyed as follows:

"Content Area.Grade Band or Level.Content Domain.Number of Standard"

K-12 Inquiry Framework for Social Science

The inquiry standards include the following areas:

Recognize Perspectives and Articulate Identities

- Recognize one's own perspective in relation to the perspective of others.
- Articulate the construction and meaning of individual and collective identities
- Articulate unity and variation across human societies
- Evaluate the Role of Power and Systems
- Analyze power, inequality and the impact of systems on reinforcing power and inequality
- Analyze social systems, social structures, social institutions, and their impact on social change

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Developing Questions and Planning Inquiries

- Constructing Essential Questions
- Constructing Supporting Questions
- Determining Helpful Sources

Evaluating Sources and Using Evidence

- Gathering and Evaluating Sources
- Developing Claims and Using Evidence

Communicating Conclusions and Taking Informed Action

- Communicating Conclusions
- Critiquing Conclusions
- Taking Informed Action

Inquiry Standards

Working individually and collaboratively, and using nonfiction and fiction, students will engage in inquiry within the disciplines about important public issues, trends, and events in social studies that are relevant to students' lives. These skills should be applied while teaching and learning the disciplinary concepts for a deeper understanding that allows students to take ownership of their learning.

Inquiry skills emphasize the importance of inquiry and action (thinking and doing) in all of the social science courses. Inquiry skills are important for all learners to apply to their grade-level standards. These skills have been grade-banded for students at kindergarten through second grade, third through fifth grades, sixth through eighth grades, and ninth through twelfth grades.

Inquiry Standards

Kindergarten and Grades 1 and 2

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SS.K-2.IS.1. Create questions that are relevant to self as they relate to the content of the Social Science Standards.

SS.K-2.IS.2. With guidance and support, use varied teacher-selected resources to learn procedures to locate evidence that assists with finding answers to their questions. Introduce the importance of informational resources that are reliable sources and determine fact from opinion.

SS.K-2.IS.3. With guidance and support, gather relevant information from multiple sources to analyze information.

SS.K-2.IS.4. With guidance and support, evaluate a source by distinguishing between fact and opinion.

SS.K-2.IS.5. With guidance and support, share with peers one's findings on the asked and answered questions.

SS.K-2.IS.6. With guidance and support, reflect on one's inquiry process and findings.

SS.K-2.IS.7. Using various viewpoints, engage in reflective conversations to draw conclusions on inquiry findings and create action steps.

Grades 3-5

SS.3-5.IS.1. Develop essential questions and explain the importance of the questions to self and others.

SS.3-5.IS.2. Generate supporting questions that require investigation to help answer essential questions.

SS.3-5.IS.3. Identify varied resources that answer essential and student-generated questions and that take into consideration multiple points of view.

SS.3-5.IS.4. Gather relevant information and distinguish between fact and opinion to determine credibility of multiple sources.

SS.3-5.IS.5. Develop claims using evidence from multiple sources to answer essential questions.

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SS.3-5.IS.6. Construct arguments using claims and evidence from multiple sources.

SS.3-5 IS.7. Construct explanations using reasoning, correct sequences, examples, and details with relevant information and data.

SS.3-5.IS.8. Present a summary of arguments and explanations to others inside and/or outside of the classroom using print and oral technologies.

SS.3-5.IS.9. Explain the use of inquiry strategies, approaches, and use of relevant sources students could take to address local, regional, State, national, and global problems.

SS.3-5.IS.10. Engage in reflective conversations to draw conclusions on inquiry findings and create action steps that consider multiple viewpoints.

Grades 6-8

SS.6-8.IS.1. Create essential questions that consider multiple perspectives to help guide inquiry about a topic.

SS.6-8.IS.2. Ask essential and focusing questions that consider multiple perspectives and will lead to independent research.

SS.6-8.IS.3. Determine sources representing multiple points of view and diversity of authorship that will assist in organizing a research plan.

SS.6-8.IS.4.LC. Determine the value of sources by evaluating their relevance and intended use.

SS.6-8.IS.4.MdC. Determine the credibility of sources based upon their origin, authority and context.

SS.6-8.IS.4.MC. Gather relevant information from credible sources and determine whether they support each other.

SS.6-8.IS.5.LC. Appropriately cite all the sources used.

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SS.IS.5.6-8.MdC. Identify evidence from multiple sources to support claims, noting any limitations of the evidence.

SS.6-8.IS.5.MC. Develop claims and counterclaims using evidence from credible sources while pointing out the strengths and limitations of both.

SS.6-8.IS.6.LC. Construct arguments using claims and evidence from multiple sources, while acknowledging the arguments' strengths and limitations.

SS.6-8.IS.6.MdC. Construct explanations for a specific audience using reasoning, correct sequences, examples, and details, while acknowledging their strengths and weaknesses.

SS.6-8.IS.6.MC. Present arguments and explanations that would appeal to audiences and venues outside of the classroom, using a variety of media.

SS.6-8.IS.7.LC. Critique the structure and credibility of arguments and explanations (self and others) about a topic.

SS.6-8.IS.8.LC. Analyze how a problem can manifest itself, identify the individuals and communities impacted by a problem, and the challenges and opportunities faced by those trying to take action toward solutions.

SS.6-8.IS.8.MdC. Assess individual and collective capacities within a given context to take action, address problems, and identify potential outcomes.

SS.6-8.IS.8.MC. Apply a range of deliberative and democratic procedures to make decisions and take action in schools and community contexts.

Grades 9-12

SS.9-12.IS.1. Create actionable, student-driven (or student-informed) questions that lead to social studies investigations beyond one's immediate cultural environment or lens.

SS.9-12.IS.2. Develop culturally-informed, student-driven supporting questions that contribute to inquiry and evaluate the purpose of supporting questions in the research and inquiry process.

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SS.9-12.IS.3. Develop new supporting and essential questions by primary and secondary investigation, collaboration with multiple groups, and use of multiple sources, including sources that reflect diverse perspectives.

SS.9-12.S.4. Determine the kinds of sources that will be helpful in answering compelling and supporting questions, taking into consideration multiple points of view represented in the sources, the types of sources available, and the potential uses of the sources.

SS.9-12.IS.5. Gather and evaluate information from multiple primary and secondary sources that reflect the perspectives and experiences of marginalized groups.

SS.9-12.IS.6. Analyze evidence and identify counter perspectives to revise or strengthen claims.

SS.9-12.IS.7. Construct arguments using precise and knowledgeable claims, with evidence from multiple sources while acknowledging counterclaims, perspectives, and biases.

SS.9-12.IS.8. Evaluate evidence to construct arguments and claims that use reasoning and account for multiple perspectives and value systems.

SS.9-12.IS.9. Develop and prepare communication by identifying stakeholders (or audiences) and evaluate what messages and media are likely to result in stakeholder support or opposition.

SS.9-12.IS.10. Solicit feedback from stakeholder representatives and revise communication and action plans accordingly.

SS.9-12.IS.11. Use interdisciplinary lenses to identify local, regional, state, natural, or global concerns and anticipate the outcome possible solutions might have on all impacted communities, including marginalized communities.

SS.9-12.IS.12. Analyze existing structures, systems, and methodologies to determine what types of interventions or informed action will lead to increased equity, inclusion, and community and civic good.

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SS.9-12.IS.13. Use deliberative processes and apply appropriate civic engagement strategies and procedures to address local, regional or global concerns, and take action in or out of school.

SS.9-12.IS.14. Take measurable action to effect changes that bring about equity, inclusion, and the community good (and civic good).

SS.9-12.IS.15. Evaluate the outcomes of informed action and reflect on successes and failures of interventions or informed action that will lead to increased equity, inclusion, and community and civic good.

Civics Standards

Kindergarten

SS.K.CV.1. With guidance and support, identify the roles of individuals and leaders and their responsibility to meet the needs of different people and communities.

SS.K.CV.2. With guidance and support, identify reasons for rules and explain how rules establish responsibilities and roles for various settings.

Grade 1

SS.1.CV.1. With guidance and support, explain how individuals that live, learn, and work together make important decisions, and the effect that these decisions have on a variety of diverse communities.

SS.1.CV.2. Identify reasons for rules and explain how rules establish responsibilities and roles, and their effect on one's own and other groups and communities.

Grade 2

SS.2.CV.1. With guidance and support, identify features and functions of governments.

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SS.2.CV.2. With guidance and support, describe how communities can collaborate to accomplish tasks, establish roles and responsibilities and achieve equitable outcomes for the community.

Grade 3

SS.3.CV.1. Explain how families, workplaces, organizations and government entities interact and affect communities in multiple ways.

SS.3.CV.2. Using evidence, describe how people have strived to improve communities over time to achieve equitable outcomes, practices, or policies.

Grade 4

SS.4.CV.1. Explain the roles and responsibilities of government officials at the local, State and national levels and investigate how the roles and responsibilities of government have changed over time.

SS.4.CV.2. Define democracy and explain how limited participation affects the political representation of multiple groups.

SS.4.CV.3. Identify core civic virtues and democratic principles that guide governments, society, and communities.

SS.4.CV.4. Using evidence, explain how rules, regulations, and laws alter or transform societies and how people from multiple communities influence and experience this transformation.

Grade 5

SS.5.CV.1. Explain the roles and responsibilities of government officials at the local, State, and national level levels and investigate how the roles and responsibilities of the three branches of government have changed over time.

SS.5.CV.2. Examine the origins and purposes of rules, laws and key U.S. Constitutional provisions and investigate the impact they had/have on multiple groups of people.

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SS.5.CV.3. Compare and contrast the U.S. Government to other global governments in their structure and systems of governing with consideration for their impact on equitable outcomes.

SS.5.CV.4. Using evidence, explain how policies are developed to address public problems and concerns and achieve equitable outcomes.

Grades 6-8

SS.6-8.CV.1.LC. Identify different types of citizenship and immigration statuses of individuals in the United States and the different rights and roles (e.g., voters, jurors, taxpayers, military, protesters and officeholders) based on citizenship or immigration status.

SS.6-8.CV.1.MdC. Describe and analyze the roles of political, civil and economic organizations from a national to local scale in impacting multiple individuals and communities.

SS.6-8.CV.1.MC. Evaluate the powers and responsibilities of individuals, political parties, interest groups and the media, how these have changed over time, and the impacts on multiple communities.

SS.6-8.CV.2.LC. Describe the origins and purposes and impact of governing documents and policies (e.g., U.S. Constitution, Illinois Constitution, laws, treaties and international agreements) and synthesize their application and impacts on multiple groups of people with how they have changed over time.

SS.6-8.CV.2.MdC. Explain the origins, functions and structure of government with reference to the U.S. Constitution, Illinois Constitution and other systems of government and how they have impacted multiple groups of people.

SS.6-8.CV.2.MCa. Analyze how the application of laws and the protection, granting, or denial of individual and collective rights have impacted participation and powers of various groups of people.

SS.6-8.CV.2.MCb. Synthesize how the changes over time in the application of laws and granting or denial of rights have impacted governments, public officials, and bureaucracies at different levels in the U.S., U.S. territories, and tribal nations within the U.S.

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SS.6-8.CV.3.LC. Identify the means used by individuals and groups to either maintain or change powers and protect, grant, or deny rights of individuals and communities in societies.

SS.6-8.CV.3.MdC. Analyze the origins, purposes, and processes connected to maintaining or changing powers and protecting, granting, or denying rights by individuals and within societies.

SS 6-8.CV.3.MC. Explain how granting rights for individuals or communities does not reduce the ability of other individuals or communities to exercise the same rights and evaluate how efforts to maintain systems or initiate change within societies have worked for or against the benefit or oppression of multiple groups.

SS.6-8.CV.4.LC. Analyze the relationships among democratic principles, civic virtues, special interests, and perspectives to the ideas and principles contained in the constitutions, laws, treaties, and international agreements of the U.S. and other countries.

SS.6-8.CV.4.MdC. Analyze and synthesize ideas and principles contained in the founding and governing documents and practices of the U.S., U.S. territories, and tribal nations within the U.S.

SS.6-8.CV.4.MC. Evaluate and critique deliberative processes surrounding the development and application of governing documents and policies and how they have changed over time.

SS.6-8.CV.5.LC. Identify the impact of specific rules and laws (both those that are in effect and proposed) on multiple individuals and communities in relationship to the intended issues they were meant to address. Analyze cause and effect relationships of issues that initiated specific rules and laws.

SS.6-8.CV.5.MdC. Analyze the perspectives and positions of multiple individuals and communities impacted by specific rules and laws (both actual and proposed); the equitable application of rules and laws, and consequences for not abiding by rules and laws historic and contemporary settings.

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SS.6-8.CV.5.MC. Develop and evaluate procedures for making decisions in historic and contemporary settings (e.g., school, civil society, or local, state or national government).

Grades 9-12

SS.9-12.CV.1. Distinguish between the rights, roles, powers and responsibilities of individuals and institutions in the political system and analyze the marginalization of multiple groups and perspectives in the political system.

SS.9-12.CV.2. Evaluate the opportunities and limitations of participation in elections, voting and the electoral process, and the impact disenfranchisement has on these processes.

SS.9-12.CV.3. Analyze constitutions, laws and agreements to determine the degree to which they achieve justice, equality and liberty.

SS.9-12.CV.4. Evaluate the U.S. Constitution's ability to establish a system of government with power, responsibilities and limits, and explain how the U.S. Constitution has evolved/changed over time and is still contested.

SS.9-12.CV.5. Analyze civic dispositions, democratic principles, constitutional rights and human rights and their impact on personal interests and multiple perspectives.

SS.9-12.CV.6. Identify and explain how political parties, the media and public interest groups both influence and reflect social and political interests.

SS.9-12.CV.7. Compare and contrast the democratic concepts and principles inherent to the U.S. system of government.

SS.9-12.CV.8. Analyze the methods individuals can use to challenge laws to address a variety of public issues.

SS.9-12.CV.9. Evaluate public policies in terms of intended and unintended outcomes and related consequences on different communities including the marginalization of multiple groups.

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SS.9-12.CV.10. Explain the role of compromise and deliberation in the legislative process.

Economic Standards

Kindergarten

SS.K.EC.1. Explain that choices are made because of scarcity (i.e., because individuals cannot have everything that they want).

Grade 1

SS.1.EC.1. Explain and give examples of when choices are made that something else is given up.

SS.1.EC.1. Describe the skills and knowledge required to produce certain goods and services.

SS.1.EC.3. Explain how people earn pay or income in exchange for work.

Grade 2

SS.2.EC.1. Demonstrate how our choices can affect ourselves and others in positive and negative ways.

SS.2.EC.2. Explain the role of money in making exchange easier.

SS.2.EC.3. Compare the goods and services that people in the local community produce and those that are produced in other communities.

SS.2.EC.4. Explain that money can be saved or spent on goods and services.

Grade 3

SS.3.EC.1. Compare the goods and services that people in the local community produce and those that are produced in other communities.

SS.3.EC.2. Generate examples of the goods and services that governments provide.

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SS.3.EC.3. Describe the role of banks and other financial institutions in an economy.

SS.3.EC.4. Explain that, when people borrow, they receive something of value now and agree to repay the lender over time.

Grade 4

SS.4.EC.1. Explain how profits reward and influence sellers.

SS.4.EC.2. Describe how goods and services are produced using human, natural and capital resources (e.g., tools, machines).

SS.4.EC.3. Analyze how spending choices are influenced by prices, as well as many other factors (e.g., advertising, peer pressure, options).

SS.4.EC.4. Explain that income can be saved, spent on goods and services, or used to pay taxes.

Grade 5

SS.5.EC.1. Analyze why and how individuals, businesses and nations around the world specialize and trade.

SS.5.EC.2. Discover how positive incentives (e.g., sale prices, earning money) and negative consequences (e.g., library fines, parking tickets) influence behavior in the U.S. economy and around the world.

SS.5.EC.3. Determine the ways in which government pays for goods and services it provides.

SS.5.EC.4. Explain that interest is the price the borrower pays for using someone else's money.

Grades 6-8

SS.6-8.EC.1. Explain how economic decisions affect the well-being of individuals, businesses and society.

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SS.6-8.EC.2. Explain how external benefits and costs influence choices.

SS.6-8.EC.3. Evaluate alternative approaches or solutions to current economic issues in terms of benefits and costs for different groups and society as a whole.

SS.6-8.EC.4. Analyze the role of innovation and entrepreneurship in a market economy.

SS.6-8.EC.5. Describe the roles of institutions, such as corporations, non-profit organizations and labor unions, in a market economy.

SS.6-8.EC.6. Explain how changes in supply and demand cause changes in prices and quantities of goods and services, labor, credit and foreign currencies.

SS.6-8.EC.7. Explain why standards of living increase as productivity improves.

SS.6-8.EC.8. Explain barriers to trade and how those barriers influence trade among nations.

SS.6-8.EC.9. Evaluate employment, unemployment, inflation, total production, income and economic growth data and how they affect different groups.

SS.6-8.EC.10. Analyze the relationship among skills, education, jobs and income.

SS.6-8.EC.11. Explain the roles and relationships among savers, borrowers, interest, time and the purposes for saving.

SS.6-8.EC.12. Identify how people choose to buy goods and services while still maintaining a budget based on income, taxes, savings, and fixed and variable expenses.

SS.6-8.EC.13. Explain the correlation among investors, investment options (and associated risks) and income/wealth.

SS.6-8.EC.14. Describe the connection among credit, credit options, interest and credit history.

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SS.6-8.EC.15. Analyze the relationship among financial risks and protection, insurance and costs.

Grades 9-12

SS.9-12.EC.1. Analyze how scarcity and incentives influence the choices of different individuals' and communities' consumption of goods and services and evaluate the role of scarcity, both from nature and human-made.

SS.9-12.EC.2. Use marginal benefits and marginal costs to propose solutions to a significant issue for an individual or community and evaluate the effectiveness of applying cost/marginal benefits to account for economic differences across multiple communities.

SS.9-12.EC.3. Evaluate different market structures, markets including competitive markets, monopolies, oligopolies, or monopolistic competition; how those different market structures affect groups differently; examples of these markets in the U.S.; and the assumptions of each market type.

SS.9-12.EC.4. Evaluate how much competition exists within and among sellers and buyers within the markets to which the students or school community belong and other specific markets.

SS.9-12.EC.5. Use benefits and costs to evaluate the effectiveness of government policies to improve market outcomes.

SS.9-12.EC.6. Evaluate the extent to which specific government policies address inequalities, improve market outcomes, or reduce inefficiencies, and the unintended consequences of these policies for one's community and for diverse groups of people.

SS.9-12.EC.7. Analyze the ways in which market structures influence what is produced and distributed in a market system while accounting for disparity in both implementation and outcomes in one's own and other communities.

SS.9-12.EC.8. Use data and economic indicators to analyze past and current states of the economy and predict future trends and economic conditions among multiple, diverse communities.

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SS.9-12.EC.9. Compare the benefits and problems of different economic systems, particularly their impact on equitable outcomes (e.g., capitalism, socialism, communism, mixed systems).

SS.9-12.EC.10. Evaluate how government policies are influenced by and impact a variety of stakeholders.

SS.9-12.EC.11. Analyze how advances in technology and investment in capital goods and human capital affect economic growth and standards of living.

SS.9-12.EC.12. Analyze the role of comparative advantage in global trade of goods and services.

SS.9-12.EC.13. Explain how current and past globalization trends and policies affect economic growth, labor markets, rights of citizens, the environment, and resource and income distribution.

FINANCIAL LITERACY

SS.9-12.EC.FL.1. Understand how costs and benefits can be subject to individual circumstances and factors outside of one's control.

SS.9-12.EC.FL.2. Explain the importance of making informed financial decisions by collecting information, planning and budgeting while accounting for individual circumstances that can limit access to capital.

SS.9-12.EC.FL.3. Explain how time, interest rates and inflation influence saving patterns over a lifetime.

SS.9-12.EC.FL.4. Analyze costs and benefits of different credit and payment options for goods and services, the role of lenders and interest, and identify the impact of each on individuals and multiple communities.

SS.9-12.EC.FL.5. Evaluate risks and returns on diversified investments while accounting for the individual risk-disposition among students.

SS.9-12.EC.FL.7. Analyze how the cognitive biases, environmental influences, and access to resources and necessities of an individual can impact financial decision-making and the application of economic decision-making strategies.

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SS.9-12.EC.FL.8. Evaluate risk disposition and opportunity recognition for individual students and multiple communities, accounting for structural impacts on these dispositions.

SS.9-12.EC.FL.9. Evaluate the disparate impact of government and private business policies related to banking, credit, and mortgage lending in one's own and others' contexts while using current economic indicators to analyze or propose future policies.

Geography Standards

Kindergarten

SS.K.G.1. With guidance and support, explain how weather, climate and other environmental characteristics affect people's lives and cultural identities in our region.

SS.K.G.2. With guidance and support, explain how people and goods move from place to place.

SS.K.G.3. With guidance and support, identify characteristics of print and digital maps, graphs, and other cultural representations of familiar places.

Grade 1

SS.1.G.1. With guidance and support, construct and interpret print and digital maps and other cultural representations of familiar places.

SS.1.G.2. With guidance and support, describe how human activities affect the cultural and environmental characteristics of places or regions.

SS.1.G.3. Compare how people in different types of communities use local and world-wide environments to meet their daily needs.

Grade 2

SS.2.G.1. With guidance and support, use print and digital maps, globes and other simple geographic models to identify cultural and environmental characteristics of places.

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SS.2.G.2. With guidance and support, identify some cultural and environmental characteristics of your community and compare to other places or regions.

SS.2.G.3. Describe the connections between the physical environment of a place and the economic activities found there.

Grade 3

SS.3.G.1. Using print and digital maps, globes, and other simple geographic models to identify topographic and other graphic representations of both familiar and unfamiliar locations.

SS.3.G.2. Explain how culture influences the way people modify and adapt to the environment or the way people do not modify and adapt to their environments.

SS.3.G.3. Describe the movement of goods, people, jobs, and/or information and the effect of the cultural and environmental characteristics on movement of goods.

Grade 4

SS.4.G.1. Construct print and digital maps and other topographic representations to show the details of places and regions and their environmental characteristics.

SS.4.G.2. Explain how the cultural and environmental characteristics of places change over time.

SS.4.G.3. Investigate the human effects on the physical environment over time.

Grade 5

SS.5.G.1. Use print and digital maps of different scales to describe the locations of cultural and environmental characteristics.

SS.5.G.2. Investigate and explain how the cultural and environmental characteristics of places within the U.S. change over time.

SS.5.G.3. Explain how human settlements and technological advancements have impacted natural resources.

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SS.5.G.4. Analyze the effects of catastrophic environmental and technological events on human settlements and migration.

Grades 6-8

SS.6-8.G.1. Use geographic representations (e.g., maps, photographs, satellite images) to explain relationships between the locations (places and regions) and changes in their environment.

SS.6-8.G.2. Use mapping and graphing to represent and analyze spatial patterns of different environmental and cultural characteristics.

SS.6-8.G.3. Construct different representations to explain the spatial patterns of cultural and environmental characteristics.

SS.6-8.G.4. Explain how humans and their environment affect one another.

SS.6-8.G.5. Compare and contrast the cultural and environmental characteristics of different places or regions.

SS.6-8.G.6. Evaluate how cultural and economic decisions influence environments and the daily lives of people in both nearby and distant places.

SS.6-8.G.7. Explain how environmental characteristics affect human migration and settlement.

SS.6-8.G.8. Explain how changes in transportation and communication influence the spatial connections among human settlements and affect the spread of ideas and culture.

SS.6-8.G.9. Evaluate the influences of long-term, human-induced environmental change on spatial patterns of conflict and cooperation.

SS.6-8.G.10. Identify how cultural and environmental characteristics vary among regions of the world.

SS.6-8.G.11. Explain how global changes in population distribution patterns affect changes in land use.

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SS.6-8.G.12. Analyze how the environmental characteristics of places and production of goods influence patterns of world trade.

Grades 9-12

SS.9-12.G.1. Use maps (created using geospatial and related technologies, if possible), satellite images and photographs to display and explain the spatial patterns of physical, cultural, political, economic and environmental characteristics.

SS.9-12.G.2. Explain how mapping is used to claim political sovereignty and to obscure disagreements over the nature of space, human relationship with place, and power to determine how humans interact with landscapes, animals, and plants.

SS.9-12.G.3. Use self-collected or pre-existing data sets to generate spatial patterns at multiple scales that can be used to conduct analyses or to take civic action.

SS.9-12.G.4. Analyze data and trends at various scales to address inequalities in race, ethnicity, gender, religion, sexual identity, ability status, and socioeconomic groups across time and space.

SS.9-12.G.5. Analyze different ways of representing geographic information in order to compare cartographers' perspectives, biases, and goals.

SS.9-12.G.6. Analyze and explain how humans affect and interact with the environment and vice versa.

SS.9-12.G.7. Evaluate how political and economic decisions have influenced cultural and environmental characteristics of various places and regions.

SS.9-12.G.8. Analyze how human societies plan for and respond to the consequences of human-made and naturally occurring catastrophes and how these events affect trade, politics and migration.

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SS.9-12.G.9. Explain how landscape, land and resource use, and means of interacting with land, animals, and plants each reflect cultural beliefs and identities.

SS.9-12.G.10. Analyze how historical events and the diffusion of ideas, technologies and cultural practices have influenced migration patterns and the distribution of the human population.

SS.9-12.G.11. Evaluate how economic activities and political decisions impact spatial patterns at various scales.

SS.9-12.G.12. Evaluate how short- and long-term climate variability affects human migration and settlement patterns, resource use and land uses, and land relationship.

SS.9-12.G.13. Describe and explain the characteristics that constitute culture.

SS.9-12.G.14. Explain how a person's identity (e.g., race, ethnicity, gender, sexuality, spirituality/religion, ability status, socioeconomic group) shapes and is shaped by worldview.

SS.9-12.G.15. Explain how characteristics of culture and measures of development shape an individual's worldview.

SS.9-12 G.16. Explain how globalization affects the cultural, political, economic and environmental characteristics of a place or region.

SS.9-12.G.17. Evaluate how competition for scarce natural resources contributes to conflict and cooperation within and among countries.

History Standards

Kindergarten

SS.K.H.1. With guidance and support, compare life in the past to life today, including the points of view of diverse groups of people.

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SS.K.H.2. Identify and describe the purpose of the national holidays of the United States, the major holidays of diverse groups, and the bravery or achievements of the diverse people who make these days special holidays.

Grade 1

SS.1.H.1. Create a chronological sequence of multiple events based on current learning.

SS.1.H.2. Generate questions and investigate diverse individuals and groups who have shaped a significant historical change.

SS.1.H.3. With guidance and support, investigate how our perspectives of historical events have changed over time.

Grade 2

SS.2.H.1. Identify main ideas and changes that have occurred in the local community over time and retell how these changes impacted diverse groups in the community.

SS.2.H.2. Examine key events that changed history from multiple perspectives, including the perspectives, including the perspectives of diverse individuals, cultures, and groups.

Grade 3

SS.3.H.1. Create and use a chronological sequence of related events to compare developments that happened at the same time.

SS.3.H.2. Explain how the diverse perspectives of people and events develop and shape communities and or regions.

SS.3.H.3. Identify and analyze how different kinds of historical sources are used to explain events in the past.

Grade 4

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SS.4.H. Through a study of important individuals or major events, recognize and explain that there are multiple cultural perspectives.

SS.4.H.2. Generate questions about multiple historical sources and their relationships to particular historical events and developments.

SS.4.H.3. Explain probable causes and effects of events and developments in Illinois history.

Grade 5

SS.5.H.1. Create and use a chronological sequence of related events to identify cause and effects of relationships in history and the impacts of underrepresented groups.

SS.5.H.2. Use information about a historical source, including the creator (author), date, place of origin, intended audience, and purpose to judge the extent to which the source is useful for studying a particular topic.

SS.5.H.3. Summarize the central claim in a work of history.

Grades 6-8

SS.6-8.H.1.LC. Identify and describe the contexts of a series of historical events and developments as examples of change and/or continuity based on the perspectives of multiple diverse groups.

SS.6-8.H.1.MdC. Analyze connections and disconnections among events and developments in broader historical contexts and identify the effects of events on groups of people who have been marginalized.

SS.6-8.H.1.MC. Evaluate the significance of historical events to multiple groups and the relationship to modern-day movements and events.

SS.6-8.H.2.LC. Explain how and why perspectives of people have changed over time.

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SS.6-8.H.2.MdC. Analyze and compare multiple factors that influenced the perspectives of multiple groups of people during different historical eras relevant to the cultural groups.

SS.6-8.H.2.MC. Evaluate how perspectives of multiple individuals and groups have impacted information availability and the historical sources created.

SS.6-8.H.3.LC. Classify the kinds of historical sources used in a secondary interpretation to include sources representing multiple perspectives.

SS.6-8.H.3.MdC. Detect possible biases and limitations in the historical record based on evidence collected from different kinds of historical sources by identifying the author, purpose, funding/source, type of publication/outlet, intended audience, etc.

SS.6-8.H.3.MC. Evaluate the validity of claims made in historical sources representing a variety of perspectives, describe the possible or actual impact(s) of the sources on audiences, and determine uses and applications.

SS.6-8.H.4.LC. Describe the differences between correlation and causation in historical events and explain multiple causes and effects of historical events.

SS.6-8.H.4.MdC. Compare and contrast the central historical arguments in secondary works across multiple media.

SS.6-8.H.4.MC. Organize and critique applicable evidence to develop a coherent argument about the past.

Grades 9-12

SS.9-12.H.1. Evaluate the context of time and place as well as structural factors that influence historical developments.

SS.9-12.H.3. Analyze change and continuity across historical eras and identify what perspectives have typically influenced how historical eras are constructed.

SS.9-12.H.3. Evaluate the methods used to promote change and the effects and outcomes of these methods on diverse groups of people.

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SS.9-12.H.4. Analyze how people and institutions have interacted with environmental, scientific, technological societal challenges.

SS.9-12.H.5. Analyze the factors and historical context that influenced the perspectives of people during different historical eras including overarching movements.

SS.9-12.H.6. Analyze the concept and pursuit of the "American Dream" and identify the factors that could promote or present barriers to the pursuit of the "American Dream" for multiple groups of people.

SS.9-12.H.7. Identify and analyze the role of individuals, groups and institutions in people's struggle for safety, freedom, equality and justice.

SS.9-12.H.8. Analyze key historical events and contributions of individuals through a variety of perspectives, including those of historically underrepresented groups.

SS.9-12.H.9. Analyze the relationship between historical sources and the secondary interpretations made from them.

SS.9-12.H.10. Identify and analyze ways in which marginalized communities are represented in historical sources and seek out sources created by historically oppressed peoples.

SS.9-12.H.11. Analyze primary and secondary historical sources from multiple vantage points and perspectives to identify and explain dominant narratives and counter narratives of historical events.

SS.9-12.H.12. Analyze the causes and effects of global conflicts and economic crises.

SS.9-12.H.13. Analyze multiple and complex causes and effects of events in the past.

SS.9-12.H.14. Analyze the geographic and cultural forces that have resulted in conflict and cooperation. Identify the cause and effects of imperialism and colonization.

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Standards for Anthropology, Psychology, Sociology, and Religious Studies Apply to Grades 9-12 Only

Anthropology Standards

SS.9-12.ANTH.1. Analyze the elements of culture and explain the factors that shape these elements differently around the world.

SS.9-12.ANTH.2. Explain how cultures develop and vary in response to their physical and social environment, including local, national, regional and global patterns.

SS.9-12.ANTH.3. Explain why anthropologists study culture from a holistic perspective.

SS.9-12.ANTH.4. Evaluate one's own cultural assumptions using anthropological concepts.

SS.9-12.ANTH.5. Apply anthropological concepts and anthropological knowledge to a variety of everyday, real-world situations.

SS.9-12.ANTH.6. Explain how local actions can have global consequences and how global patterns and processes can affect seemingly unrelated local actions.

Psychology Standards

SS.9-12.PSY.1. Identify scientific methodologies utilized in psychological research.

SS.9-12.PSY.2. Evaluate the conclusions made by psychological research, including ethical concerns.

SS.9-12.PSY.3. Understand a variety of psychological perspectives and apply their concepts and theoretical ideas to the investigation of similarities and differences in behavior and mental processes.

SS.9-12.PSY.4. Analyze how biological, psychological and sociocultural factors and their interactions influence individuals' behavior and mental processes.

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SS.9-12.PSY.5. Evaluate the complexities of human thought and behavior, as well as the factors related to the individual differences among people.

SS.9-12.PSY.6. Identify and apply psychological thinking to personal and societal experiences and issues.

SS.9-12.PSY.7. Apply psychological knowledge to one's daily life.

SS.9-12.PSY.8. Use appropriate psychological terminology with reference to psychologists and their experiments and theories in order to explain the possible causes of and impact on behavior and mental processes.

Sociology Standards

SS.9-12.SOC.1. Identify and apply sociological perspectives and a variety of sociological theories.

SS. 9-12.SOC.2. Analyze the impact of social structure, including culture, institutions and societies.

SS.9-12.SOC.3. Hypothesize how primary agents of socialization influence the individual.

SS.9-12.SOC.4. Describe the impact of social relationships on the self, groups and socialization processes.

SS.9-12.SOC.5. Explain the social construction of self and groups and their impact on the life changes of individuals.

SS.9-12.SOC.6. Analyze the impact of stratification and inequality on groups and the individuals within them.

Religious Studies Standards

SS.9-12.REL.1. Explain and analyze the distinction between a devotional assertion of religious beliefs and behaviors and the academic study of diverse devotional assertions from a nonsectarian perspective in specific social and historical contexts.

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SS.9-12.REL.2. Describe and analyze examples of how religions are internally diverse at both macro levels (sects and divisions within traditions) and micro levels (differences within specific religious communities).

SS.9-12.REL.3. Describe and analyze examples of how religions evolve and change over time in response to differing social, historical, and political contexts.

SS.9-12.REL.4. Describe and analyze examples of how religions are embedded in all aspects of culture and cannot only be isolated to the "private" sphere.

SS.9-12.REL.5. Explain how religious identities shape and are shaped by the beliefs people hold, the behaviors they exhibit, and the ways people experience membership in intersecting communities.

SS.9-12.REL.6. Identify how internal diversity is evident in beliefs, behaviors, and experiences of belonging to various communities.

SS.9-12.REL.7. Analyze how beliefs, behaviors, and experiences of belonging to communities change over time.

SS.9-12.REL.8. Interpret how beliefs, behaviors, and experiences of belonging to various communities affect and are affected by other social, political, and cultural forces.

SS.9-12.REL.9. Give examples of how beliefs, behaviors, and community experiences shape and are shaped by one another in particular social and historical contexts.

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement and motor skills and understand concepts necessary to engage in moderate to vigorous physical activity.

Standards:

Demonstrate physical competency in a variety of motor skills and movement patterns.

Analyze various movement concepts and applications.

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Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related and skill-related fitness as applied to learning and performance of physical activities.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop skills necessary to become a successful member of a team by working with others through physical activity.

Standards:

Demonstrate personal responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety, including how to access valid information, products and services.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

Describe how to advocate for the health of individuals, families and communities.

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State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

Describe and explain the structures and functions of the brain and how they are affected by different types of physical activity and levels of fitness.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual, family and community health.

Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

Beginning in the 2018-19 school year, there are no State Goals for Learning in this area and the standards set forth below shall apply.

Discipline: Visual Arts

Process: Creating – Investigate, Plan, Make

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Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understandings

Creativity and innovative thinking are essential life skills that can be developed.

Artists and designers shape artistic investigations, following or breaking with traditions in pursuit of creative art-making goals.

Process: Creating – Investigate

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understandings

Artists and designers experiment with forms, structures, materials, concepts, media and art-making approaches.

Artists and designers balance experimentation and safety, freedom and responsibility while developing and creating artworks.

People create and interact with objects, places and designs that define, shape, enhance and empower their lives.

Process: Creating – Reflect, Refine, Continue

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Artists and designers develop excellence through practice and constructive critique, reflecting on, revising and refining work over time.

Process: Presenting – Select

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

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Enduring Understanding

Artists and other presenters consider various technologies, methods, venues and criteria when analyzing, selecting and curating objects, artifacts and artworks for preservation and presentation.

Process: Presenting – Analyze

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Artists, curators and others consider a variety of factors and methods, including evolving techniques, when preparing and refining artwork for display or when deciding if and how to preserve and protect artwork.

Process: Presenting – Share

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Objects, artifacts and artworks collected, preserved or presented by artists, museums or other venues communicate meaning and a record of social, cultural and political experiences, resulting in the cultivation of appreciation and understanding.

Process: Responding – Perceive

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understandings

Individual aesthetic and empathic awareness developed through engagement with art can lead to understanding and appreciation of self, others, the natural world and constructed environments.

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Visual imagery influences understanding of and responses to the world.

Process: Responding – Analyze

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

People gain insights into meanings of artworks by engaging in the process of art criticism.

Process: Responding – Interpret

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

People evaluate art based on various criteria.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Through art-making, people make meaning by investigating and developing awareness of perceptions, knowledge and experiences.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

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People develop ideas and understandings of society, culture and history through their interactions with and analysis of art.

Discipline: Music

Process: Creating – Investigate, Plan, Make

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

The creative ideas, concepts and feelings that influence musicians' work emerge from a variety of sources.

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Creative choices are influenced by one's expertise, context and expressive intent.

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

People evaluate and refine their work through openness to new ideas, persistence and the application of the appropriate criteria.

Process: Performing

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Performers' interest in and knowledge of musical works, context for performance and understanding of their own musicianship influence the selection of repertoire.

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Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

To express their musical idea, performers analyze, evaluate and refine their performance over time through openness to new ideas, persistence and the application of appropriate criteria.

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Performers judge performance based on criteria that vary across time, place and cultures. The context and how a work is presented influence the audience response.

Process: Responding

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Individuals choose music based on their interests, experiences, musical understanding and the musical work's purpose.

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Through their use of elements and structures of music, creators and performers provide clues to their expressive intent.

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

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The personal evaluation of musical works and performances is informed by analysis, interpretation, and teacher- or student-established criteria.

Process: Connecting

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Performers connect their personal interests, experiences, ideas and knowledge to creating, performing and responding.

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Understanding connections to varied contexts and daily life enhances one's creating, performing and responding.

Discipline: Dance

Process: Creating – Explore

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Choreographers use a variety of sources as inspiration and transform concepts and ideas into movement for artistic expression.

Process: Creating – Plan

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

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The elements of dance, dance structures and choreographic devices serve as both a foundation and a departure point for choreographers.

Process: Creating – Revise

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Choreographers analyze, evaluate, refine and document their work to communicate meaning.

Process: Performing – Express

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Body, space, time and energy are the basic elements of dance.

Process: Performing – Embody

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Dancers use the mind-body connection and develop the body as an instrument for artistry and artistic expression.

Process: Performing – Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

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Dance performance is an interaction among choreographer, performer, production elements and audience that heightens and amplifies artistic intention.

Process: Responding – Analyze

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Dance is perceived and analyzed to comprehend its meaning.

Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Dance is interpreted by considering intent, meaning and artistic expression as communicated through the use of the body, elements of dance, dance technique, dance structure and context.

Process: Responding – Critique

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Criteria for evaluating dance vary across genres, styles and cultures.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

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Personal experiences, knowledge and contexts are integrated and synthesized to interpret meaning in dance.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Dance literacy includes deep knowledge and perspectives about societal, cultural, historical and community contexts.

Discipline: Theater

Process: Creating – Envision, Conceptualize

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Theater artists rely on intuition, curiosity and critical inquiry.

Process: Creating – Develop

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Theater artists work to discover different ways of communicating meaning.

Process: Creating – Rehearse

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

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Theater artists refine their work and practice their craft through rehearsal.

Process: Performing – Select

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

Enduring Understanding

Theater artists make strong choices to convey meaning effectively.

Process: Performing – Prepare

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Theater artists develop personal processes and skills for a performance or design.

Process: Performing – Share, Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Theater artists share and present stories, ideas and envisioned worlds to explore human experience.

Process: Responding – Reflect

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Theater artists reflect to understand the impact of drama processes and theater experiences.

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Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

Theater artists' interpretations of drama/theater work are influenced by personal experiences and aesthetics.

Process: Responding – Evaluate

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Theater artists apply criteria to investigate, explore and assess drama and theater work.

Process: Connecting – Empathize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Theater artists allow awareness of interrelationships between self and others to influence and inform their work.

Process: Connecting – Interrelate, Research

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Theater artists understand and can communicate their creative process as they analyze the way the world may be understood.

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Theater artists critically inquire into the ways others have thought about and created drama processes and productions to inform their own work.

Discipline: Media Arts

Process: Creating – Conceive

Anchor Standard 1: Generate and conceptualize artistic ideas and work.

Enduring Understanding

Media arts ideas, works and processes are shaped by the imagination, creative processes and experiences, both within and outside the arts.

Process: Creating – Develop

Anchor Standard 2: Organize and develop artistic ideas and work.

Enduring Understanding

Media artists plan, organize and develop creative ideas, plans and models into process structures that can effectively realize the artistic idea.

Process: Creating – Construct

Anchor Standard 3: Revise, refine and complete artistic work.

Enduring Understanding

Media artists develop excellence through practice and constructive critique, reflecting on, revising and refining work over time.

Process: Producing – Integrate

Anchor Standard 4: Select, analyze and interpret artistic work for presentation.

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Enduring Understanding

Media artists make choices about how and to whom their work is presented.

Process: Producing – Practice

Anchor Standard 5: Develop and refine artistic techniques and work for presentation.

Enduring Understanding

Media artists require a range of skills and abilities to creatively solve problems within and through media arts productions.

Process: Producing – Present

Anchor Standard 6: Convey meaning through the presentation of artistic work.

Enduring Understanding

Media artists purposefully present, share and distribute media artworks for various contexts.

Process: Responding – Perceive

Anchor Standard 7: Perceive and analyze artistic work.

Enduring Understanding

Media artworks can be appreciated and interpreted through analyzing their components.

Process: Responding – Interpret

Anchor Standard 8: Construct meaningful interpretations of artistic work.

Enduring Understanding

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Interpretation and appreciation require engagement with the content, form and context of media artworks.

Process: Responding – Evaluate

Anchor Standard 9: Apply criteria to evaluate artistic work.

Enduring Understanding

Skillful evaluation and critique are critical components of experiencing, appreciating and producing media artworks.

Process: Connecting – Synthesize

Anchor Standard 10: Synthesize and relate knowledge and personal experiences to make art.

Enduring Understanding

Personal and cultural experiences affect and are affected by how media artworks are made and interpreted.

Process: Connecting – Relate

Anchor Standard 11: Relate artistic ideas and works with societal, cultural and historical context to deepen understanding.

Enduring Understanding

Media artworks and ideas are better understood and produced by relating them to their purposes, values and various contexts.

COMPUTER SCIENCE

Beginning in the 2022-23 school year, there are no State Goals for Learning in this area and the standards set forth below shall apply.

Computer Science" means the study of computers and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society.

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"Computer Science" does not include the study of everyday uses of computers and computer applications, such as keyboarding or accessing the Internet.

These standards are a modified version of the K-12 Computer Science Framework, available at <https://k12cs.org/>, and introduce standards for "Emerging Technologies" as a dynamic field that can contribute to many future technologies. Examples of emerging technologies currently include, but are not limited to, artificial intelligence, quantum computing, augmented reality, and applications of robotics. Teachers and students are given freedom to decide how to incorporate the future of computing into their classrooms. Within each grade band standards, this domain consists of a general progression of competencies that students should have across grade levels. These are duplicated and presented in each grade band.

Computer Science Practices

"The seven core practices of computer science describe the behaviors and ways of thinking that computationally literate students use to fully engage in today's data-rich and interconnected world. The practices naturally integrate with one another and contain language that intentionally overlaps to illuminate the connections among them. They are displayed in an order that suggests a process for developing computational artifacts. This process is cyclical and can follow many paths; in the framework, it begins with recognizing diverse users and valuing others' perspectives and ends with communicating the results to broad audiences.

Unlike the core concepts, the practices are not delineated by grade bands. Rather, the practices use a narrative to describe how students should exhibit each practice with increasing sophistication from kindergarten to Grade 12. In addition to describing the progression, these narratives also provide some examples of the interrelatedness of the practice statements and the ways in which these statements build upon one another." (K-12 Computer Science Framework).

Computer science practices 8 and 9 were added to the seven core practices from the K-12 Computer Science Framework in order to meet the needs of emerging and future technologies.

Practice 1 – Fostering an inclusive computing culture.

Practice 2 – Collaborating around computing.

Practice 3 - Recognizing and defining computational problems.

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Practice 4 - Developing and using abstractions.

Practice 5 - Creating computational artifacts.

Practice 6 - Testing and refining computational artifacts.

Practice 7 - Communicating about computing.

Practice 8 - Analyzing the effects of advancements in computing on one's society, economy, and culture.

Practice 9 - Reflecting on and revising one's computational thought processes and those of others.

All standards are coded for ease of use and reference. The code is keyed as follows:

"Grade Band.Content Domain.Number of Standard"

K-2 Standards

Computing Systems

Devices

K-2.CS.1 Select and operate appropriate software to perform a variety of tasks and recognize that users have different needs and preferences for the technology they use.

Hardware and Software

K-2.CS.02 Use appropriate terminology in identifying and describing the function of common physical components of computing systems (hardware).

Troubleshooting

K-2.CS.03 Describe basic hardware and software problems using accurate terminology.

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Networks and the Internet

Cybersecurity

K-2.NI.04 Explain what passwords are and why we use them and use strong passwords to protect devices and information from unauthorized access.

Data and Analysis

Storage

K-2.DA.05 Store, copy, search, retrieve, modify, and delete information using a computing device and define the information stored as data.

Collection, Visualization, and Transformation

K-2.DA.06 Collect and present the same data in various visual formats.

Interference and Models

K-2.DA.07 Identify and describe patterns in data visualizations, such as charts or graphs, to make predictions.

Algorithms and Programming

Algorithms

K-2.AP.08 Model daily processes by creating and following algorithms (sets of step-by-step instructions) to complete tasks.

Variables

K-2.AP.09 Model the way programs store and manipulate data by using numbers or other symbols to represent information.

Control

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K-2.AP.10 Develop programs with sequences and simple loops, to express ideas or address a problem.

Modularity

K-2.AP.11 Decompose (break down) the steps needed to solve a problem into a precise sequence of instructions.

Program Development

K-2.AP.12 Develop plans that describe a program's sequence of events, goals, and expected outcomes.

K-2.AP.13 Give attribution when using the ideas and creations of others while developing programs.

K-2.AP.14 Debug (identify and fix) errors in an algorithm or program that includes sequences and simple loops.

K-2.AP.15 Using correct terminology, describe steps taken and choices made during the iterative process of program development.

Impacts of Computing

Culture

K-2.IC.16 Compare how people live and work before and after the implementation or adoption of new computing technology.

Social Interactions

K-2.IC.17 Work respectfully and responsibly with others online.

Safety Law and Ethics

K-2.IC.18 Keep login information private and log off of devices appropriately.

Emerging and Future Technologies

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K-2.ET.A Explain that the field of emerging technologies will be evolving and rapidly growing.

K-2.ET.B Compare existing and emerging technologies, ideas, and concepts.

K-2.ET.C Describe how emerging technologies are influencing current events at a local and global scale.

K-2.ET.D Predict the positive and negative societal, cultural, and economic impacts that emerging and future technologies may generate.

K-2.ET.E Create new or original work by applying emerging technologies.

Grades 3-5 Standards

Computing Systems

Devices

3-5.CS.01 Describe how internal and external parts of computing devices function to form a system.

Hardware and Software

3-5.CS.02 Model how computer hardware and software work together as a system to accomplish tasks. Discuss task specific embedded systems.

Troubleshooting

3-5.CS.03 Determine potential solutions to solve simple hardware and software problems using common troubleshooting strategies.

Networks and the Internet

Network Communication and Organization

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3-5.NI.04 Model how information is broken down into smaller pieces, transmitted as packets through multiple devices over networks and the Internet, and reassembled at the destination.

Cybersecurity

3-5.NI.05 Discuss real-world cybersecurity problems and how personal information can be protected.

Data and Analysis

Collection, Visualization, and Transformation

3-5.DA.06 Organize and present collected data visually to highlight relationships and support a claim.

Interference and Models

3-5.DA.07 Use data to highlight or propose cause-and-effect relationships, predict outcomes, or communicate an idea.

Algorithms and Programming

Algorithms

3-5.AP.08 Compare and refine multiple algorithms for the same task and determine which is the most appropriate.

Variables

3-5.AP.09 Create programs that use variables to store and modify data.

Control

3-5.AP.10 Create programs that include sequences, events, loops, and conditionals.

Modularity

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3-5.AP.11 Decompose (break down) problems into smaller, manageable subproblems to facilitate the program development process.

3-5.AP.12 Modify, remix, or incorporate portions of an existing program into one's own work, to develop something new or add more advanced features.

Program Development

3-5.AP.13 Use an iterative process to plan the development of a program by including others' perspectives and considering user preferences.

3-5.AP.14 Observe intellectual property rights and give appropriate attribution when creating or remixing programs.

3-5.AP.15 Test and debug (identify and fix errors) a program or algorithm to ensure it runs as intended.

3-5.AP.16 Take on varying roles, with teacher guidance, when collaborating with peers during the design, implementation, and review stages of program development.

3-5.AP.17 Describe choices made during program development using code comments, presentations, and demonstrations.

Impacts of Computing

Culture

3-5.IC.18 Discuss computing technologies that have changed the world and express how those technologies influence, and are influenced by, cultural practices.

3-5.IC.19 Brainstorm ways to improve the accessibility and usability of technology products for the diverse needs and wants of users.

Social Interactions

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NOTICE OF PROPOSED AMENDMENT

3-5.IC.20 Seek diverse perspectives for the purpose of improving computational artifacts.

Safety Law and Ethics

3-5.IC.21 Use public domain or Creative Commons media and refrain from copying or using material created by others without permission.

Emerging and Future Technologies

3-5.ET.A Explain that the field of emerging technologies will be evolving and rapidly growing.

3-5.ET.B Compare existing and emerging technologies, ideas, and concepts.

3-5.ET.C Describe how emerging technologies are influencing current events at a local and global scale.

3-5.ET.D Predict the positive and negative societal, cultural, and economic impacts that emerging and future technologies may generate.

3-5.ET.E Create new or original work by applying emerging technologies.

Grades 6-8 Standards

Computing Systems

Devices

6-8.CS.01 Recommend improvements to the design of computing devices, based on an analysis of how users interact with the devices.

Hardware and Software

6-8.CS.02 Design projects that combine hardware and software components to collect and exchange data.

Troubleshooting

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6-8.CS.03 Systematically identify and fix problems with computing devices and their components.

Networks and the Internet

Network Communication and Organization

6-8.NI.04 Model the role of protocols in transmitting data across networks and the Internet.

Cybersecurity

6-8.NI.05 Explain how physical and digital security measures protect electronic information.

6-8.NI.06 Apply multiple methods of encryption to model the secure transmission of information.

Data and Analysis

Storage

6-8.DA.07 Represent data using multiple encoding schemes.

Collection Visualization and Transformation

6-8.DA.08 Collect data using computational tools and transform the data to make it more useful and reliable.

Interference and Models

6-8.DA.09 Refine computational models based on the data they have generated.

6-8.DA.10 Evaluate the misuse of data and impact of distorted outcomes.

Algorithms and Programming

Algorithms

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6-8.AP.11 Use flowcharts or pseudocode to address complex problems as algorithms.

Variables

6-8.AP.12 Perform operations on student-created variables that possess descriptive names and represent different data types.

Control

6-8.AP.13 Design and iteratively develop programs that combine control structures, including nested loops and compound conditionals.

Modularity

6-8.AP.14 Decompose problems and subproblems into parts to facilitate the design, implementation, and review of programs.

6-8.AP.15 Create procedures with parameters to organize code and make it easier to reuse.

Program Development

6-8.AP.16 Seek and incorporate feedback from team members and users to refine a solution that meets user needs.

6-8.AP.17 Incorporate existing code, media, and libraries into original programs and give attribution.

6-8.AP.18 Systematically test and refine programs using a range of test cases.

6-8.AP.19 Distribute tasks and maintain a project timeline when collaboratively developing computational artifacts.

6-8.AP.20 Document programs to make them easier to follow, test, and debug.

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Impacts of Computing

Culture

6-8.IC.21 Compare tradeoffs associated with computing technologies that affect people's everyday activities and career options.

6-8.IC.22 Discuss issues of bias and accessibility in the design of existing technologies.

Social Interactions

6-8.IC.23 Collaborate with many contributors through strategies such as crowdsourcing or surveys when creating a computational artifact.

Safety Law and Ethics

6-8.IC.24 Describe tradeoffs between allowing information to be public and keeping information private and secure.

Emerging and Future Technologies

6-8.ET.A Explain that the field of emerging technologies will be evolving and rapidly growing.

6-8.ET.B Compare existing and emerging technologies, ideas, and concepts.

6-8.ET.C Describe how emerging technologies are influencing current events at a local and global scale.

6-8.ET.D Predict the positive and negative societal, cultural, and economic impacts that emerging and future technologies may generate.

6-8.ET.E Create new or original work by applying emerging technologies.

Grades 9-10 Standards

Computing Systems

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Devices

9-10.CS.01 Explain how abstractions hide the underlying implementation details of computing systems embedded in everyday objects.

Hardware and Software

9-10.CS.02 Compare levels of abstraction and interactions between application software, system software, and hardware layers.

Troubleshooting

9-10.CS.03 Develop guidelines that convey systematic troubleshooting strategies that others can use to identify and fix errors.

Networks and the Internet

Network Communication and Organization

9-10.NI.04 Evaluate the scalability and reliability of networks, by describing the relationship between routers, switches, servers, topology, and addressing.

9-10.NI.05 Give examples to illustrate how sensitive data can be affected by malware and other attacks.

9-10.NI.06 Compare various security measures, considering tradeoffs between the usability and security of a computing system.

Cybersecurity

9-10.NI.07 Recommend security measures to address various scenarios based on factors such as efficiency, feasibility, and ethical impacts.

9-10.NI.08 Explain tradeoffs when selecting and implementing cybersecurity recommendations.

Data and Analysis

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Storage

9-10.DA.09 Translate between different bit representations of real-world phenomena, such as characters, numbers, and images.

9-10.DA.10 Evaluate the tradeoffs in how data elements are organized and stored.

Collection, Visualization, and Transformation

9-10.DA.11 Create interactive data visualizations using software tools to help others better understand real-world phenomena.

Interference and Models

9-10.DA.12 Create computational models that represent the relationships among different elements of data collected from a phenomenon or process.

Algorithms and Programming

Algorithms

9-10.AP.13 Create prototypes that use algorithms to solve computational problems by leveraging prior student knowledge and personal interests.

Variables

9-10.AP.14 Use lists to simplify solutions, generalizing computational problems instead of repeatedly using simple variables.

Control

9-10.AP.15 Justify the selection of specific control structures when tradeoffs involve implementation, readability, and program performance, and explain the benefits and drawbacks of choices made.

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9-10.AP.16 Design and iteratively develop computational artifacts for practical intent, personal expression, or to address a societal issue by using events to initiate instructions.

9-10.AP.17 Decompose problems into smaller components through systematic analysis, using constructs such as procedures, modules, or objects.

Modularity

9-10.AP.18 Create artifacts by using procedures within a program, combinations of data and procedures, or independent but interrelated programs.

9-10.AP.19 Systematically design and develop programs for broad audiences by incorporating feedback from users.

Program Development

9-10.AP.20 Evaluate licenses that limit or restrict use of computational artifacts when using resources such as libraries.

9-10.AP.21 Evaluate and refine computational artifacts to make them more usable and accessible.

9-10.AP.22 Design and develop computational artifacts working in team roles using collaborative tools.

9-10.AP.23 Document design decisions using text, graphics, presentations, or demonstrations in the development of complex programs.

9-10.AP.24 Describe the characteristics and evaluate the impact of human computer interaction.

Impacts of Computing

Culture

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9-10.IC.25 Evaluate the ways computing impacts personal, ethical, social, economic, and cultural practices.

Evaluate the ways digital social interactions impact personal, ethical, social, economic, and cultural practices.

9-10.IC.26 Test and refine computational artifacts to reduce bias and equity deficits.

9-10.IC.27 Demonstrate ways a given algorithm applies to problems across disciplines.

Social Interactions

9-10.IC.28 Use tools and methods for collaboration on a project to increase connectivity of people in different cultures and career fields.

Safety Law and Ethics

9-10.IC.29 Explain the beneficial and harmful effects that intellectual property laws can have on innovation.

9-10.IC.30 Explain the privacy concerns related to the collection and generation of data through automated processes that may not be evident to users.

9-10.IC.31 Evaluate the social and economic implications of privacy in the context of safety, law, or ethics.

Emerging and Future Technologies

9-10.ET.A Explain that the field of emerging technologies will be evolving and rapidly growing.

9-10.ET.B Compare existing and emerging technologies, ideas, and concepts.

9-10.ET.C Describe how emerging technologies are influencing current events at a local and global scale.

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9-10.ET.D Predict the positive and negative societal, cultural, and economic impacts that emerging and future technologies may generate.

9-10.ET.E Create new or original work by applying emerging technologies.

Grades 11-12 Standards

Computing Systems

Devices

11-12.CS.01 Compare the characteristics and uses of traditional and emerging computing devices and systems.

Hardware and Software

11-12.CS.02 Categorize the roles of operating system software.

Troubleshooting

11-12.CS.03 Illustrate ways computing systems implement logic, input, and output through hardware components.

Networks and the Internet

Network Communication and Organization

11-12.NI.04 Describe the issues that impact network functionality (e.g., bandwidth, load, delay, topology).

Cybersecurity

11-12.NI.05 Compare ways software developers protect devices and information from unauthorized access.

Data and Analysis

Collection, Visualization, and, Transformation

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11-12.DA.06 Use data analysis tools and techniques to identify patterns in data representing complex systems.

11-12.DA.07 Select data collection tools and techniques to generate data sets that support a claim or communicate information.

11-12.DA.08 Analyze the ways in which automated data collection is utilized in society.

Interference and Models

11-12.DA.09 Evaluate the ability of models and simulations to test and support the refinement of hypotheses.

Algorithms and Programming

Algorithms

11-12.AP.10 Describe how artificial intelligence drives many software and physical systems.

11-12.AP.11 Implement an artificial intelligence algorithm to play a game against a human opponent or solve a problem.

11-12.AP.12 Use and adapt classic algorithms to solve computational problems.

11-12.AP.13 Evaluate algorithms in terms of their efficiency, correctness, and clarity.

Variables

11-12.AP.14 Compare and contrast fundamental data structures and their uses.

Control

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11-12.AP.15 Illustrate the flow of execution of a recursive algorithm.

Modularity

11-12.AP.16 Construct solutions to problems using student-created components, such as procedures, modules, or objects.

11-12.AP.17 Analyze a large-scale computational problem and identify generalizable patterns that can be applied to a solution.

11-12.AP.18 Demonstrate code reuse by creating programming solutions using libraries and application programming interfaces (APIs).

Program Development

11-12.AP.19 Plan and develop programs for broad audiences using a software life cycle process.

11-12.AP.20 Demonstrate conversion of source code into machine code using compilers or interpreters.

11-12.AP.21 Explain security issues that might lead to compromised computer programs.

11-12.AP.22 Develop programs for multiple computing platforms.

11-12.AP.23 Use version control systems, integrated development environments, and collaborative tools and practices (code documentation) in a group software project.

11-12.AP.24 Develop and use a series of test cases to verify that a program performs according to its design specifications.

11-12.AP.25 Discuss social, economic, and ethical consequences of malfunctioning software and software updates.

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11-12.AP.26 Modify an existing program to add additional functionality and discuss intended and unintended implications (e.g., breaking other functionality).

11-12.AP.27 Evaluate key qualities of a program through a process such as a code review.

11-12.AP.28 Compare multiple programming languages and discuss how their features make them suitable for solving different types of problems.

Impacts of Computing

Culture

11-12.IC.29 Evaluate computational artifacts to maximize their beneficial effects and minimize harmful effects on society.

11-12.IC.30 Evaluate the impact of equity, access, and influence on the distribution of computing resources in a global society.

11-12.IC.31 Predict how computational innovations that have revolutionized aspects of our culture might evolve.

Safety Law and Ethics

11-12.IC.32 Debate laws and regulations that impact the development and use of software.

Emerging and Future Technologies

11-12.ET.A Explain that the field of emerging technologies will be evolving and rapidly growing.

11-12.ET.B Compare existing and emerging technologies, ideas, and concepts.

11-12.ET.C Describe how emerging technologies are influencing current events at a local and global scale.

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11-12.ET.D Predict the positive and negative societal, cultural, and economic impacts that emerging and future technologies may generate.

11-12.ET.E Create new or original work by applying emerging technologies.

SPANISH LANGUAGE ARTS

The Spanish Language Arts Standards consist of standards for Reading; Writing; Speaking and Listening; Language; Range of Reading and Level of Text Complexity. These standards correspond to the Illinois Language Arts Standards. The Spanish language has specific features and nuances that do not have a corresponding feature in English, and these unique features and nuances are represented in the standards. The Spanish standard is not always a direct translation of the English standard to reflect these features and nuances. In some cases, there is not a corresponding English standard.

Reading Standards

Reading Standards for Literature

Key Ideas and Details

Kindergarten

With prompting and support, ask and answer questions about key details in a text; retell familiar stories, including key details; and identify characters, settings, and major events in a story.

First Grade

Ask and answer questions about key details in a text.

Retell stories, including key details, and demonstrate understanding of their central message or lesson.

Describe characters, settings, and major events in a story, using key details.

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Second Grade

Ask and answer such questions as who, what, where, when, why, and how to demonstrate understanding of key details in a text.

Recount stories, including fables and folktales from diverse cultures, and determine their central message, lesson, or moral.

Describe how the characters in a story respond to major events and challenges.

Third Grade

Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.

Recount stories, including fables, folktales, and myths from diverse cultures; determine the central message, lesson, or moral and explain how it is conveyed through key details in the text.

Describe characters in a story (e.g., their traits, motivations, or feelings) and explain how their actions contribute to the sequence of events.

Fourth Grade

Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

Determine a theme of a story, drama, or poem from details in the text; summarize the text.

Describe in depth a character, setting, or event in a story or drama, drawing on specific details in the text (e.g., a character's thoughts, words, or actions).

Fifth Grade

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Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

Determine a theme of a story, drama, or poem from details in the text, including how characters in a story or drama respond to challenges or how the speaker in a poem reflects upon a topic; summarize the text.

Compare and contrast two or more characters, settings, or events in a story or drama, drawing on specific details in the text (e.g., how characters interact).

Sixth Grade

Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a theme or central idea of a text and how it is conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.

Describe how a particular story's or drama's plot unfolds in a series of episodes as well as how the characters respond or change as the plot moves toward a resolution.

Seventh Grade

Cite several pieces of textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a theme or central idea of a text and analyze its development over the course of the text; provide an objective summary of the text.

Analyze how particular elements of a story or drama interact (e.g., how setting shapes the characters or plot).

Eighth Grade

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Cite the textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a theme or central idea of a text and analyze its development over the course of the text, including its relationship to the characters, setting, and plot; provide an objective summary of the text.

Analyze how particular lines of dialogue or incidents in a story or drama propel the action, reveal aspects of a character, or provoke a decision.

Ninth and Tenth Grade

Cite strong and thorough textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a theme or central idea of a text and analyze in detail its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

Analyze how complex characters (e.g., those with multiple or conflicting motivations) develop over the course of a text, interact with other characters, and advance the plot or develop the theme.

Eleventh and Twelfth Grade

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

Determine two or more themes or central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to produce a complex account; provide an objective summary of the text.

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Analyze the impact of the author's choices regarding how to develop and relate elements of a story or drama (e.g., where a story is set, how the action is ordered, how the characters are introduced and developed).

Craft and Structure

Kindergarten

Ask and answer questions about unknown words in a text.

Recognize common types of texts (e.g., storybooks, poems).

With prompting and support, name the author and illustrator of a story and define the role of each in telling the story.

First Grade

Identify words and phrases in stories or poems that suggest feelings or appeal to the senses.

Explain major differences between books that tell stories and books that give information, drawing on a wide reading of a range of text types.

Identify who is telling the story at various points in a text.

Second Grade

Describe how words and phrases (e.g., regular beats, alliteration, rhymes, repeated lines) supply rhythm and meaning in a story, poem, or song.

Describe the overall structure of a story, including describing how the beginning introduces the story and the ending concludes the action.

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Acknowledge differences in the points of view of characters, including by speaking in a different voice for each character when reading dialogue aloud.

Third Grade

Determine the meaning of words and phrases as they are used in a text, distinguishing literal from nonliteral language.

Refer to parts of stories, dramas, and poems when writing or speaking about a text, using terms such as chapter, scene, and stanza; describe how each successive part builds on earlier sections.

Distinguish their own point of view from that of the narrator or those of the characters.

Fourth Grade

Determine the meaning of words and phrases as they are used in a text, including those that allude to significant characters found in mythology (e.g., Herculean).

Explain major differences between poems, drama, and prose, and refer to the structural elements of poems (e.g., verse, rhythm, meter) and drama (e.g., casts of characters, settings, descriptions, dialogue, stage directions) when writing or speaking about a text.

Compare and contrast the point of view from which different stories are narrated, including the difference between first- and third-person narrations.

Fifth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative language such as metaphors and similes.

Explain how a series of chapters, scenes, or stanzas fits together to provide the overall structure of a particular story, drama, or poem.

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Describe how a narrator's or speaker's point of view influences how events are described.

Sixth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of a specific word choice on meaning and tone.

Analyze how a particular sentence, chapter, scene, or stanza fits into the overall structure of a text and contributes to the development of the theme, setting, or plot.

Explain how an author develops the point of view of the narrator or speaker in a text.

Seventh Grade

Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of rhymes and other repetitions of sounds (e.g., alliteration) on a specific verse or stanza of a poem or section of a story or drama.

Analyze how a drama's or poem's form or structure (e.g., soliloquy, sonnet) contributes to its meaning.

Analyze how an author develops and contrasts the points of view of different characters or narrators in a text.

Eighth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of specific word choices on meaning and tone, including analogies or allusions to other texts.

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Compare and contrast the structure of two or more texts and analyze how the differing structure of each text contributes to its meaning and style.

Analyze how differences in the points of view of the characters and the audience or reader (e.g., created through the use of dramatic irony) create such effects as suspense or humor.

Ninth and Tenth Grade

Determine the meaning of words and phrases as they are used in the text, including figurative and connotative meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language evokes a sense of time and place; how it sets a formal or informal tone).

Analyze how an author's choices concerning how to structure a text, order events within it (e.g., parallel plots), and manipulate time (e.g., pacing, flashbacks) create such effects as mystery, tension, or surprise.

Analyze a particular point of view or cultural experience reflected in a work of literature from outside the United States, drawing on a wide reading of world literature.

Eleventh and Twelfth Grade

Determine the meaning of words and phrases as they are used in the text, including figurative and connotative meanings; analyze the impact of specific word choices on meaning and tone, including words with multiple meanings or language that is particularly fresh, engaging, or beautiful. (Including Cervantes as well as other Spanish language authors.)

Analyze how an author's choices concerning how to structure specific parts of a text (e.g., the choice of where to begin or end a story, the choice to provide a comedic or tragic resolution) contribute to its overall structure and meaning as well as its aesthetic impact.

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Analyze a case in which grasping a point of view requires distinguishing what is directly stated in a text from what is really meant (e.g., satire, sarcasm, irony, or understatement).

Integration of Knowledge and Ideas

Kindergarten

With prompting and support, describe the relationship between illustrations and the story in which they appear (e.g., what moment in a story an illustration depicts).

With prompting and support, compare and contrast the adventures and experiences of characters in familiar stories.

First Grade

Use illustrations and details in a story to describe its characters, setting, or events.

Compare and contrast the adventures and experiences of characters in stories.

Second Grade

Use information gained from the illustrations and words in a print or digital text to demonstrate understanding of its characters, setting, or plot.

Compare and contrast two or more versions of the same story (e.g., Cinderella stories) by different authors or from different cultures.

Third Grade

Explain how specific aspects of a text's illustrations contribute to what is conveyed by the words in a story (e.g., create mood, emphasize aspects of a character or setting).

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Compare and contrast the themes, settings, and plots of stories written by the same author about the same or similar characters (e.g., in books from a series).

Fourth Grade

Make connections between the text of a story or drama and a visual or oral presentation of the text, identifying where each version reflects specific descriptions and directions in the text.

Compare and contrast the treatment of similar themes and topics (e.g., opposition of good and evil) and patterns of events (e.g., the quest) in stories, myths, and traditional literature from different cultures.

Fifth Grade

Analyze how visual and multimedia elements contribute to the meaning, tone, or beauty of a text (e.g., graphic novel, multimedia presentation of fiction, folktale, myth, poem).

Compare and contrast stories in the same genre (e.g., mysteries and adventure stories) on their approaches to similar themes and topics.

Sixth Grade

Compare and contrast the experience of reading a story, drama, or poem to listening to or viewing an audio, video, or live version of the text, including contrasting what they "see" and "hear" when reading the text to what they perceive when they listen or watch.

Compare and contrast texts in different forms or genres (e.g., stories and poems; historical novels and fantasy stories) in terms of their approaches to similar themes and topics.

Seventh Grade

Compare and contrast the experience of reading a story, drama, or poem to listening to or viewing an audio, video, or live version of

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the text, including contrasting what they "see" and "hear" when reading the text to what they perceive when they listen or watch.

Compare and contrast a fictional portrayal of a time, place, or character and a historical account of the same period as a means of understanding how authors of fiction use or alter history.

Eighth Grade

Analyze the extent to which a filmed or live production of a story or drama stays faithful to or departs from the text or script, evaluating the choices made by the director or actors.

Analyze how a modern work of fiction draws on themes, patterns of events, or character types from myths, traditional stories, or religious works such as the Bible, including describing how the material is rendered new.

Ninth and Tenth Grade

Analyze the representation of a subject or a key scene in two different artistic mediums, including what is emphasized or absent in each treatment.

Analyze how an author draws on and transforms source material in a specific work.

Eleventh and Twelfth Grade

Analyze multiple interpretations of a story, drama, or poem (e.g., recorded or live production of a play or recorded novel or poetry), evaluating how each version interprets the source text. (Include at least one play by Cervantes and one play by a Hispanic-American dramatist.)

Demonstrate knowledge of 18th-, 19th- and early-20th-century foundational works of Hispanic-American literature, including how two or more texts from the same period treat similar themes or topics.

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Range of Reading and Level of Text Complexity

Kindergarten

Actively engage in group reading activities with purpose and understanding.

First Grade

With prompting and support, read prose and poetry of appropriate complexity for grade 1.

Second Grade

By the end of the year, read and comprehend literature, including stories and poetry, in the grades 2-3 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Third Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 2-3 text complexity band independently and proficiently.

Fourth Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poetry, in the grades 4-5 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Fifth Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 4-5 text complexity band independently and proficiently.

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Sixth Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poems, in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Seventh Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poems, in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Eighth Grade

By the end of the year, read and comprehend literature, including stories, dramas, and poems, at the high end of grades 6-8 text complexity band independently and proficiently.

Ninth and Tenth Grade

By the end of grade 9, read and comprehend literature, including stories, dramas, and poems, in the grades 9-10 text complexity band proficiently, with scaffolding as needed at the high end of the range.

By the end of grade 10, read and comprehend literature, including stories, dramas, and poems, at the high end of the grades 9-10 text complexity band independently and proficiently.

Eleventh and Twelfth Grade

By the end of grade 11, read and comprehend literature, including stories, dramas, and poems, in the grades 11-12 text complexity band proficiently, with scaffolding as needed at the high end of the range.

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By the end of grade 12, read and comprehend literature, including stories, dramas, and poems, at the high end of the grades 11-12 text complexity band independently and proficiently.

Reading Standards for Informational Text

Key Ideas and Details

Kindergarten

With prompting and support, ask and answer questions about key details in a text.

With prompting and support, identify the main topic and retell key details of a text.

With prompting and support, describe the connection between two individuals, events, ideas, or pieces of information in a text.

First Grade

Ask and answer questions about key details in a text.

Identify the main topic and retell key details of a text.

Describe the connection between two individuals, events, ideas, or pieces of information in a text.

Second Grade

Ask and answer such questions as who, what, where, when, why, and how to demonstrate understanding of key details in a text.

Identify the main topic of a multi-paragraph text as well as the focus of specific paragraphs within the text.

Describe the connection between a series of historical events, scientific ideas or concepts, or steps in technical procedures in a text.

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Third Grade

Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.

Determine the main idea of a text; recount the key details and explain how they support the main idea.

Describe the relationship between a series of historical events, scientific ideas or concepts, or steps in technical procedures in a text, using language that pertains to time, sequence, and cause/effect.

Fourth Grade

Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

Determine the main idea of a text and explain how it is supported by key details; summarize the text.

Explain events, procedures, ideas, or concepts in a historical, scientific, or technical text, including what happened and why, based on specific information in the text.

Fifth Grade

Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

Determine two or more main ideas of a text and explain how they are supported by key details; summarize the text.

Explain the relationships or interactions between two or more individuals, events, ideas, or concepts in a historical, scientific, or technical text based on specific information in the text.

Sixth Grade

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Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a central idea of a text and how it is conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.

Analyze in detail how a key individual, event, or idea is introduced, illustrated, and elaborated in a text (e.g., through examples or anecdotes).

Seventh Grade

Cite several pieces of textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Determine two or more central ideas in a text and analyze their development over the course of the text; provide an objective summary of the text.

Analyze the interactions between individuals, events, and ideas in a text (e.g., how ideas influence individuals or events, or how individuals influence ideas or events).

Eighth Grade

Cite the textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a central idea of a text and analyze its development over the course of the text, including its relationship to supporting ideas; provide an objective summary of the text.

Analyze how a text makes connections among and distinctions between individuals, ideas, or events (e.g., through comparisons, analogies, or categories).

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Ninth and Tenth Grade

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

Analyze how the author unfolds an analysis or series of ideas or events, including the order in which the points are made, how they are introduced and developed, and the connections that are drawn between them.

Eleventh and Twelfth Grade

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.

Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

Craft and Structure

Kindergarten

With prompting and support, ask and answer questions about unknown words in a text.

Identify the front cover, back cover, and title page of a book.

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Name the author and illustrator of a text and define the role of each in presenting the ideas or information in a text.

First Grade

Ask and answer questions to help determine or clarify the meaning of words and phrases in a text.

Know and use various text features (e.g., headings, tables of contents, glossaries, electronic menus, icons) to locate key facts or information in a text.

Distinguish between information provided by pictures or other illustrations and information provided by the words in a text.

Second Grade

Determine the meaning of words and phrases in a text relevant to a grade 2 topic or subject area.

Know and use various text features (e.g., captions, bold print, subheadings, glossaries, indexes, electronic menus, icons) to locate key facts or information in a text efficiently.

Identify the main purpose of a text, including what the author wants to answer, explain, or describe.

Third Grade

Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 3 topic or subject area.

Use text features and search tools (e.g., key words, sidebars, hyperlinks) to locate information relevant to a given topic efficiently.

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Distinguish their own point of view from that of the author of a text.

Fourth Grade

Determine the meaning of general academic and domain-specific words or phrases in a text relevant to a grade 4 topic or subject area.

Describe the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in a text or part of a text.

Compare and contrast a firsthand and secondhand account of the same event or topic; describe the differences in focus and the information provided.

Fifth Grade

Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 5 topic or subject area.

Compare and contrast the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in two or more texts.

Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent.

Sixth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings.

Analyze how a particular sentence, paragraph, chapter, or section fits into the overall structure of a text and contributes to the development of the ideas.

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Determine an author's point of view or purpose in a text and explain how it is conveyed in the text.

Seventh Grade

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the impact of a specific word choice on meaning and tone.

Analyze the structure an author uses to organize a text, including how the major sections contribute to the whole and to the development of the ideas.

Determine an author's point of view or purpose in a text and analyze how authors distinguish their position from that of others.

Eighth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the impact of specific word choices on meaning and tone, including analogies or allusions to other texts.

Analyze in detail the structure of a specific paragraph in a text, including the role of particular sentences in developing and refining a key concept.

Determine an author's point of view or purpose in a text and analyze how the author acknowledges and responds to conflicting evidence or viewpoints.

Ninth and Tenth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language of a court opinion differs from that of a newspaper).

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Analyze in detail how an author's ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).

Determine an author's point of view or purpose in a text and analyze how an author uses rhetoric to advance that point of view or purpose.

Eleventh and Twelfth Grade

Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text.

Analyze and evaluate the effectiveness of the structure an author uses in exposition or argument, including whether the structure makes points clear, convincing, and engaging.

Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness, or beauty of the text.

Integration of Knowledge and Ideas

Kindergarten

With prompting and support, describe the relationship between illustrations and the text in which they appear (e.g., what person, place, thing, or idea in the text an illustration depicts).

With prompting and support, identify the reasons an author gives to support points in a text.

With prompting and support, identify basic similarities in and differences between two texts on the same topic (e.g., in illustrations, descriptions, or procedures).

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First Grade

Use the illustrations and details in a text to describe its key ideas.

Identify the reasons an author gives to support points in a text.

Identify basic similarities in and differences between two texts on the same topic (e.g., in illustrations, descriptions, or procedures).

Second Grade

Explain how specific images (e.g., a diagram showing how a machine works) contribute to and clarify a text.

Describe how reasons support specific points the author makes in a text.

Compare and contrast the most important points presented by two texts on the same topic.

Third Grade

Use information gained from illustrations (e.g., maps, photographs) and the words in a text to demonstrate understanding of the text (e.g., where, when, why, and how key events occur).

Describe the logical connection between particular sentences and paragraphs in a text (e.g., comparison, cause/effect, first/second/third in a sequence).

Compare and contrast the most important points and key details presented in two texts on the same topic.

Fourth Grade

Interpret information presented visually, orally, or quantitatively (e.g., in charts, graphs, diagrams, timelines, animations, or interactive elements on Web pages) and explain how the

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information contributes to an understanding of the text in which it appears.

Explain how an author uses reasons and evidence to support particular points in a text.

Integrate information from two texts on the same topic in order to write or speak about the subject knowledgeably.

Fifth Grade

Draw on information from multiple print or digital sources, demonstrating the ability to locate an answer to a question quickly or to solve a problem efficiently.

Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which points.

Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

Sixth Grade

Integrate information presented in different media or formats (e.g., visually, quantitatively) as well as in words to develop a coherent understanding of a topic or issue.

Trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from claims that are not.

Compare and contrast one author's presentation of events with that of another (e.g., a memoir written by and a biography on the same person).

Seventh Grade

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Compare and contrast a text to an audio, video, or multimedia version of the text, analyzing each medium's portrayal of the subject (e.g., how the delivery of a speech affects the impact of the words).

Trace and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient to support the claims.

Analyze how two or more authors writing about the same topic shape their presentations of key information by emphasizing different evidence or advancing different interpretations of facts.

Eighth Grade

Evaluate the advantages and disadvantages of using different mediums (e.g., print or digital text, video, multimedia) to present a particular topic or idea.

Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient; recognize when irrelevant evidence is introduced.

Analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation.

Ninth and Tenth Grade

Analyze various accounts of a subject told in different mediums (e.g., a person's life story in both print and multimedia), determining which details are emphasized in each account.

Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning.

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Analyze seminal documents of historical and literary significance from Hispanic-American countries, including how they address related themes and concepts.

Eleventh and Twelfth Grade

Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

Delineate and evaluate the reasoning in seminal Hispanic-American texts, including the application of constitutional principles and use of legal reasoning (e.g., the works of Hispanic-American jurists and statesmen) and the premises, purposes, and arguments in works of public advocacy.

Analyze 17th-, 18th-, and 19th-century foundational documents of historical and literary significance (including the declarations of independence of Hispanic-American countries) for their themes, purposes, and rhetorical features.

Range of Reading and Level of Text Complexity

Kindergarten

Actively engage in group reading activities with purpose and understanding.

First Grade

With prompting and support, read informational texts appropriately complex for grade 1.

Second Grade

By the end of year, read and comprehend informational texts, including history/social studies, science, and technical texts, in the grades 2-3 text complexity band proficiently, with scaffolding as needed at the high end of the range.

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Third Grade

By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 2-3 text complexity band independently and proficiently.

Fourth Grade

By the end of year, read and comprehend informational texts, including history/social studies, science, and technical texts, in the grades 4-5 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Fifth Grade

By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 4-5 text complexity band independently and proficiently.

Sixth Grade

By the end of the year, read and comprehend literary nonfiction in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Seventh Grade

By the end of the year, read and comprehend literary nonfiction in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

Eighth Grade

By the end of the year, read and comprehend literary nonfiction at the high end of the grades 6-8 text complexity band independently and proficiently.

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Ninth and Tenth Grade

By the end of grade 9, read and comprehend literary nonfiction in the grades 9-10 text complexity band proficiently, with scaffolding as needed at the high end of the range.

By the end of grade 10, read and comprehend literary nonfiction at the high end of the grades 9-10 text complexity band independently and proficiently.

Eleventh and Twelfth Grade

By the end of grade 11, read and comprehend literary nonfiction in the grades 11-12 text complexity band proficiently, with scaffolding as needed at the high end of the range.

By the end of grade 12, read and comprehend literary nonfiction at the high end of the grades 11-12 text complexity band independently and proficiently.

Reading Standards for Foundational Skills

Print Concepts

Kindergarten

Demonstrate understanding of the organization and basic features of print.

Follow words from left to right, top to bottom, and page by page.

Recognize that spoken words are represented in written language by specific sequences of letters.

Understand that words are separated by spaces in print.

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Recognize and name all upper and lowercase letters of the alphabet.

Use of Accent Marks

Recognize that the written accent (spelling accent) is a mark, called a tilde, placed on a vowel that indicates where the emphasis of the word lies.

First Grade

Demonstrate understanding of the organization and basic features of print.

Recognize the distinguishing features of a sentence (e.g., first word, capitalization, ending punctuation, use of question marks (?), exclamation marks (!) and the dash (—) to open and close dialogue).

Use of Accent Marks

Recognize that the written accent (spelling accent) is a mark, called a tilde, placed on a vowel that indicates where the emphasis of the word lies.

Recognize that the written accent sometimes indicates a different meaning in words that are written with the same letters; in that case it is called a diacritical accent.

Phonological Awareness

Kindergarten

Demonstrate understanding of spoken words, syllables, and sounds (phonemes).

Recognize and produce rhyming words.

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Count, pronounce, blend, and segment syllables in spoken words.

Combine and segment single syllable consonant and vowel phonemes.

Isolate and pronounce the initial, medial vowel, and final sounds (phonemes) in three-phonemes (consonant-vowel-consonant, or CVC) words. Include words that end with /l/ and /r/.

Add or substitute individual sounds (phonemes) in simple, one-syllable words to make new words of one or two syllables.

Combine two syllables to form familiar disyllabic words.

Recognize spoken alliteration or groups of words that begin with the same single syllable or initial sound.

Use of Accent Marks

Separate and count orally the syllables of a word. In multi-syllabic words they point out the syllable on which the emphasis of the voice falls (tonic accent).

First Grade

Demonstrate understanding of spoken words, syllables, and sounds (phonemes).

Distinguish long from short vowels sounds in a spoken, single-syllable word.

Orally produce single-syllable words by blending sounds (phonemes), including consonant blends.

Isolate and pronounce initial, medial vowel, and final sounds (phonemes), in spoken single-syllable words.

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Segment spoken single-syllable words into their complete sequence of individual sounds (phonemes).

Divide CVCV disyllabic words into their component syllables.

Use of Accent Marks

Distinguish orally the sounds of vowels in a single syllable that form a diphthong.

Recognize that a syllable can consist of only one vowel.

Phonics and Word Recognition

Kindergarten

Know and apply grade-level phonics and word analysis skills in decoding words both in isolation and in text.

Demonstrate basic knowledge of one-to-one letter-sound correspondences by producing the primary or many of the most frequent sound for each consonant.

Associate the long and short sounds with common spellings (graphemes) for the five major vowels, including the use of y as an equivalent to the vowel i.

Read common high-frequency words by sight.

Distinguish between similarly spelled words by identifying the sounds of the letters that differ.

Recognize the two syllables CV that form high-frequency words in everyday language.

Use of Accent Marks

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Identify the letters that represent the vowels (Aa, Ee, Ii, Oo, Uu, including the use of the y as equivalent to the i).

Recognize the use of the spelling accent to distinguish the pronunciation between words that are spelled the same.

Recognize that the written accent (orthographic accent) is a mark on a vowel that indicates the pronunciation of the word according to the syllable that receives the emphasis when the word is pronounced.

Decode words with "mute h" and consonant digraphs like /ch/, /rr/, and /ll/.

First Grade

Know and apply grade-level phonics and word analysis skills in decoding words both in isolation and in text.

Know the spelling-sound correspondences for the three consonant digraphs: ch, ll, rr.

Distinguish between open syllables (ending in a vowel) and closed syllables (ending in a consonant).

Distinguish between strong vowels (a, e, o) and weak vowels (i, u) that are combined in a syllable to form a diphthong.

Use knowledge that every syllable must have a vowel sound to determine the number of syllables in a printed word (for example, syllables with one vowel, a diphthong, or a triphthong).

Decode two- or three-syllable words following basic patterns by breaking the words into syllables.

Read words with inflectional endings (gender -o/-a; number -os/-as; augmentatives -ote; and diminutives -ito).

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Recognize and read grade-appropriate words with complex spellings (b-v; c-s-z-x; c-k-qu; g-j; y-ll; r-rr; m-n).

Recognize consonant combinations (consonant + l; consonant + r) in words already known that contain liquid letters.

Use of Accent Marks

Distinguish between vowels and consonants and recognize that only vowels have a written accent.

Recognize that the written accent (orthographic accent) is a mark placed on a vowel that indicates which syllable is the most emphasized in the word and that it follows the rules of spelling.

Second Grade

Know and apply grade-level phonics and word analysis skills in decoding words.

Distinguish vowel and diphthong sounds while reading one syllable words with regular spelling.

Distinguish the sounds of vowels in triphthongs while reading familiar words (Paraguay, Uruguay) paying attention to the use of y as a vowel.

Decode multisyllable words.

Decode words with common prefixes and suffixes.

Identify words that have the same phoneme but have distinct graphemes (b-v; c-s-z-x; c-k-qu; g-j; y-ll; r-rr).

Recognize and read grade-appropriate irregularly spelled words with h, which is always silent, except in the digraph

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ch, and that the u is silent with the syllables que, qui, gue, gui.

Use of Accent Marks

Identify the last, penultimate, and antepenultimate syllable in multi-syllabic words and recognize in which syllable the tonic accent falls.

Classify words according to their tonic accent into categories based on the written accent spelling rules of sharp, grave, and stressed on the third-to-last syllable.

Recognize and use written accent to indicate that there is hiatus and not diphthong in familiar words.

Third Grade

Know and apply grade-level phonics and word analysis skills in decoding words both in isolation and in text.

Identify and know the meaning of the most common prefixes and derivational suffixes.

Decode words with common Latin suffixes.

Decode multisyllable words.

Read grade-appropriate irregularly spelled words (e.g., recognize that the h is silent, except in the digraph ch; and that the u is silent in the syllables que, qui, gue, gui).

Recognize cognates between English and Spanish and explain the differences in their pronunciation and spelling.

Know the masculine or feminine words that do not agree with the common rules.

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Know and use diminutives and augmentatives (e.g., -ito, -ote, -ón).

Know and use the endings for the agreement of adjectives with nouns.

Recognize the degrees of comparative adjectives (e.g., superlative adjectives).

Use of Accent Marks

Correctly use the written accent according to the tonic accent in words already known by applying systematic analysis.

Count the number of syllables.

Name the syllable that carries the emphasis.

Categorize the word according to its tonic accent.

Determine the sound or letter in which the word ends (vowel or consonant /n/ or /s/).

Write the spelling accent if necessary.

Recognize that some homophonic words have written accents (diacritical accents) to distinguish their function and meaning.

Fourth Grade

Know and apply grade-level phonics and word analysis skills in decoding words.

Use combined knowledge of all letter sound correspondences, syllabication patterns, and morphology (e.g., roots and affixes) to read accurately unfamiliar multisyllabic words in context and out of context.

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Distinguish homophonic words by their function and meaning and recognize the use of the diacritical accent to distinguish them.

Recognize the necessary changes in pronunciation and spelling when an affix is added to the word.

Correctly use the diaresis to indicate the letter u with sound in the syllables güe and güi.

Use of Accent Marks

Use the written accent correctly according to the tonic accent in words appropriate to the grade level applying a systematic analysis.

Count the number of syllables.

Name the syllable that carries the emphasis.

Categorize the word according to its tonic accent.

Determine the sound or letter in which the word ends (vowel or consonant /n/ or /s/).

Write the spelling accent if necessary.

Justify the accentuation of words according to spelling rules.

Recognize when a strong vowel (a, e, o) and a weak vowel (i, u) or two weak vowels form hiatus and not diphthong. Correctly place the written accent on the vowel where the tonic accent falls.

Fifth Grade

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Know and apply grade-level phonics and word analysis skills in decoding words.

Use combined knowledge of all letter sound correspondences, syllabication patterns, paying attention to the written accent according to morphology (e.g., roots and affixes) to accurately read unfamiliar multisyllabic words in context and out of context.

Spell words correctly with enclitics (verb + pronoun or article or both).

Use of Accent Marks

Correctly use the written accent according to the tonic accent in words at grade level by applying systematic analysis.

Count the number of syllables.

Name the syllable that carries the emphasis.

Categorize the word according to its tonic accent.

Determine the sound or letter in which the word ends (vowel, consonant, or /n/).

Write the spelling accent if necessary.

Justify the accentuation of words according to spelling rule.

Recognize when a strong vowel (a, e, o) and a weak vowel (i, u) or two weak vowels form hiatus and not diphthong. Correctly place the written accent on the vowel where the tonic accent falls according to its meaning in context.

Fluency

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Kindergarten

Read emergent-reader texts with purpose and understanding.

First Grade

Read with sufficient accuracy and fluency to support comprehension.

Read on-level text with purpose and understanding.

Read on-level text orally with accuracy, appropriate rate, and expression on successive readings.

Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Second Grade

Read with sufficient accuracy and fluency to support comprehension.

Read on-level text with purpose and understanding.

Read on-level text orally with accuracy, appropriate rate, and expression on successive readings.

Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Third Grade

Read with sufficient accuracy and fluency to support comprehension.

Read on-level text with purpose and understanding rereading as necessary.

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Read on-level prose and poetry orally with accuracy, appropriate rate, and expression successive readings.

Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Fourth Grade

Read with sufficient accuracy and fluency to support comprehension.

Read on-level text with purpose and understanding.

Read on-level prose and poetry orally with accuracy, appropriate rate, and expression on successive readings.

Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Fifth Grade

Read with sufficient accuracy and fluency to support comprehension.

Read on-level text with purpose and understanding.

Read on-level prose and poetry orally with accuracy, appropriate rate, and expression on successive readings.

Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

Writing Standards

Text Types and Purposes

Kindergarten

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Use a combination of drawing, dictating, and writing to compose opinion pieces in which they tell a reader the topic or the name of the book they are writing about and state an opinion or preference about the topic or book.

Use a combination of drawing, dictating, and writing to compose informative/explanatory texts in which they name what they are writing about and supply some information about the topic.

Use a combination of drawing, dictating, and writing to narrate a single event or several loosely linked events, tell about the events in the order in which they occurred, and provide a reaction to what happened.

First Grade

Write opinion pieces in which they introduce the topic or name the book they are writing about, state an opinion, supply a reason for the opinion, and provide some sense of closure.

Write informative/explanatory texts in which they name a topic, supply some facts about the topic, and provide some sense of closure.

Write narratives in which they recount two or more appropriately sequenced events, include some details regarding what happened, use temporal words to signal event order, and provide some sense of closure.

Second Grade

Write opinion pieces in which they introduce the topic or book they are writing about, state an opinion, supply reasons that support the opinion, use linking words to connect opinion and reasons, and provide a concluding statement or section.

Write informative/explanatory texts in which they introduce a topic, use facts and definitions to develop points, and provide a concluding statement or section.

Write narratives in which they recount a well-elaborated event or short sequence of events, include details to describe actions, thoughts, and

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feelings, use temporal words to signal event order, and provide a sense of closure.

Third Grade

Write opinion pieces on topics or texts, supporting a point of view with reasons.

Introduce the topic or text they are writing about, state an opinion, and create an organizational structure that lists reasons.

Provide reasons that support the opinion.

Use linking words and phrases to connect opinion and reasons.

Provide a concluding statement or section.

Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

Introduce a topic and group related information together; include illustrations when useful to aiding comprehension.

Develop the topic with facts, definitions, and details.

Use linking words and phrases to connect ideas within categories of information.

Provide a concluding statement or section.

Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

Establish a situation and introduce a narrator and/or characters; organize an event sequence that unfolds naturally.

Use dialogue and descriptions of actions, thoughts, and feelings to develop experiences and events or show the response of characters to situations.

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Use temporal words and phrases to signal event order.

Provide a sense of closure.

Fourth Grade

Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

Introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer's purpose.

Provide reasons that are supported by facts and details.

Link opinion and reasons using words and phrases.

Provide a concluding statement or section related to the opinion presented.

Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

Introduce a topic clearly and group related information in paragraphs and sections; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.

Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.

Link ideas within categories of information using words and phrases.

Use precise language and domain-specific vocabulary to inform about or explain the topic.

Provide a concluding statement or section related to the information or explanation presented.

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Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.

Use dialogue and description to develop experiences and events or show the responses of characters to situations.

Use a variety of transitional words and phrases to manage the sequence of events.

Use concrete words and phrases and sensory details to convey experiences and events precisely.

Provide a conclusion that follows from the narrated experiences or events.

Fifth Grade

Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

Introduce a topic or text clearly, state an opinion, and create an organizational structure in which ideas are logically grouped to support the writer's purpose.

Provide logically ordered reasons that are supported by facts and details.

Link opinion and reasons using words phrases, and clauses.

Provide a concluding statement or section related to the opinion presented.

Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

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Introduce a topic clearly, provide a general observation and focus, and group related information logically; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.

Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.

Link ideas within and across categories of information using words, phrases, and clauses.

Use precise language and domain-specific vocabulary to inform about or explain the topic.

Provide a concluding statement or section related to the information or explanation presented.

Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.

Use narrative techniques, such as dialogue description, and pacing, to develop experiences and events or show the responses of characters to situations.

Use a variety of transitional words, phrases, and clauses to manage the sequence of events.

Use concrete words and phrases and sensory details to convey experiences and events precisely.

Provide a conclusion that follows from the narrated experiences or events.

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Write arguments to support claims with clear reasons and relevant evidence.

Introduce claims and organize the reasons and evidence clearly.

Support claims with clear reasons and relevant evidence, using credible sources and demonstrating an understanding of the topic or text.

Use words, phrases, and clauses to clarify the relationships among claims and reasons.

Establish and maintain a formal style.

Provide a concluding statement or section that follows from the argument presented.

Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

Introduce a topic or organize ideas, concepts, and information, using strategies such as definition, classification, comparison/contrast, and cause/effect; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

Develop the topic with relevant facts, definitions, concrete details, quotations, or other information and examples.

Use appropriate transitions to clarify the relationships among ideas and concepts.

Use precise language and domain-specific vocabulary to inform about or explain the topic.

Establish and maintain a formal style.

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Provide a concluding statement or section that follows from the information or explanation presented.

Write narratives to develop real or imagined experiences or events using effective techniques, relevant descriptive details, and well-structured event sequences.

Engage and orient the reader by establishing a context and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

Use narrative techniques, such as dialogue, pacing, and description, to develop experiences, events, and/or characters.

Use a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one timeframe or setting to another.

Use precise words and phrases, relevant descriptive details, and sensory language to convey experiences and events.

Provide a conclusion that follows from the narrated experiences or events.

Seventh Grade

Write arguments to support claims with clear reasons and relevant evidence.

Introduce claims, acknowledge alternate or opposing claims, and organize the reasons and evidence logically.

Support claims with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.

Use words, phrases, and clauses to create cohesion and clarify the relationships among claims, reasons, and evidence.

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Establish and maintain a formal style.

Provide a concluding statement or section that follows from and supports the argument presented.

Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

Introduce a topic organize ideas, concepts, and information, using strategies such as definition, classification, comparison/contrast, and cause/effect; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

Develop the topic with relevant facts, definitions, concrete details, quotations, or other information and examples.

Use appropriate transitions to create cohesion and clarify the relationships among ideas and concepts.

Use precise language and domain-specific vocabulary to inform about or explain the topic.

Establish and maintain a formal style.

Provide a concluding statement or section that follows from and supports the information or explanation presented.

Write narratives to develop real or imagined experiences or events using effective techniques, relevant descriptive details, and well-structured event sequences.

Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

Use narrative techniques, such as dialogue, pacing, and description, to develop experiences, events, and/or characters.

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Use a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one timeframe or setting to another.

Use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.

Provide a conclusion that follows from and reflects on the narrated experiences or events.

Eighth Grade

Write arguments to support claims with clear reasons and relevant evidence.

Introduce claims, acknowledge and distinguish the claims from alternate or opposing claims, and organize the reasons and evidence logically.

Support claims with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.

Use words, phrases, and clauses to create cohesion and clarify the relationships among claims, counterclaims, reasons, and evidence.

Establish and maintain a formal style.

Provide a concluding statement or section that follows from and supports the argument presented.

Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information into broader categories; include

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formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

Develop the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples.

Use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts.

Use precise language and domain specific vocabulary to inform about or explain the topic.

Establish and maintain a formal style.

Provide a concluding statement or section that follows from and supports the information or explanation presented.

Write narratives to develop real or imagined experiences or events using effective technique, relevant descriptive details, and well-structured event sequences.

Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

Use narrative techniques, such as dialogue, pacing, description, and reflection, to develop experiences, events, and/or characters.

Use a variety of transition words, phrases, and clauses to convey sequence, signal shifts from one timeframe or setting to another, and show the relationships among experiences and events.

Use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.

Provide a conclusion that follows from and reflects on the narrated experiences or events.

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Ninth and Tenth Grade

Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

Introduce precise claims, distinguish the claims from alternate or opposing claims, and create an organization that establishes clear relationships among claims, counterclaims, reasons, and evidence.

Develop claims and counterclaims fairly, supplying evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level and concerns.

Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claims and reasons, between reasons and evidence, and between claims and counterclaims.

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

Provide a concluding statement or section that follows from and supports the argument presented.

Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

Introduce a topic, organize complex ideas, concepts, and information to make important connections and distinctions; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.

Develop the topic with well-chosen, relevant, and sufficient facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.

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Use appropriate and varied transitions to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.

Use precise language and domain-specific vocabulary to manage the complexity of the topic.

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).

Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details, and well-structured event sequences.

Engage and orient the reader by setting out a problem, situation, or observation, establishing one or multiple points of view, and introducing a narrator and/or characters; create a smooth progression of experiences or events.

Use narrative techniques, such as dialogue, pacing, description, reflection, and multiple plot lines, to develop experiences, events, and/or characters.

Use a variety of techniques to sequence events so that they build on one another to create a coherent whole.

Use precise words and phrases, telling details, and sensory language to convey a vivid picture of the experiences, events, setting, and/or characters.

Provide a conclusion that follows from and reflects on what is experienced, observed, or resolved over the course of the narrative.

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Eleventh and Twelfth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

Use technology, including the internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.

Production and Distribution of Writing

Kindergarten

With guidance and support from adults, respond to questions and suggestions from peers and add details to strengthen writing as needed.

With guidance and support from adults, explore a variety of digital tools to produce and publish writing, including in collaboration with peers.

First Grade

With guidance and support from adults, focus on a topic, respond to questions and suggestions from peers, and add details to strengthen writing as needed.

With guidance and support from adults, use a variety of digital tools to produce and publish writing, including in collaboration with peers.

Second Grade

With guidance and support from adults and peers, focus on a topic and strengthen writing as needed by revising and editing.

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With guidance and support from adults, use a variety of digital tools to produce and publish writing, including in collaboration with peers.

Third Grade

With guidance and support from adults, produce writing in which the development and organization are appropriate to task and purpose.

With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.

With guidance and support from adults, use technology to produce and publish writing (using keyboarding skills) as well as to interact and collaborate with others.

Fourth Grade

Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.

With some guidance and support from adults, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of one page in a single sitting.

Fifth Grade

Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.

With some guidance and support from adults, use technology, including the Internet, to produce and publish writing as well as to interact and

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collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of two pages in a single sitting.

Sixth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.

Use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of three pages in a single sitting.

Seventh Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.

Use technology, including the Internet, to produce and publish writing and link to and cite sources as well as to interact and collaborate with others, including linking to and citing sources.

Eighth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or

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trying a new approach, focusing on how well purpose and audience have been addressed.

Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas efficiently as well as to interact and collaborate with others.

Ninth and Tenth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.

Eleventh and Twelfth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.

Research to Build and Present Knowledge

Kindergarten

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Participate in shared research and writing projects (e.g., explore a number of books by a favorite author and express opinions about them).

With guidance and support from adults, recall information from experiences or gather information from provided sources to answer a question.

First Grade

Participate in shared research and writing projects (e.g., explore a number of "how-to" books on a given topic and use them to write a sequence of instructions).

With guidance and support from adults, recall information from experiences or gather information from provided sources to answer a question.

Second Grade

Participate in shared research and writing projects (e.g., read a number of books on a single topic to produce a report; record science observations).

Recall information from experiences or gather information from provided sources to answer a question.

Third Grade

Conduct short research projects that build knowledge about a topic.

Recall information from experiences or gather information from print and digital sources; take brief notes on sources and sort evidence into provided categories.

Fourth Grade

Conduct short research projects that build knowledge through investigation of different aspects of a topic.

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Recall relevant information from experiences or gather relevant information from print and digital sources; take notes and categorize information; and provide a list of sources.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grade 4 Reading standards to literature (e.g., "Describe in depth a character, setting, or event in a story or drama, drawing on specific details in the text (e.g., a character's thoughts, words or actions)").

Apply grade 4 Reading standards to informational texts (e.g., "Explain how an author uses reasons and evidence to support particular points in a text").

Fifth Grade

Conduct short research projects that build knowledge through investigation of different aspects of a topic.

Recall relevant information from experiences or gather relevant information from print and digital sources; take notes and categorize information; and provide a list of sources.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grade 5 Reading standards to literature (e.g., "Compare and contrast two or more characters, settings, or events in a story or a drama, drawing on specific details in the text (e.g., how characters interact)").

Apply grade 5 Reading standards to informational texts (e.g., "Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which points").

Sixth Grade

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Conduct short research projects to answer a question, drawing on several sources and refocusing the inquiry when appropriate.

Gather relevant information from multiple print and digital sources; assess the credibility of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and providing basic bibliographic information for sources.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grade 6 Reading standards to literature (e.g., "Compare and contrast texts in different forms or genres (e.g., stories and poems; historical novels and fantasy stories) in terms of their approaches to similar themes and topics").

Apply grade 6 Reading standards to literary nonfiction (e.g., "Trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from claims that are not").

Seventh Grade

Conduct short research projects to answer a question, drawing on several sources and generating additional related, focused questions for further research and investigation.

Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grade 7 Reading standards to literature (e.g., "Compare and contrast a fictional portrayal of a time, place, or character and a

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historical account of the same period as a means of understanding how authors of fiction use or alter history").

Apply grade 7 Reading standards to literary nonfiction (e.g. "Trace and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient to support the claims").

Eighth Grade

Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.

Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grade 8 Reading standards to literature (e.g., "Analyze how a modern work of fiction draws on themes, patterns of events, or character types from myths, traditional stories, or religious works such as the Bible, including describing how the material is rendered new").

Apply grade 8 Reading standards to literary nonfiction (e.g., "Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient; recognize when irrelevant evidence is introduced").

Ninth and Tenth Grade

Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on

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the subject, demonstrating understanding of the subject under investigation.

Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.

Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grades 9-10 Reading standards to literature (e.g., "Analyze how an author draws on and transforms source material in a specific work (e.g., how Cervantes treats a theme or topic from *Cid Campeador* or Greco-Roman mythology or how a later author, like Jorge Luis Borges draws on *El Quijote* by Cervantes)").

Apply grades 9-10 Reading standards to literary nonfiction (e.g., "Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning").

Eleventh and Twelfth Grade

Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.

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Draw evidence from literary or informational texts to support analysis, reflection, and research.

Apply grades 11-12 Reading standards to literature (e.g., "Demonstrate knowledge of 18th-, 19th- and early-20th-century foundational works of Hispanic-American literature, including how two or more texts from the same period treat similar themes or topics").

Apply grades 11-12 Reading standards to literary nonfiction (e.g., "Delineate and evaluate the reasoning in seminal texts of Hispanic America, including the application of constitutional principles and use of legal reasoning and the premises, purposes, and arguments in works of public advocacy.

Range of Writing

Kindergarten

(Begins in grade 3)

First Grade

(Begins in grade 3)

Second Grade

(Begins in grade 3)

Third Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Fourth Grade

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Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Fifth Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Sixth Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Seventh Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Eighth Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Ninth and Tenth Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

Eleventh and Twelfth Grade

Write routinely over extended timeframes (time for research, reflection, and revision) and shorter timeframes (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

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Speaking and Listening Standards

Comprehension and Collaboration

Kindergarten

Participate in collaborative conversations with diverse partners about kindergarten topics and texts with peers and adults in small and larger groups.

Follow agreed-upon rules for discussions (e.g., listening to others and taking turns speaking about the topics and texts under discussion).

Continue a conversation through multiple exchanges.

Confirm understanding of a text read aloud or information presented orally or through other media by asking and answering questions about key details and requesting clarification if something is not understood.

Ask and answer questions in order to seek help, get information, or clarify something that is not understood.

First Grade

Participate in collaborative conversations with diverse partners about grade 1 topics and texts with peers and adults in small and larger groups.

Follow agreed-upon rules for discussions (e.g., listening to others with care, speaking one at a time about the topics and texts under discussion).

Build on others' talk in conversations by responding to the comments of others through multiple exchanges.

Ask questions to clear up any confusion about the topics and texts under discussion.

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Ask and answer questions about key details in a text read aloud or information presented orally or through other media.

Ask and answer questions about what is said during a conversation in order to obtain additional information or clarify something that is not understood.

Second Grade

Participate in collaborative conversations with diverse partners about grade 2 topics and texts with peers and adults in small and larger groups.

Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

Build on others' talk in conversations by linking their comments to the remarks of others.

Ask for further clarification and further explanation as needed about the topics and texts under discussion.

Recount or describe key ideas or details from a text read aloud or information presented orally or through other media.

Ask and answer questions about what a speaker says in order to clarify comprehension, gather additional information, or deepen understanding of a topic or issue.

Third Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 3 topics and texts, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information know about the topic to explore ideas under discussion.

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Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

Ask questions to check understanding of information presented, stay on topic, and link their comments to the remarks of others.

Explain their own ideas and understanding in light of the discussion.

Determine the main ideas and supporting details of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

Ask and answer questions about information from a speaker, offering appropriate elaboration and detail.

Fourth Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 4 topics and texts, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information know about the topic to explore ideas under discussion.

Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

Ask questions to check understanding of information presented, stay on topic, and link their comments to the remarks of others.

Explain their own ideas and understanding in light of the discussion.

Paraphrase portions of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

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Identify the reasons and evidence a speaker provides to support particular points.

Fifth Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 5 topics and texts, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information know about the topic to explore ideas under discussion.

Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

Ask questions to check understanding of information presented, stay on topic, and link their comments to the remarks of others.

Explain their own ideas and understanding in light of the discussion.

Summarize a written text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

Summarize the points a speaker makes and explain how each claim is supported by reasons and evidence.

Sixth Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher led) with diverse partners on grade 6 topics, texts, and issues, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or studied required material; explicitly draw on that preparation by referring to

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evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

Follow rules for collegial discussions, set specific goals and deadlines, and define individual roles as needed.

Pose and respond to specific questions with elaboration and detail by making comments that contribute to the topic, text, or issue under discussion.

Review the key ideas expressed and demonstrate understanding of multiple perspectives through reflection and paraphrasing.

Interpret information presented in diverse media and formats (e.g., visually, quantitatively, orally) and explain how it contributes to a topic, text, or issue under study.

Delineate a speaker's argument and specific claims, distinguishing claims that are supported by reasons and evidence from claims that are not.

Seventh Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher led) with diverse partners on grade 7 topics, texts, and issues, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or researched material under study; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

Follow rules for collegial discussions, track progress toward specific goals and deadlines, and define individual roles as needed.

Pose questions that elicit elaboration and respond to others' questions and comments with relevant observations and ideas that bring the discussion back on topic as needed.

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Acknowledge new information expressed by others and, when warranted, modify their own views.

Eighth Grade

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher led) with diverse partners on grade 8 topics and texts, building on others' ideas and expressing their own clearly.

Come to discussions prepared, having read or researched material under study; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

Follow rules for collegial discussions and decision-making, track progress toward specific goals and deadlines, and define individual roles as needed.

Pose questions that connect the ideas of several speakers and respond to others' questions and comments with relevant evidence, observations, and ideas.

Acknowledge new information expressed by others, and, when warranted, qualify or justify their own views in light of the evidence presented.

Analyze the purpose of information presented in diverse media and formats (e.g., visually, quantitatively, orally) and evaluate the motives (e.g., social, commercial, political) behind its presentation.

Delineate a speaker's argument and specific claims, evaluating the soundness of the reasoning and relevance and sufficiency of the evidence and identifying when irrelevant evidence is introduced.

Ninth and Tenth Grade

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-

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10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

Work with peers to set rules for collegial discussions and decision-making (e.g., informal consensus, taking votes on key issues, presentation of alternate views), clear goals and deadlines, and individual roles as needed.

Propel conversations by posing and responding to questions that relate the current discussion to broader themes or larger ideas; actively incorporate others into the discussion; and clarify, verify, or challenge ideas and conclusions.

Respond thoughtfully to diverse perspectives, summarize points of agreement and disagreement, and, when warranted, qualify or justify their own views and understanding and make new connections in light of the evidence and reasoning presented.

Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence.

Eleventh and Twelfth Grade

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

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Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.

Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.

Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

Presentation of Knowledge and Ideas

Kindergarten

Describe familiar people, places, things, and events and, with prompting and support, provide additional detail.

Add drawings or other visual displays to descriptions as desired to provide additional detail.

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Speak audibly and express thoughts, feelings, and ideas clearly.

First Grade

Describe people, places, things, and events with relevant details, expressing ideas and feelings clearly.

Add drawings or other visual displays to descriptions when appropriate to clarify ideas, thoughts, and feelings.

Produce complete sentences when appropriate to task and situation.

Second Grade

Tell a story or recount an experience with appropriate facts and relevant, descriptive details, speaking audibly in coherent sentences.

Create audio recordings of stories or poems; add drawings or other visual displays to stories or recounts of experiences when appropriate to clarify ideas, thoughts, and feelings.

Produce complete sentences when appropriate to task and situation in order to provide requested detail or clarification.

Third Grade

Report on a topic or text, tell a story, or recount an experience with appropriate facts and relevant, descriptive details, speaking clearly at an understandable pace.

Create engaging audio recordings of stories or poems that demonstrate fluid reading at an understandable pace; add visual displays when appropriate to emphasize or enhance certain facts or details.

Speak in complete sentences when appropriate to task and situation in order to provide requested detail or clarification.

Fourth Grade

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Report on a topic or text, tell a story, or recount an experience in an organized manner, using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

Add audio recordings and visual displays to presentations when appropriate to enhance the development of main ideas or themes.

Differentiate between contexts that call for formal Spanish (e.g., presenting ideas) and situations where informal discourse is appropriate (e.g., small-group discussion); use formal Spanish when appropriate to task and situation.

Fifth Grade

Report on a topic or text or present an opinion, sequencing ideas logically and using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

Include multimedia components (e.g., graphics, sound) and visual displays in presentations when appropriate to enhance the development of main ideas or themes.

Adapt speech to a variety of contexts and tasks, using formal Spanish when appropriate to task and situation.

Sixth Grade

Present claims and findings, sequencing ideas logically and using pertinent descriptions, facts, and details to accentuate main ideas or themes; use appropriate eye contact, adequate volume, and clear pronunciation.

Include multimedia components (e.g., graphics, images, music, sound) and visual displays in presentations to clarify information.

Adapt speech to a variety of contexts and tasks, demonstrating command of formal Spanish when indicated or appropriate

Seventh Grade

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Present claims and findings emphasizing salient points in a focused, coherent manner with pertinent descriptions, facts, details, and examples; use appropriate eye contact, adequate volume, and clear pronunciation.

Include multimedia components and visual displays in presentations to clarify claims and findings and emphasize salient points.

Adapt speech to a variety of contexts and tasks, demonstrating command of formal Spanish when indicated or appropriate.

Eighth Grade

Present claims and findings emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

Integrate multimedia and visual displays into presentations to clarify information, strengthen claims and evidence, and add interest.

Adapt speech to a variety of contexts and tasks, demonstrating command of formal Spanish when indicated or appropriate.

Ninth and Tenth Grade

Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose audience, and task.

Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.

Adapt speech to a variety of contexts and tasks, demonstrating command of formal Spanish when indicated or appropriate.

Eleventh and Twelfth Grade

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Present information, findings, and supporting evidence conveying a clear and distinct perspective such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.

Adapt speech to a variety of contexts and tasks, demonstrating command of formal Spanish when indicated or appropriate.

Language Standards

Conventions of Standard Spanish

Kindergarten

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Print many upper-and lowercase letters.

Use frequently occurring nouns and verbs using the correct agreements.

Form regular plural nouns orally by adding /s/ or /es/.

Understand and use question words (interrogatives).

Use the most frequently occurring prepositions.

Produce and expand complete sentences in shared language activities.

Use the definite and indeterminate articles paying attention to the agreement of gender and number with the noun.

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Use of Accent Marks

Recognize the written accent (spelling accent) in simple and already known words.

First Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Print all uppercase and lowercase letters.

Use common, proper, and possessive nouns.

Use singular and plural nouns with matching verbs in basic sentences.

Use personal, possessive, and indefinite pronouns. Recognize formal and informal uses.

Use verbs to convey a sense of past, present, and future.

Use frequently occurring adjectives noting the agreement of gender and number with the noun.

Use frequently occurring conjunctions.

Use determiners (e.g., articles, demonstratives) recognizing the agreement of gender and number.

Use frequently occurring prepositions.

Produce and expand complete simple and compound declarative, interrogative, imperative, and exclamatory sentences in response to prompts.

Read compound words and separate the two words that make them up.

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Recognize and explain the formation of the two contractions of Spanish.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing.

Capitalize dates and names of people, places, names of holidays, and important events.

Use correct punctuation to begin and/or end sentences, including the correct use of question marks ¿?; and exclamation marks ¡!.

Recognize the function of the comma in order to list and separate words in a series.

Use conventional spelling for words with common spelling patterns and for frequently occurring irregular words.

Spell untaught words phonetically, drawing on phonemic awareness and spelling conventions.

Use of Accent Marks

Recognize the written accent in simple and already known words.

Second Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Use collective nouns.

Form and use frequently occurring irregular plural nouns that change z for c or the written accent or spelling.

Use reflexive pronouns.

Form and use the past tense of frequently occurring irregular verbs.

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Use adjectives and adverbs and choose between them depending on what is to be modified.

Produce, expand, and rearrange complete simple and compound sentences.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing.

Capitalize proper nouns, holidays, product names, geographic names, and only the first letter of titles of book, movie, theatrical works, etc.

Use a colon and a new paragraph in the greeting of a letter; and a comma in the closings of letters written in Spanish. Recognize that a comma is used in the greeting and closing of a letter written in Spanish.

Use contractions correctly and recognize prepositions that signal possession.

Generalize learned spelling patterns when writing, forming, and using nouns that in the plural change spelling.

Consult reference materials, including beginning dictionaries, as needed to check and correct spellings or consult translations.

Use the short hyphen to separate the syllables of a word (e.g., to indicate level, range or intervals 1:00 p.m. - 3:00 p.m. (January-March)); the long hyphen to introduce a dialogue.

Use of Accent Marks

Categorize words according to their tonic accent and use the written accent (orthographic accent) in words already known)).

Third Grade

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Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Explain the function of nouns, pronouns, verbs, adjectives, and adverbs in general and their functions in particular sentences.

Form and use regular and irregular plural nouns including forms that require spelling changes.

Use abstract nouns.

Form and use regular verbs that end in -ar, -er, -ir and irregular verbs.

Form and use the simple and recognize the use of verbs in the subjunctive mode (mandates, expressions of possibility)

Ensure subject-verb and pronoun-antecedent agreement.

Recognize the use of verbal formal and informal forms.

Form and use comparative and superlative adjectives and adverbs and choose between them depending on what needs to be modified.

Use coordinating and subordinating conjunctions.

Produce simple, compound, and complex sentences.

Recognize the change of meaning or emphasis by the position of the adjective before or after the noun.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing.

Capitalize only on the first letter of the first word in titles.

Use commas in addresses.

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Use the dash (–) to indicate dialogue.

Use prepositions to indicate possession.

Use conventional spelling for high-frequency and other studied words and for adding suffixes to base words.

Use spelling patterns and generalizations (e.g., word families, position-based spellings, syllable patterns, ending rules, meaningful word parts) in writing words.

Consult reference materials, including beginning dictionaries, or consult translations, as needed to check and correct spellings.

Use of Accent Marks

Recognize and use spelling accents in acute words, grave words, and words stressed on the third to last syllable at the grade level.

Use the diacritical accent to distinguish homophonic words by their meaning and function.

Fourth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Use interrogative, relative pronouns and relative adverbs.

Form and use compound tenses of verbs and recognize their limited use in Spanish (an action in progress).

Use auxiliary verbs with the infinitive of a verb to express diverse conditions or to form the conditional of a verb.

Order adjectives within sentences according to conventional patterns.

Form and use prepositional phrases.

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Produce complete sentences, recognizing and correcting inappropriate fragments and run-ons.

Correctly use frequently confused words.

Identify and correctly use the copreterite or imperfect preterite.

Recognize the shortened form in the use of adjectives.

Identify and correctly use regular verbs in the preterite tense.

Identify and use copulative.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing.

Use correct capitalization.

Use commas and quotation marks to mark direct speech and quotations from a text.

Use a comma before a coordinating conjunction in a compound sentence.

Spell grade-appropriate words correctly, consulting references as needed.

Identify and use verbs ending in -zar, -car and -gar, changing the a to e and z to c.

Use the comma before and after an explanation that is inserted in a sentence (e.g., She, among my friends, is the nicest one).

Correctly write words that have a relationship between phoneme and multiple graphemes. (b-v; c-s-z-x; c-k-qu; g-j; y-ll, r-rr) and silent letters (H/h; u in the syllables gue, gui, que, qui) in grade-level words.

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Use of Accent Marks

Recognize that accent marks are used in all of the words stressed on the third to last syllable and stressed on the fourth from the last syllable.

Use the diacritical accent in interrogations, exclamations, and to differentiate demonstrative from determinative pronouns.

Fifth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Explain the function of conjunctions, prepositions, and interjections in general and their function in particular sentences.

Form and use the perfect verb tenses or compound verbs with haber and the past participle.

Use verb tense to convey various times, sequences, states, and conditions including the contrast between the uses of the preterite and imperfect to express action in the past.

Recognize and correct inappropriate shifts in verb tense. (e.g.: lack of agreement between subject and verb; incorrect use of preterite vs. Imperfect; lack of use of the subjunctive).

Use correlative conjunctions with the appropriate form of negation.

Recognize and correctly apply the agreement between the subject, the verb and the indirect object.

Distinguish and explain the use of parallel forms according to the context and meaning of the sentence.

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Identify and use all sorts of conjunctions, such as: concessive and final.

Identify and explain the use of personal "a" with direct complements by naming people or pets.

Recognize when the subject pronoun is integrated into the verb.

Recognize and correctly use irregular verbs in their tenses and modes, such as future.

Correctly use pronouns and the singular or plural of the verb to express the passive voice.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing.

Use punctuation to separate items in a series.

Use a comma to separate an introductory element from the rest of the sentence.

Use a comma to set off the words yes and no, to set off a tag question from the rest of the sentence, and to indicate direct address.

Use italics to indicate title of works.

Spell grade-appropriate words correctly, including using the written accent, based in pronunciation and diacritical marks, consulting references as needed.

Write without a capital letter the gentilic adjectives.

Correctly write words that contain a relationship between phonemes and multiple graphemes (b-v; c-s-z-x; c-k-qu; g-j; y-ll, r-rr) and silent letters (H/h; u in the syllables gue, gui, que, qui) in grade-level words.

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NOTICE OF PROPOSED AMENDMENT

Use of Accent Marks

Recognize and explain the change in spelling in inflected words.

Use correct spelling in enclitic words (verb + pronoun or article or both).

Sixth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Ensure that the different types of pronouns are used appropriately (e.g., personal, possessive, demonstrative, relative, interrogative, and reflexive).

Correctly use all pronouns.

Recognize and correct inappropriate shifts in pronoun number and person and correct inappropriate changes in pronoun number and person (e.g., feminine and masculine mixed).

Recognize and correct indefinite pronouns whose identity or quantity are imprecise.

Recognize variations from standard Spanish in their own and others' writing and speaking, and identify and use strategies to improve expression in conventional language.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing, paying particular attention the rules that differ from English.

Use punctuation (commas, parentheses, dashes) to set off nonrestrictive/parenthetical elements.

Spell correctly.

Seventh Grade

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NOTICE OF PROPOSED AMENDMENT

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Explain the function of phrases and clauses in general and their function in specific sentences.

Choose among simple, compound, complex, and compound-complex sentences to signal differing relationships among ideas.

Place phrases and clauses within a sentence, recognizing and correcting misplaced and dangling modifiers.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing paying particular attention to the rules that differ from English.

Use a comma to separate coordinate adjectives but do not put a comma before certain conjunctions.

Spell correctly.

Eighth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Explain the function of impersonal verbs (gerunds, participles, infinitives) in general and their function in particular sentences.

Form and use verbs in the active and passive voice.

Form and use verbs in the indicative, imperative, interrogative, conditional, and subjunctive mood, as well as the conditional tense and interrogative pronouns.

Recognize and correct inappropriate shifts in verb voice and mood.

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NOTICE OF PROPOSED AMENDMENT

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing paying particular attention to the rules that are different from English.

Use punctuation (comma, ellipsis, dash) to indicate a pause or break.

Use an ellipsis to indicate an omission.

Spell correctly.

Ninth and Tenth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

Use parallel structure.

Use various types of phrases (noun, verb, adjectival, adverbial, participial, prepositional, absolute) and clauses (independent, dependent; noun, relative, adverbial) to convey specific meanings and add variety and interest to writing or presentations.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing, paying particular attention to the rules that are different from English.

Use a semicolon (and perhaps a conjunctive adverb) to link two or more closely related independent clauses.

Use a colon to introduce a list or quotation.

Spell correctly.

Eleventh and Twelfth Grade

Demonstrate command of the conventions of standard Spanish grammar and usage when writing or speaking.

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NOTICE OF PROPOSED AMENDMENT

Apply the understanding that usage is a matter of convention, can change over time, and is sometimes contested.

Resolve issues of complex or contested usage, consulting references as needed.

Demonstrate command of the conventions of standard Spanish capitalization, punctuation, and spelling when writing, paying particular attention to the rules that are different from English.

Observe hyphenation conventions, recognizing the difference between the use of the dash from English.

Spell correctly.

Knowledge of Language

Kindergarten

(Begins in grade 2)

First Grade

(Begins in grade 2)

Second Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Compare formal and informal uses of Spanish.

Third Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Choose words and phrases for effect.

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NOTICE OF PROPOSED AMENDMENT

Recognize and observe differences between the conventions of spoken and written standard Spanish.

Fourth Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Choose words and phrases to convey ideas precisely.

Choose punctuation for effect.

Differentiate between contexts that call for formal Spanish (e.g., presenting ideas) and situation where informal discourse is appropriate (e.g., small-group discussion).

Fifth Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Expand, combine, and reduce sentences for meaning, reader/listener interest, and style.

Compare and contrast the varieties of Spanish (e.g., dialects, registers) used in stories, dramas, or poems.

Sixth Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Vary sentence patterns for meaning, reader/ listener interest, and style.

Maintain consistency in style and tone.

Seventh Grade

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NOTICE OF PROPOSED AMENDMENT

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Choose language that expresses ideas precisely and concisely, recognizing and eliminating wordiness and redundancy.

Eighth Grade

Use knowledge of language and its conventions when writing, speaking, reading, or listening.

Use verbs in the active and passive voice and in the indicative, subjunctive, and imperative moods to achieve particular effects (e.g., emphasizing the actor or the action; expressing uncertainty, or describing a state contrary to fact).

Ninth and Tenth Grade

Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.

Write and edit work so that it conforms to the guidelines in a style manual appropriate for the discipline and writing type.

Eleventh and Twelfth Grade

Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.

Vary syntax for effect, consulting references for guidance as needed; apply an understanding of syntax to the study of complex texts when reading.

Vocabulary Acquisition and Use

Kindergarten

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NOTICE OF PROPOSED AMENDMENT

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on kindergarten reading and content.

Identify new meanings for familiar words and apply them accurately.

Use the most frequently occurring inflections and affixes as a clue to the meaning of an unknown word.

With guidance and support from adults, explore word relationships and nuances in word meanings.

Sort common objects into categories (e.g., shapes, foods) to gain a sense of the concepts the categories represent.

Demonstrate understanding of frequently occurring verbs and adjectives by relating them to their opposites (antonyms).

Identify real-life connections between words and their use.

Distinguish shades of meaning among verbs describing the same general action by acting out the meanings. Use words and phrases acquired through conversations, reading and being read to, and responding to texts.

First Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 1 reading and content, choosing flexibly from an array of strategies.

Use sentence-level context as a clue to the meaning of a word or phrase.

Use frequently occurring affixes as a clue to the meaning of a word.

Identify frequently occurring root words and their inflectional forms.

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NOTICE OF PROPOSED AMENDMENT

With guidance and support from adults, demonstrate understanding of word relationships and nuances in word meanings.

Sort words into categories (e.g., colors, clothing) to gain a sense of the concepts the categories represent.

Define words by category and by one or more key attributes.

Identify real-life connections between words and their use.

Distinguish shades of meaning among verbs differing in manner and adjectives differing in intensity by defining or choosing them or by acting out the meanings.

Use words and phrases acquired through conversations, reading and being read to, and responding to texts, including using frequently occurring conjunctions to signal simple relationships.

Second Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 2 reading and content, choosing flexibly from an array of strategies.

Use sentence-level context as a clue to the meaning of a word or phrase.

Determine the meaning of the new word formed when a known prefix is added to a known word.

Use a known root word as a clue to the meaning of an unknown word with the same root.

Use knowledge of the meaning of individual words to predict the meaning of compound words.

Use glossaries and beginning dictionaries both print and digital, to determine or clarify the meaning of words and phrases.

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NOTICE OF PROPOSED AMENDMENT

Demonstrate understanding of word relationships and nuances in word meanings.

Identify real-life connections between words and their use.

Distinguish shades of meaning among closely related verbs.

Use words and phrases acquired through conversations, reading and being read to, and responding to texts, including using adjectives and adverbs to describe.

Third Grade

Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade 3 reading and content, choosing flexibly from a range of strategies.

Use sentence-level context as a clue to the meaning of a word or phrase.

Determine the meaning of the new word formed when a known affix is added to a known word.

Use a known root word as a clue to the meaning of an unknown word with the same root.

Use glossaries or beginning dictionaries, both print and digital, to determine or clarify the precise meaning of key words and phrases.

Demonstrate understanding of word relationships and nuances in word meanings.

Distinguish the literal and non-literal meanings of words and phrases in context including the particular meaning of words in idioms.

Identify real-life connections between words and their use.

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NOTICE OF PROPOSED AMENDMENT

Distinguish shades of meaning among related words that describe states of mind or degrees of certainty and use the subjunctive mode to express doubt.

Acquire and use accurately grade-appropriate conversational, general academic, and domain specific words and phrases, including those that signal spatial and temporal relationships.

Fourth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 4 reading and content, choosing flexibly from a range of strategies.

Use context (e.g., definitions, examples, or restatements in text) as a clue to the meaning of a word or phrase.

Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word.

Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Explain the meaning of simple similes and metaphors in context.

Recognize and explain the meaning of common idioms, adages, and proverbs.

Demonstrate understanding of words by relating them to their opposites (antonyms) and to words with similar but not identical meanings (synonyms).

Acquire and use accurately grade-appropriate, general academic and domain-specific words and phrases, including those that signal precise actions, emotions, or states of being.

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NOTICE OF PROPOSED AMENDMENT

Fifth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 5 reading and content, choosing flexibly from a range of strategies.

Use context (e.g., cause/effect relationships and comparisons in text) as a clue to the meaning of a word or phrase.

Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word.

Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figurative language, including similes and metaphors, in context.

Recognize and explain the meaning of common idioms, adages, and proverbs.

Use the relationship between particular words (e.g., synonyms, antonyms, homographs) to better understand each of the words.

Acquire and use accurately grade-appropriate, general academic and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships.

Sixth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 6 reading and content, choosing flexibly from a range of strategies.

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NOTICE OF PROPOSED AMENDMENT

Use context (e.g., the overall meaning of a sentence or paragraph; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word (e.g., audience, auditory, audible).

Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figures of speech (e.g., personification) in context.

Use the relationship between particular words (e.g., cause/effect, part/whole, item/category) to better understand each of the words.

Distinguish among the connotations (associations) of words with similar denotations (definitions).

Acquire and use accurately grade-appropriate, general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

Seventh Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 7 reading and content, choosing flexibly from a range of strategies.

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NOTICE OF PROPOSED AMENDMENT

Use context (e.g., the overall meaning of a sentence or paragraph; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word.

Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figures of speech (e.g., literary, biblical, and mythological allusions) in context.

Use the relationship between particular words (e.g., synonym/antonym, analogy) to better understand each of the words.

Distinguish among the connotations (associations) of words with similar denotations (definitions).

Acquire and use accurately grade-appropriate, general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

Eighth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 8 reading and content, choosing flexibly from a range of strategies.

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NOTICE OF PROPOSED AMENDMENT

Use context (e.g., the overall meaning of a sentence or paragraph; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word.

Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figures of speech (e.g. verbal irony, puns) in context.

Use the relationship between particular words to better understand each of the words.

Distinguish among the connotations (associations) of words with similar denotations (definitions).

Acquire and use accurately grade-appropriate, general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

Ninth and Tenth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grades 9-10 reading and content, choosing flexibly from a range of strategies.

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NOTICE OF PROPOSED AMENDMENT

Use context (e.g., the overall meaning of a sentence, paragraph, or text; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

Identify and correctly use patterns of word changes that indicate different meanings or parts of speech.

Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning, its part of speech, or its etymology.

Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figures of speech (e.g., euphemism, oxymoron) in context and analyze their role in the text.

Analyze nuances in the meaning of words with similar denotations.

Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.

Eleventh and Twelfth Grade

Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grades 11-12 reading and content, choosing flexibly from a range of strategies.

Use context (e.g., the overall meaning of a sentence, paragraph, or text; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Identify and correctly use patterns of word changes that indicate different meanings or parts of speech.

Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning, its part of speech, its etymology, or its standard usage.

Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

Interpret figures of speech (e.g., euphemism, oxymoron) in context and analyze their role in the text.

Analyze nuances in the meaning of words with similar denotations.

Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.

Reading Standards for Literacy in History and Social Studies and Science and Technical Subjects

Reading Standards for Literacy in History and Social Studies

Key Ideas and Details

Sixth – Eighth Grade

Cite specific textual evidence to support analysis of primary and secondary sources.

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NOTICE OF PROPOSED AMENDMENT

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Identify key steps in a text's description of a process related to history/social studies (e.g., how a bill becomes law, how interest rates are raised or lowered).

Ninth – Tenth Grade

Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

Eleventh – Twelfth Grade

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.

Craft and Structure

Sixth – Eighth Grade

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NOTICE OF PROPOSED AMENDMENT

Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies. Describe how a text presents information (e.g., sequentially, comparatively, causally).

Identify aspects of a text that reveal an author's point of view or purpose (e.g., loaded language, inclusion or avoidance of particular facts).

Ninth – Tenth Grade

Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.

Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

Eleventh – Twelfth Grade

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text.

Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.

Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence.

Integration of Knowledge and Ideas

Sixth – Eighth Grade

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

Distinguish among fact, opinion, and reasoned judgment in a text.

Analyze the relationship between a primary and secondary source on the same topic.

Ninth – Tenth Grade

Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

Assess the extent to which the reasoning and evidence in a text support the author's claims.

Compare and contrast treatments of the same topic in several primary and secondary sources.

Eleventh – Twelfth Grade

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

Range of Reading and Level of Text Complexity

Sixth – Eighth Grade

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

Ninth – Tenth Grade

By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

Eleventh – Twelfth Grade

By the end of grade 12, read and comprehend history/social studies texts in the grades 11-12 text complexity band independently and proficiently.

Reading Standards for Literacy in Science and Technical Subjects

Key Ideas and Details

Sixth – Eighth Grade

Cite specific textual evidence to support analysis of science and technical texts.

Determine the central ideas or conclusions of a text; provide an accurate summary of the text distinct from prior knowledge or opinions.

Follow precisely a multistep procedure when carrying out experiments, taking measurements, or performing technical tasks.

Ninth – Tenth Grade

Cite specific textual evidence to support analysis of science and technical texts, attending to the precise details of explanations or descriptions.

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NOTICE OF PROPOSED AMENDMENT

Determine the central ideas or conclusions of a text; trace the text's explanation or depiction of a complex process, phenomenon, or concept; provide an accurate summary of the text.

Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks, attending to special cases or exceptions defined in the text.

Eleventh – Twelfth Grade

Cite specific textual evidence to support analysis of science and technical texts, attending to important distinctions the author makes and to any gaps or inconsistencies in the account.

Determine the central ideas or conclusions of a text; summarize complex concepts, processes, or information presented in a text by paraphrasing them in simpler but still accurate terms.

Follow precisely a complex multistep procedure when carrying out experiments, taking measurements, or performing technical tasks; analyze the specific results based on explanations in the text.

Craft and Structure

Sixth – Eighth Grade

Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to grades 6-8 texts and topics.

Analyze the structure an author uses to organize a text, including how the major sections contribute to the whole and to an understanding of the topic.

Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text.

Ninth – Tenth Grade

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NOTICE OF PROPOSED AMENDMENT

Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to grades 9-10 texts and topics.

Analyze the structure of the relationships among concepts in a text, including relationships among key terms.

Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, defining the question the author seeks to address.

Eleventh – Twelfth Grade

Determine the meaning of symbols, key terms, and other domain-specific words and phrases as they are used in a specific scientific or technical context relevant to grades 11-12 texts and topics.

Analyze how the text structures information or ideas into categories or hierarchies, demonstrating understanding of the information or ideas.

Analyze the author's purpose in providing an explanation, describing a procedure, or discussing an experiment in a text, identifying important issues that remain unresolved.

Integration of Knowledge and Ideas

Sixth – Eighth Grade

Integrate quantitative or technical information expressed in words in a text with a version of that information expressed visually (e.g., in a flowchart, diagram, model, graph, or table).

Distinguish among facts, reasoned judgment based on research findings, and speculation in a text.

Compare and contrast the information gained from experiments, simulations, video, or multimedia sources with that gained from reading a text on the same topic.

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NOTICE OF PROPOSED AMENDMENT

Ninth – Tenth Grade

Translate quantitative or technical information expressed in words in a text into visual form (e.g., a table or chart) and translate information expressed visually or mathematically (e.g., in an equation) into words.

Assess the extent to which the reasoning and evidence in a text support the author's claim or a recommendation for solving a scientific or technical problem.

Compare and contrast findings presented in a text to those from other sources (including their own experiments), noting when the findings support or contradict previous explanations or accounts.

Eleventh – Twelfth Grade

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., quantitative data, video, multimedia) in order to address a question or solve a problem.

Evaluate the hypotheses, data, analysis, and conclusions in a science or technical text, verifying the data when possible and corroborating or challenging conclusions with other sources of information.

Synthesize information from a range of sources (e.g., texts, experiments, simulations) into a coherent understanding of a process, phenomenon, or concept, resolving conflicting information when possible.

Range of Reading and Level of Text Complexity

Sixth – Eighth Grade

By the end of grade 8, read and comprehend science/technical texts in the grades 6-8 text complexity band independently and proficiently.

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NOTICE OF PROPOSED AMENDMENT

Ninth – Tenth Grade

By the end of grade 10, read and comprehend science/technical texts in the grades 9-10 text complexity band independently and proficiently.

Eleventh – Twelfth Grade

By the end of grade 12, read and comprehend science/technical texts in the grades 11-12 text complexity band independently and proficiently.

Writing Standards for History and Social Studies and Science and Technical Subjects

Text Types and Purposes

Sixth – Eighth Grade

Write arguments focused on discipline-specific content.

Introduce claims about a topic or issue, acknowledge and distinguish the claims from alternate or opposing claims, and organize the reasons and evidence logically.

Support claims with logical reasoning and relevant, accurate data and evidence that demonstrate an understanding of the topic or text, using credible sources.

Use words, phrases, and clauses to create cohesion and clarify the relationships among claims, counterclaims, reasons, and evidence.

Establish and maintain a formal style.

Provide a concluding statement or section that follows from and supports the argument presented.

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NOTICE OF PROPOSED AMENDMENT

Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.

Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information into broader categories as appropriate to achieving purpose; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

Develop the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples.

Use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts.

Use precise language and domain-specific vocabulary to inform about or explain the topic.

Establish and maintain a formal style and objective tone.

Provide a concluding statement or section that follows from and supports the information or explanation presented.

Ninth – Tenth Grade

Write arguments focused on discipline-specific content.

Introduce precise claims, distinguish the claims from alternate or opposing claims, and create an organization that establishes clear relationships among the claims, counterclaims, reasons, and evidence.

Develop claims and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claims and counterclaims in a discipline-appropriate form and in a manner that anticipates the audience's knowledge level and concerns.

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NOTICE OF PROPOSED AMENDMENT

Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claims and reasons, between reasons and evidence, and between claims and counterclaims.

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

Provide a concluding statement or section that follows from or supports the argument presented.

Write informative/explanatory texts, including the narration of historical events, scientific procedures/experiments, or technical processes.

Introduce a topic and organize ideas, concepts, and information to make important connections and distinctions; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.

Develop the topic with well-chosen, relevant, and sufficient facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.

Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among ideas and concepts.

Use precise language and domain-specific vocabulary to manage the complexity of the topic and convey a style appropriate to the discipline and context as well as to the expertise of likely readers.

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NOTICE OF PROPOSED AMENDMENT

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).

Eleventh – Twelfth Grade

Write arguments focused on discipline-specific content.

Introduce precise, knowledgeable claims, establish the significance of the claims, distinguish the claims from alternate or opposing claims, and create an organization that logically sequences the claims, counterclaims, reasons, and evidence.

Develop claims and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claims and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases.

Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claims and reasons, between reasons and evidence, and between claims and counterclaims.

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

Provide a concluding statement or section that follows from or supports the argument presented.

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Write informative/explanatory texts, including the narration of historical events, scientific procedures/experiments, or technical processes.

Introduce a topic and organize complex ideas, concepts, and information so that each new element builds on that which precedes it to create a unified whole; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.

Develop the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.

Use varied transitions and sentence structures to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.

Use precise language, domain-specific vocabulary and techniques such as metaphor, simile, and analogy to manage the complexity of the topic; convey a knowledgeable stance in a style that responds to the discipline and context as well as to the expertise of likely readers.

Provide a concluding statement or section that follows from and supports the information or explanation provided (e.g., articulating implications or the significance of the topic).

Production and Distribution of Writing

Sixth – Eighth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

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With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on how well purpose and audience have been addressed.

Use technology, including the internet, to produce and publish writing and present the relationships between information and ideas clearly and efficiently.

Ninth – Tenth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and display information flexibly and dynamically.

Eleventh – Twelfth Grade

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.

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Research to Build and Present Knowledge

Sixth – Eighth Grade

Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.

Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

Draw evidence from informational texts to support analysis reflection and research.

Ninth – Tenth Grade

Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the usefulness of each source in answering the research question; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and following a standard format for citation.

Draw evidence from informational texts to support analysis reflection, and research.

Eleventh – Twelfth Grade

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Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

Gather relevant information from multiple authoritative print and digital sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the specific task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.

Draw evidence from informational texts to support analysis, reflection, and research.

Range of Writing

Sixth – Eighth Grade

Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Ninth – Tenth Grade

Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Eleventh – Twelfth Grade

Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: 226.330 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule will ensure that students who require residential placements due to health and safety reasons are able to be immediately placed in a residential facility that is not ISBE-approved when all other options have been exhausted. The rules will ensure that reimbursement for such placements to Illinois school districts will not be a barrier to a student's immediate placement to ensure their continued receipt of a free and appropriate public education as required by law.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
226.50	Amendment	45 Ill. Reg. 12404; October 8, 2021
226.700	Amendment	45 Ill. Reg. 12404; October 8, 2021
226.800	Amendment	45 Ill. Reg. 12404; October 8, 2021
226.820	Amendment	45 Ill. Reg. 12404; October 8, 2021
226.840	Amendment	45 Ill. Reg. 12404; October 8, 2021
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

(217) 782-6510
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

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

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

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

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

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

SUBPART D: PLACEMENT

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

SUBPART E: DISCIPLINE

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

SUBPART F: PROCEDURAL SAFEGUARDS

Section	
226.500	Language of Notifications
226.510	Notification of Parents' Rights
226.520	Notification of District's Proposal
226.530	Parents' Participation
226.540	Consent
226.550	Surrogate Parents

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- 226.560 Mediation
226.570 State Complaint Procedures

SUBPART G: DUE PROCESS

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

SUBPART H: ADMINISTRATIVE REQUIREMENTS

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

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

SUBPART I: PERSONNEL

Section

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

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

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

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17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 25, 2020, as amended April 9, 2020, expired August 21, 2020; amended at 44 Ill. Reg. 14792, effective August 27, 2020; amended at 45 Ill. Reg. 1671, effective January 22, 2021; amended at 45 Ill. Reg. 3377, effective March 2, 2021; emergency amendment at 45 Ill. Reg. 11355, effective August 26, 2021, for a maximum of 150 days; emergency expired January 22, 2022; emergency amendment at 46 Ill. Reg. 3005, effective February 4, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

SUBPART D: PLACEMENT

Section 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities

When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child's needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, use of a State-operated program should be given first consideration. However, the district shall refer the child to the agency or facility which is most appropriate to the individual situation. This determination shall be based upon recent diagnostic assessments and other pertinent evidence and made in light of such other factors as proximity to the child's home. Evidence of a condition that presents a danger to the physical well-being of the student or to other students may be taken into consideration in identifying the appropriate placement for a particular child.

- a) When it appears that a child will require a placement pursuant to this Section, the IEP Team shall invite representatives of potential service providers to assist in identifying or verifying the appropriate placement for that child. If one or more needed representatives cannot attend, the district shall use other methods to ensure their participation.
- b) The local school district is responsible for ensuring implementation of the child's IEP and convening any needed IEP meetings, including the annual review. If the district allows a State-operated or nonpublic school to initiate and conduct the IEP meeting, the district must ensure that the parent and a representative of the district

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are invited to participate in any decision about the child's IEP and agree to any proposed changes in the program before the changes are implemented. The district remains responsible for the development and implementation of the child's IEP and for compliance with the requirements of this Part.

- c) Except for emergency placements made pursuant to subsection (g) or (i), no~~Ne~~ school district shall place any child in a nonpublic special education program, nor shall any such program accept placement of any child with a disability under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02], unless all the following conditions have been met.
- 1) The program has been approved by the State Board of Education pursuant to the criteria set forth in 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code) for the school year for which placement is sought.
 - 2) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.
 - 3) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code [105 ILCS 5/14-4.01].
 - 4) The program has been approved by the State Board of Education for all of the disability categories applicable to the student and requiring services pursuant to the IEP.
 - 5) The program has been approved by the State Board of Education for the age range that includes the age of the student.
 - 6) The district has determined that all educational programming and related services specified on the child's IEP will be provided to the student. The use of a facility or program pursuant to 23 Ill. Adm. Code 401 does not relieve the local school district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources.

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- 7) The school district and the facility have entered into the contractual agreement required by subsection (d) of this Section.
 - 8) The child will receive an education that meets the standards applicable to education provided by the school district.
- d) If a nonpublic school placement is chosen, the district and the facility shall enter into an agreement utilizing a format provided by the State Board of Education. The agreement shall provide for, but need not be limited to:
- 1) The child's IEP, as developed by the local school district;
 - 2) The amount of tuition that will be charged;
 - 3) Assurance that the special education staff of the placing school district may inspect the private facility and confer with the staff at reasonable times; and
 - 4) Assurances that the placement will result in no cost to parents.
- e) When a nonpublic facility is used, the school district shall be responsible for the payment of tuition and the provision of transportation as provided by Section 14-7.02 of the School Code. (See also Section 226.750(b) of this Part.)
- f) Each local school district shall be responsible for monitoring the performance of each State-operated or nonpublic facility where it has placed one or more eligible students, to ensure that the implementation of each IEP conforms to the applicable requirements of this Part.
- g) A school district may place a student in a nonpublic special education facility ("facility") providing educational services, but not approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or administrative rules, provided that the State Board of Education provides an emergency and student-specific approval for placement. The State Board of Education shall promptly, within 10 days of the request, approve requests for emergency and student-specific approval for placement when the following have been demonstrated to the State Board of Education:
- 1) The facility demonstrates appropriate certification of teachers for the

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student population;

- 2) The facility demonstrates age-appropriate curriculum;
 - 3) The facility provides enrollment and attendance data;
 - 4) The facility demonstrates the ability to implement the child's IEP; and
 - 5) The school district demonstrates that it made good faith efforts to place the student in an approved facility, but no approved facility has accepted the student or has availability for immediate placement of the student.
- h) Resident district financial responsibility and reimbursement under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] applies for both nonpublic special education facilities that are approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or administrative rules and nonpublic special education facilities that receive emergency and student-specific approval for placement by the State Board of Education pursuant to subsection (g).
- i) When an impartial due process hearing officer contracted by the State Board of Education orders placement of a student with a disability in a residential facility that is not approved by the State Board of Education, for purposes of subsection (g), the facility shall be deemed approved for placement and resident district payments and State reimbursements shall be made accordingly.
- j) Placement in a facility approved pursuant to subsection (g) or (i) may continue to be utilized so long as:
- 1) The student's IEP team determines annually such placement continues to be appropriate to meet the student's needs, and
 - 2) At least every 3 years following the student's placement, the IEP team reviews appropriate ISBE-approved facilities under 23 Ill. Adm. Code 401 to determine whether there are any approved facilities that can meet the student's needs, has accepted the student, and has availability for placement of the student.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Transitional Bilingual Education
- 2) Code Citation: 23 Ill. Adm. Code 228
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
228.10	Amendment
228.25	Amendment
228.30	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules seek to: (i) update the English language development standards reference to the 2020 version of the WIDA English Language Development Standards; (ii) correct the address and weblinks for all references to WIDA; (iii) add a new kindergarten screener for identifying English Learners and a subsequent sunset date for the current kindergarten screener, the WIDA MODEL; (iv) clean up obsolete assessment language that refers to actions taken “no later than September 1, 2010”; and (v) update language to reflect the agency’s recent adoption of the Illinois Spanish Language Arts Standards.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Azita Kakvand

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

(217) 782-6510
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 228

TRANSITIONAL BILINGUAL EDUCATION

Section

228.5	Purpose and Applicability
228.10	Definitions
228.15	Identification of Eligible Students
228.20	Student Language Classification Data
228.25	Program Options, Placement, and Assessment
228.27	Language Acquisition Services for Certain Students Exiting the Program
228.30	Establishment of Programs
228.35	Personnel Qualifications; Professional Development
228.40	Students' Participation; Records
228.50	Program Plan Approval and Reimbursement Procedures
228.60	Evaluation

AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code [105 ILCS 5/Art. 14C and 2-3.39(1)].

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at 17 Ill. Reg. 104, effective December 18, 1992; amended at 26 Ill. Reg. 898, effective January 15, 2002; amended at 27 Ill. Reg. 9996, effective June 20, 2003; amended at 30 Ill. Reg. 17434, effective October 23, 2006; amended at 34 Ill. Reg. 11581, effective July 26, 2010; amended at 35 Ill. Reg. 3735, effective February 17, 2011; amended at 35 Ill. Reg. 16870, effective September 29, 2011; amended at 37 Ill. Reg. 16803, effective October 2, 2013; amended at 38 Ill. Reg. 19757, effective September 29, 2014; amended at 39 Ill. Reg. 11125, effective July 23, 2015; emergency amendment at 41 Ill. Reg. 6687, effective May 24, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 12876, effective September 26, 2017; emergency amendment at 45 Ill. Reg. 4558, effective March 24, 2021, for a maximum of 150 days; emergency expired August 20, 2021; amended at 45 Ill. Reg. 13388, effective October 8, 2021; amended at 46 Ill. Reg. _____, effective _____.

Section 228.10 Definitions

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"English as a Second Language" or "ESL" means specialized instruction designed to assist students whose home language is other than English in attaining English language proficiency. ESL instruction includes skills development in listening, speaking, reading and writing. (ESL is not to be confused with English language arts as taught to students whose home language is English.)

"English Language Development Standards" means either the:

"English Language Development Standards Framework, 2020 Edition 2012 Amplification of English Language Development Standards Kindergarten-Grade 12" (~~2020~~2012) for students in kindergarten and grades 1 through 12 published by the Board of Regents of the University of Wisconsin System on behalf of the ~~World-class Instructional Design and Assessment (WIDA)~~ Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, Suite 785~~MD#23~~, Madison WI 53706 and posted at <https://wida.wisc.edu/teach/standards/eld/2020>~~http://wida.us/standards/eld.aspx~~ (no later amendments to or editions of these standards are incorporated); or

"Early English Language Development Standards Ages 2.5-5.5 2013 Edition" (2013) for students in preschool education programs published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, Suite 785~~MD#23~~, Madison WI 53706 and posted at <https://wida.wisc.edu/teach/early> ~~http://www.wida.us/standards/eeld.aspx~~ (no later amendments to or editions of these standards are incorporated).

"English Language Proficiency Assessment" means the ACCESS for ELLs[®] (WIDA Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, Suite 785~~MD#23~~, Madison WI 53706-~~(2006)~~).

"English Learners" means any student in preschool, kindergarten or any of grades 1 through 12, whose home language background is a language other than English and whose proficiency in speaking, reading, writing or understanding English is not yet sufficient to provide the student with:

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the ability to meet the State's proficient level of achievement on State assessments;

the ability to successfully achieve in classrooms where the language of instruction is English; or

the opportunity to participate fully in the school setting.

For the purposes of this Part, the terms "limited English proficient student" and "students with limited English proficiency", as used in Article 14C of the School Code, are understood to be "English learners".

"Home Language" means that language normally used in the home by the student and/or by the student's parents or legal guardians.

"Language Background other than English" means that the home language of a student in preschool, kindergarten or any of grades 1 through 12, whether born in the United States or born elsewhere, is other than English or that the student comes from a home where a language other than English is spoken by the student, the student's parents or legal guardians, or anyone who resides in the student's household.

"Preschool Program" means instruction provided to children who are ages 3 up to but not including those of kindergarten enrollment age as defined in Section 10-20.12 of the School Code [105 ILCS 5/10-20.12] in any program administered by a school district, regardless of whether the program is provided in an attendance center or a non-school-based facility.

"Prescribed Screening Instrument" means the:

WIDA Screener (2016) for students in the second semester of grade 1 or in grades 2 through 12 (WIDA [at the Consortium](#), Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, ~~MD#23~~, Madison WI 53706-~~1706~~) and accessible at:

<https://wida.wisc.edu/assess/screener>; ~~<https://www.wida.us/assessment/Screener/>~~; or

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WIDA Screener for Kindergarten (2020) for students in kindergarten or the first semester of grade 1 (WIDA at the Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, Madison WI 53706-1706); or

Through 2022-2023 school year, Measure of Developing English Language (MODEL™) (2008) for students in kindergarten or the first semester of grade 1 (WIDA at the ~~Consortium~~, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, ~~MD#23~~, Madison WI 53706-1706); or

If the State Superintendent determines that exigent circumstances exist due to an issue related to the health and safety of students, and, as a result of such circumstances, students are participating in remote learning, then the prescribed screening instrument shall be a provisional screener identified by the State Superintendent and posted at www.isbe.net. If the State Superintendent determines that an exigent circumstance no longer exists before the annual English Language Proficiency exam, then all students given the provisional screener shall be screened using either the WIDA Screener, WIDA Screener for Kindergarten, or the Measure of Developing English Language (MODEL™). If a student is provisionally screened and takes the annual English Language Proficiency Assessment before having an opportunity to take the WIDA Screener or the (MODEL™), then the scores of the annual English Language Proficiency Assessment will be serve as a prescribed screening instrument.

"Prescribed Screening Procedures" means the procedures that a school district determines to be appropriate to assess a preschool student's level of English language proficiency (minimally in the domains of speaking and listening), in order to determine whether the student is eligible to receive bilingual education services. The procedures may include, without limitation, established screening instruments or other procedures provided that they are research-based. Further, screening procedures shall at least:

Be age and developmentally appropriate;

Be culturally and linguistically appropriate for the children being screened;

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Include one or more observations using culturally and linguistically appropriate tools;

Use multiple measures and methods (e.g., home language assessments; verbal and nonverbal procedures; various activities, settings, and personal interactions);

Involve family by seeking information and insight to help guide the screening process without involving them in the formal assessment or interpretation of results; and

Involve staff who are knowledgeable about preschool education, child development, and first and second language acquisition.

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

"Sheltered Content Instruction" means instruction that is generally intended for English learners who demonstrate intermediate or advanced English proficiency and consists of adapting the language used in the particular subject to the student's English proficiency level to assist the student in understanding the content of the subject area and acquiring the knowledge and skills presented.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 228.25 Program Options, Placement, and Assessment**a) Program Options and Placement**

- 1) *When an attendance center has an enrollment of 20 or more English learners of the same language classification the school district must establish a transitional bilingual education (TBE) program for each language classification represented by those students. (Section 14C-3 of the School Code) (See Section 228.30(c) of this Part.) A further assessment of those students to determine their specific programmatic needs or for placement in either a full-time or a part-time program may be conducted. This subsection (a)(1) applies only to students enrolled in kindergarten or any of grades 1 through 12 in an attendance center.*

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- 2) *When an attendance center has an enrollment of 19 or fewer English learners of any single language classification other than English, the school district shall conduct an individual student language assessment to determine each student's need for home language instruction and may provide a transitional bilingual program in the languages other than English common to these students. If the district elects not to provide a transitional bilingual program, the district shall provide a locally determined transitional program of instruction (TPI) for those students. (Section 14C-3 of the School Code) (See Section 228.30(d) of this Part.) This subsection (a)(2) applies only to students enrolled in kindergarten or any of grades 1 through 12 in an attendance center.*
 - 3) *When a preschool program of the school district has an enrollment of 20 or more English learners of any single language classification other than English in an attendance center or a non-school-based facility, the school district shall establish a TBE program for each language classification represented by the students. If the preschool program of an attendance center or non-school-based facility has 19 or fewer English learners of any single language classification other than English, then the school district shall meet the requirements of subsection (a)(2) of this Section when determining placement and the program to be provided.*
- b) English Language Proficiency Assessment
- 1) *School districts must annually assess the English language proficiency, including aural comprehension (listening), speaking, reading, and writing skills, of all English learners in kindergarten and any of grades 1 through 12 (Section 14C-3 of the School Code) using the English language proficiency assessment prescribed by the State Superintendent of Education. This assessment shall be administered during a testing window designated by the State Superintendent, for the purpose of determining individual students' continuing need and eligibility for bilingual education services. The annual assessment shall be based on ~~the 2012 Amplification of~~ the English Language Development Standards Kindergarten-Grade 12 ~~(2012)~~, published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium, University of Wisconsin-Madison, 1025 West Johnson Street, MD #23, Madison WI 53706, and posted at <http://wida.us/standards/eld.aspx>. No later amendments to or*

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editions of these standards are incorporated by this Section.

- 2) The State Superintendent shall ~~determine and post on the State Board's website no later than September 1, 2010 the composite score and the literacy score that will be used to determine whether a student is identified as "proficient". Should the minimum scores be modified, the State Superintendent shall~~ inform school districts no later than July 1 of the scores to be used to determine whether a student is identified as "proficient" and modify the State Board's website accordingly.
 - A) Each student whose score on the English language proficiency assessment is identified as "proficient" shall exit the program of bilingual education services, subject to the provisions of Section 14C-3 of the School Code [105 ILCS 5/14C-3].
 - B) Each student whose score is identified as "proficient" in accordance with subsection (b)(2)(A) of this Section shall ~~no longer~~ be identified as a Former English learner.
- 3) Each student who is not enrolled in a program under this Part but who has been identified as an English learner shall be required to participate in the assessment each year until he or she achieves a "proficient" score.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 228.30 Establishment of Programs

- a) Administrative Provisions
 - 1) Program Facilities – Other than for preschool education programs, TBE and TPI programs *shall be located in regular public school facilities rather than in separate facilities.* (Section 14C-6 of the School Code [105 ILCS 5/14C-6]) If such a location is not feasible, the substitute location shall be comparable to those made available to a majority of the district's students with respect to space and equipment. If housed in a facility other than a public school (including a charter school), the school district shall provide a written explanation in its annual application to the State Superintendent of Education as to why the use of a public school building is not feasible.

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- 2) Course Credit – Students enrolled in approved programs shall receive full credit for courses taken in these programs, which shall count toward promotion and fulfillment of district graduation requirements. Courses in ESL shall count toward English requirements for graduation. Students who change attendance centers or school districts shall do so without loss of credit for coursework completed in the program.
 - 3) *Extracurricular Activities – Each district shall ensure that students enrolled in programs shall have the opportunity to participate fully in the extracurricular activities of the public schools in the district. (Section 14C-7 of the School Code [105 ILCS 5/14C-7])*
 - 4) Inclusion of Students Whose First or Home Language is English – Students whose first or home language is English may be included in a program under this Part provided that all English learners are served.
 - 5) Joint Programs – A school district may join with one or more other school districts to provide joint programs or services in accordance with the provisions of Section 10-22.31a of the School Code [105 ILCS 5/10-22.31a]. The designated administrative agent shall adhere to the procedures contained in 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) as they pertain to cooperative agreements.
 - 6) *Preschool and Summer School – A school district may establish preschool and summer school programs for English learners or join with other school districts in establishing these programs. Summer school programs shall not replace programs required during the regular school year. (Section 14C-11 of the School Code [105 ILCS 5/14C-11])* A school district that offers a summer school program or preschool program shall provide transitional bilingual education programs or transitional programs of instruction for English learners in accordance with Article 14C and this Part.
- b) Instructional Specifications
- 1) Student-Teacher Ratio – The student-teacher ratio in the ESL and home language components of programs serving students in kindergarten or any

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of grades 1 through 12 as of September 30 of each school year shall not exceed 90% of the average student-teacher ratio in general education classes for the same grades in that attendance center. Decreases in the ratio for general education during the course of a school year due to students' mobility shall not require corresponding adjustments within the bilingual program. Further, additional students may be placed into bilingual classes during the course of a school year, provided that no bilingual classroom may exhibit a student-teacher ratio that is greater than the average for general education classes in that grade and attendance center as a result of these placements. Preschool programs established pursuant to Section 2-3.71 of the School Code [105 ILCS 5/2-3.71] that provide bilingual education services shall meet the requirements of 23 Ill. Adm. Code 235.30 (Early Childhood Block Grant) rather than the requirements of this subsection (b)(1).

- 2) Grade-Level Placement – *Students enrolled in a program of transitional bilingual education shall be placed in classes with students of approximately the same age or grade level, except as provided in subsection (b)(3). (Section 14C-6 of the School Code)*
- 3) Multilevel Grouping – *If students of different age groups or educational levels are combined in the same class, the school district shall ensure that the instruction given each student is appropriate to his/her age or grade level. (Section 14C-6 of the School Code)* Evidence of compliance with this requirement shall be:
 - A) individualized instructional programs; or
 - B) grouping of students for instruction according to grade level.
- 4) Beginning with the ~~2012-13~~ 2022-2023 school year, instruction in Spanish language arts, where provided under subsection (c) or (d) of this Section, shall be aligned to the Illinois Spanish Language Arts standards that are appropriate to the ages or grade levels of the students served, which are set forth in 23 Ill. Adm. Code 1. the document titled "World-Class Instructional Design and Assessment: Spanish Language Arts Standards" (2005), published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium, University of Wisconsin-Madison, 1025 West Johnson Street, MD #23, Madison WI 53706, and

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~~posted at <http://wida.us/standards/sla.aspx>. No later amendments to or editions of these standards are incorporated by this Section.~~

- 5) Language Grouping – School districts may place English learners who have different home languages in the same class, provided that, in classes taught in the home language:
 - A) instructional personnel or assistants representing each of the languages in the class are used; and
 - B) the instructional materials are appropriate for the languages of instruction.
- 6) Program Integration – *In courses of subjects in which language is not essential to an understanding of the subject matter, including, but not necessarily limited to, art, music, and physical education, English learners shall participate fully with their English-speaking classmates.* (Section 14C-7 of the School Code)
- c) Specific Requirements for Transitional Bilingual Education (TBE) Programs
 - 1) Each full-time TBE program shall consist of at least the following components (Section 14C-2 of the School Code):
 - A) *Instruction in subjects which are either required by law (see 23 Ill. Adm. Code 1) or by the student's school district, to be given in the student's home language and in English; core subjects such as math, science and social studies must be offered in the student's home language, except as otherwise provided in subsection (c)(3);*
 - B) *Instruction in the language arts in the student's home language;*
 - C) *Instruction in English as a second language, which must align to the applicable English language development standards set forth in Section 228.10; and*
 - D) *Instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.*

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- 2) Programs may also include other services, modifications, or activities such as counseling, tutorial assistance, learning settings, or special instructional resources that will assist English learners in meeting the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D) and for preschool programs established pursuant to Section 2-3.71 of the School Code, the Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age (see 23 Ill. Adm. Code 235, Appendix A).
- 3) Beginning September 1, 2013, students may be placed into a part-time program, or students previously placed in a full-time program may be placed in a part-time program, in accordance with the requirements of this subsection (c)(3) and only when the placement is instructionally beneficial for the student.
 - A) If an assessment of the student's English language skills has been performed in accordance with the provisions of either Section 228.15(e) or Section 228.25(b) and the assessment results indicate that the student has sufficient proficiency in English to benefit from a part-time program.
 - i) Evidence of sufficient proficiency shall be achievement of the minimum score to be used for this purpose set by the State Superintendent either on the prescribed screening instrument required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b). The State Superintendent shall inform districts of the minimum score to be used for the prescribed screening instrument or the English language proficiency assessment, and post the minimum score on the State Board's website. Should the minimum score be modified, the State Superintendent shall inform school districts no later than July 1 of the scores to be used and modify the State Board's website accordingly.
 - ii) Preschool programs shall use as evidence of sufficient proficiency either a minimum score for an established screening instrument or a minimum level of performance documented through established screening procedures.

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- B) If the student's score either on the prescribed screening instrument required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b) is below the minimum identified pursuant to subsection (c)(3)(A), the student may be placed in a part-time program only if one of the following conditions is met and the placement is instructionally beneficial for the student.
- i) **Native Language Proficiency**
A native language proficiency test documents that the student has minimal or no proficiency in the home language and a parent provides written confirmation that English is the primary language spoken in the home.
 - ii) **Academic Performance in Subjects Taught in English**
Any student whose student grades, teacher recommendations and State or local assessment results in the previous school year indicate that the student has performed at or above grade level in one or more core subject areas (i.e., reading, English language arts, mathematics, physical sciences, social sciences) that were taught exclusively in English.
 - iii) **Academic Performance**
Any student in a departmentalized setting whose student grades, teacher recommendations and State or local assessment results in the previous school year indicate that the student has performed at or above grade level in at least two core subject areas that were taught in a U.S. school in the student's native language or via sheltered instruction in English.
 - iv) **Students with Disabilities**
Any student with a disability whose Individualized Education Program developed in accordance with 23 Ill. Adm. Code 226.Subpart C identifies a part-time transitional bilingual education program as the least restrictive environment for the student.

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- v) **Limited Native Language Instruction**
The use of native language instruction for a student whose native language has no written component or one for which written instructional materials are not available and cannot be developed may be limited to those components that exist in the language or to those components for which materials are available. Oral native language instruction or support should be provided based on the student's needs. School districts shall maintain evidence of their attempts to secure written instructional materials, as applicable, and present that evidence to the State Board staff upon request.
- C) A part-time program shall consist of components of a full-time program that are selected for a particular student based upon an assessment of the student's educational needs. Each student's part-time program shall provide daily instruction in English and in the student's home language as determined by the student's needs.
- 4) *Parent and Community Participation – Each district or cooperative shall establish a parent advisory committee consisting of parents, legal guardians, transitional bilingual education teachers, counselors, and community leaders.* This committee shall participate in the planning, operation, and evaluation of programs. The majority of committee members shall be parents or legal guardians of students enrolled in these programs. Membership on this committee shall be representative of the languages served in programs to the extent possible. (Section 14C-10 of the School Code [105 ILCS 5/14C-10])
 - A) The committee shall:
 - i) meet at least four times per year;
 - ii) maintain on file with the school district minutes of these meetings;
 - iii) review the district's annual program application to the State Superintendent of Education; and

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- iv) *autonomously carry out their affairs, including the election of officers and the establishment of internal rules, guidelines, and procedures.* (Section 14C-10 of the School Code)
- B) Each district or cooperative shall ensure that training is provided annually to the members of its parent advisory committee. This training shall be conducted in language that the parent members can understand and shall encompass, but need not be limited to, information related to instructional approaches and methods in bilingual education; the provisions of State and federal law related to students' participation and parents' rights; and accountability measures relevant to students in bilingual programs.
- d) Specific Requirements for Transitional Program of Instruction (TPI)
 - 1) Program Structure – The level of a student's proficiency in English, as determined by an individual assessment of the student's language skills on the basis of either the prescribed screening instrument or procedures, as applicable, required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b) in conjunction with other information available to the district regarding the student's level of literacy in his or her home language, will determine the structure of the student's instructional program.
 - 2) Program Components – A transitional program of instruction must include instruction or native language support in the student's home language to the extent necessary, as determined by the district on the basis of the prescribed screening instrument or procedures, as applicable, required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b), to enable the student to keep pace with his/her age or grade peers in achievement in the core academic content areas. A transitional program of instruction shall include instruction in ESL, which must align to the applicable English language development standards set forth in Section 228.10. A transitional program of instruction also may include, but is not limited to:
 - A) language arts in the students' home language; and

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- B) instruction in the history and culture of the country, territory, or geographic area that is the native land of the students or of their parents and in the history and culture of the United States.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Special Education Facilities Under Section 14-7.02 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 401
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
401.5	Amendment
401.10	Amendment
401.110	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-7.02
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules will ensure that students who require residential placements due to health and safety reasons are able to be immediately placed in a residential facility that is not ISBE-approved when all other options have been exhausted. The rules will ensure that reimbursement for such placements to Illinois school districts will not be a barrier to a student's immediate placement to ensure their continued receipt of a free and appropriate public education as required by law.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
401.240	Amendment	45 Ill. Reg. 12450; October 8, 2021
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

(217) 782-6510
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401

SPECIAL EDUCATION FACILITIES UNDER

SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section

401.2	Regulatory Intent
401.5	Definitions
401.10	Application for Eligibility
401.20	Notification Requirements
401.30	Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section

401.110	Use by Public School Districts
401.120	Placement Procedures
401.130	Operating Schedule
401.140	Provision of Educational Program
401.145	Administration of State Assessment
401.150	Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section

401.210	General Requirements
401.220	Health and Safety Requirements
401.230	Student Progress Reports and Reviews
401.240	Staffing Requirements
401.250	Staff Training
401.260	Staff Records
401.270	Student Records
401.280	Fiscal Provisions

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AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at 19 Ill. Reg. 7185, effective May 10, 1995; amended at 30 Ill. Reg. 8818, effective April 25, 2006; amended at 31 Ill. Reg. 14050, effective September 24, 2007; emergency amendment at 32 Ill. Reg. 4843, effective March 21, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 9764, effective June 17, 2008; suspension withdrawn at 32 Ill. Reg. 13093, effective July 16, 2008; emergency amendments repealed by emergency rulemaking at 32 Ill. Reg. 13079, effective July 16, 2008, for the remainder of the 150 days; amended at 33 Ill. Reg. 15285, effective October 20, 2009; amended at 39 Ill. Reg. 14758, effective October 22, 2015; amended at 42 Ill. Reg. 6471, effective March 21, 2018; emergency amendment at 45 Ill. Reg. 3691, effective March 3, 2021, for a maximum of 150 days; emergency expired July 30, 2021; emergency amendment at 45 Ill. Reg. 11407, effective August 26, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 14968, effective November 10, 2021; emergency expired January 22, 2022; emergency amendment at 46 Ill. Reg. 3016, effective February 4, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: APPROVAL OF PROGRAMS

Section 401.5 Definitions

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

"Combination Program" is one that includes both educational and residential services.

"Educational Program" is one that consists of special education and related services intended to meet the specific needs of the unique populations served.

"Facility" is the physical premises where a provider offers services.

"IEP Team" has the meaning ascribed in 34 CFR 300.23.

"Imminent Danger" is an act committed when the life or health of a child is knowingly or blatantly disregarded by causing a real, significant or impending

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risk of harm; permitting the life or health of the student with a disability (as defined in the Individuals with Disabilities Education Act (20 ~~U.S.C.~~^{USC} 1400 et seq.)) to be threatened; or causing or permitting a child to be placed in circumstances that endanger the student's life or health.

"Individualized Education Program" or "IEP" is a written statement for a student with a disability that conforms to the requirements of 34 CFR 300.320 and, for Illinois students, meets the requirements of 23 Ill. Adm. Code 226.230 (Content of the IEP).

"Individual Student Aide (noninstructional duties)" shall have the meaning ascribed in 23 Ill. Adm. Code 226.860.

"Paraprofessional Educator" or "Paraprofessional" shall have the meaning ascribed in 23 Ill. Adm. Code 226.860.

"Professional Staff" means administrators, supervisors, teachers and providers of related services, appropriately licensed in accordance with 23 Ill. Adm. Code 25 or 226.800 or Section 401.240 of this Part, who either provide or direct the provision of special education or related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of those special education or related services. Facilities located outside the State of Illinois shall provide evidence of professional licensure/certification granted by their respective state licensing agencies for all employed personnel. The qualifications of each position shall be reviewed by the State Board to ensure comparability to the qualifications of Illinois personnel established by regulation and/or law. Professional staff does not include persons providing services other than special education and related services specified in the IEP or whose duties are limited to assisting professional staff.

"Program" is a set of educational and/or residential services, with professional staff to meet specific needs of the unique population served.

"Programmatic Outcomes" are evidence of progress towards goals established by the program and are intended to demonstrate continuous program improvement. The provider shall not only establish goals for itself, but additionally collect/analyze data for enrolled students with disabilities, in alignment with these self-established goals. Further, this information shall be shared with the State Board of Education and with contracting districts, so that the nature of future

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technical assistance to the provider can be determined and to promote transparency.

"Provider" is any organization that offers special education and/or residential services to students with disabilities under contract with one or more Illinois public school districts and pursuant to Section 14-7.02 of the School Code. A provider under this Part does not include an organization providing emergency and student-specific placements pursuant to 23 Ill. Adm. Code 226.330(g) or (i).

"Related Services" has the meaning ascribed in 23 Ill. Adm. Code 226.75 (special education).

"SBE Approved" or "SBE Approval" means approval of a program in accordance with this Part.

"School Code" means 105 ILCS 5.

"Special Education" has the meaning ascribed in 23 Ill. Adm. Code 226.75.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code shall be subject to the SBE approval process described in this Section. The provider shall be a nonpublic special education program designed to serve students with disabilities. In accordance with 23 Ill. Adm. Code 226.330 (Placement by School District in State-Operated or Nonpublic Special Education Facilities), SBE approved nonpublic special education programs shall provide a highly specialized option for public school districts to use when an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet the student's needs. SBE approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by public school districts to serve students with disabilities under Section 14-7.02 of the School Code, except for facilities used for emergency and student-specific placements pursuant to 23 Ill. Adm. Code 226.330(g) or (i).

- a) An application for initial SBE approval of educational programs and/or residential

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programs, presented on forms supplied by the State Superintendent and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Each application shall include the following:

- 1) An accurate, written description of each program for which SBE approval is requested shall include the following:
 - A) The disability categories and ages of students with disabilities for whom it is specifically intended;
 - B) The purpose and scope of the provider and its specific program services;
 - C) The data that will be collected on the programmatic outcomes achieved by those students, which shall reflect the students' learning goals as described in their respective IEPs;
 - D) The maximum number of students the program is intended to accommodate; and
 - E) A description of the program's philosophy and methodology behind working towards reintegrating students into the general education environment and/or supporting students towards the least restrictive environment.
- 2) A written plan for the administration and organization of the programs, including, but not limited to, the following:
 - A) A plan for the allocation of space solely for program purposes; and
 - B) An organizational chart that reflects the provider's governance, administrative and educational structures.
- 3) The provider's proposed calendar for the program for which approval is sought shall meet the following requirements:
 - A) Regular School Year
Each provider's operating schedule shall include at least 176 days of student attendance for at least 5 instructional hours per school

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day during the regular school year. Related services listed in the student's IEP are included in meeting the instructional hour requirement. Instructional hours shall not include lunch, passing time or recess, unless otherwise specified by the individual student's IEP. A provider may have two full day parent/teacher conferences. This option reduces the required number of student days to 174. This subsection (a)(3)(A) will be effective beginning with the 2020-2021 school year.

B) Educational ~~Programming~~~~Programing~~ Outside of the Regular School Year

If ~~programming~~~~programing~~ takes place and is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. ~~Programming~~~~Programing~~ operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state. This subsection (a)(3)(B) will be effective beginning with the 2020-2021 school year.

- 4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 36 months old at the time the application is approved, or, if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which shall indicate violations, or, as applicable, the following:
 - A) For an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code; or
 - B) For an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or, if there is no state fire code, the applicable local fire code, clearly identifying the issuing authority.
- 5) The Application for Nonpublic Programs, provided by the State Board of Education, includes a Statement of Assurances that requires the signature

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of the facility's chief administrator acknowledging that the program is in compliance with the following laws and regulations:

A) Federal Laws

- i) Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911)
- ii) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681)
- iii) Age Discrimination in Employment Act of 1967 (29 U.S.C. 621)
- iv) Individuals with Disabilities Education Act (20 U.S.C. 1400)
- v) Americans With Disabilities Act of 1990 (42 U.S.C. 12101)
- vi) Titles IV and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

B) State Laws and Regulations

- i) Administrative Hearings [5 ILCS 100/Art. 10]
- ii) Provisions of the School Code [105 ILCS 5/2-3.64a-5, 3-14.21, 10-20.14b, 10-22.21b, 10-21.4a, 14-4.01 and 14-7.02]
- iii) Illinois School Student Records Act [105 ILCS 10]
- iv) Uniform Conviction Information Act [20 ILCS 2635]
- v) Sex Offender Community Notification [730 ILCS 152]
- vi) Certification of Information to Licensing Agencies [305 ILCS 5/10-17.6]

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- vii) Illinois Murderer and Violent Offender Against Youth Registry [730 ILCS 154/85]
 - viii) Illinois Human Rights Act [775 ILCS 5]
 - ix) Public Works Employment Discrimination Act [775 ILCS 10]
 - x) Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1.30, 1.50, 1.280 and 1.285)
 - xi) Educator Licensure (23 Ill. Adm. Code 25.510)
 - xii) Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180)
 - xiii) Special Education (23 Ill. Adm. Code 226)
 - xiv) Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)
 - xv) Illinois Purchased Care Review Board (89 Ill. Adm. Code 900)
- 6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure, certification or approval by the responsible agency of Illinois government. The requirements of this subsection (a)(6) shall apply to contractual agreements for placements entered into on or after July 1, 2018. Nothing in this subsection (a)(6) shall be construed to disrupt, impact or nullify current contractual agreements for placements unless the IEP team determines another placement is more appropriate or the student reaches an age at which he or she is no longer eligible for services under the IEP.
- 7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state. If the

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state in which the facility is located does not regulate the program, the program is ineligible for SBE approval. The requirements of this subsection (a)(7) shall apply to contractual agreements for placements entered into on or after July 1, 2018. Nothing in this subsection (a)(7) shall be construed to disrupt, impact or nullify contractual agreements for placements in effect on or before June 30, 2018. A sibling of a student who is placed pursuant to a contractual agreement in place on or before June 30, 2018 who is also served under Section 14-7.02 of the School Code may be placed at the same facility after July 1, 2018 if the sibling's IEP team determines that is the most appropriate placement.

- 8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions that demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 in order to operate the program.
 - 9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.
 - 10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider's formalized approach to the use of these interventions, subject to the limitation stated in Section 401.140(a). Starting with the 2019-2020 school year, providers utilizing disciplinary or behavioral techniques and/or interventions prohibited in Illinois are not eligible for approval in Illinois, except as otherwise provided in Section 14-7.02 of the School Code.
- b) Upon submission of an initial application for an educational or combination program, the provider will be required to complete a scheduled nonpublic special education orientation. The orientation shall be completed prior to a final determination being made on the application. Providers that have completed a compliance monitoring review that yielded no findings within the last five years are exempt from orientation.
 - c) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board of Education staff shall conduct an on-site review

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and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part and recommending approval or disapproval of the programs.

- 1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if the following conditions are satisfied:
 - A) The educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;
 - B) The residential component, if any, is regulated by the responsible agency in the state where the facility is located; and
 - C) The application provides evidence that the requirements of Section 410.140 will be met.
 - 2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency may be visited by a representative of the State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.
- d) A program determined to comply with this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.
- 1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30.
 - 2) A program shall serve only the specific student demographics described in

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the approved application. All program changes or additions to disability categories or services, age range service, or changes in location shall be approved in a manner prescribed by the State Superintendent prior to that change or addition being made.

- e) An initial application that does not meet the requirements of this Part shall be provided with a notice of the specific deficiencies. If the deficiencies have not been remedied in their entirety within one year after receipt of the notice, the provider shall receive a denial of its application.
- f) An application for renewal of SBE approval, consisting of all the components set forth in subsection (a), shall be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the March 15 prior to the beginning of the school year in question. If March 15 is not a business day, the deadline shall fall on the next business day. The SBE approval process for any subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent.
 - 1) The denial of an application for renewal of SBE approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c).
 - 2) Renewed approval generally shall be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30. The first renewal of SBE approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by Public School Districts

Each public school district shall be responsible for monitoring the performance of each program where its students are placed, to ensure that the implementation of each student's IEP conforms to the applicable requirements of all applicable federal and State laws and regulations, including,

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but not limited to, 23 Ill. Adm. Code 226 (Special Education). Contracting with a program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. In addition, except for emergency and student-specific placements made pursuant to 23 Ill. Adm. Code 226.330(g) or (i), no public school district shall place any student in a special education program that is subject to the requirements of this Part, nor shall the provider of any program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met:

- a) The program has been SBE approved for the school year for which placement is sought;
- b) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code;
- c) The district has made the certification of inability to meet the student's needs to the State Superintendent, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code;
- d) The program has been SBE approved for all of the categories of impairment applicable to the student and requiring services as identified in the IEP;
- e) The program has been SBE approved for the age range that includes the age of the student;
- f) The district has determined that educational programming and related services specified on the student's IEP will be provided to the student. The use of a facility or program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources; and
- g) The district and the provider have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.330.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Transmitters of Money Act
- 2) Code Citation: 38 Ill. Adm. Code 205
- 3) Section Number: 205.35 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 40 of the Transmitters of Money Act, a licensee must submit its audited financial statement to the Department no later than 120 days after the end of the licensee's fiscal year. The timing of the fiscal year differs by licensee and is not mandated by statute. The proposed amendment would allow the Department to charge a penalty fee if the audited financial statements were not provided within the deadline. The current rule provides that a failure to submit financial statements required by Section 40 of the Act will result in a penalty fee of \$50 per day for each day after December 1st during which the statement is not provided unless an extension of time has been applied for and approved prior to December 1st. This wording creates confusion and in effect prevents the Department from charging a penalty fee until the audited financial statements are due, and the date is on or after December 1st, which is the date by which TOMA licensees must apply to renew their licenses.
- 6) Published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
 - 54 professional, scientific and technical services
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 205

TRANSMITTERS OF MONEY ACT

Section

205.10	Average Daily Balance
205.20	Authorized Sellers
205.30	Examinations
205.35	Fees
205.40	Revocation or Suspension of License
205.50	Reports/Documents

AUTHORITY: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657].

SOURCE: Adopted at 20 Ill. Reg. 5811, effective April 8, 1996; amended at 26 Ill. Reg. 14261, effective October 1, 2002; amended at 44 Ill. Reg. 18575, effective November 5, 2020; amended at 46 Ill. Reg. _____, effective _____.

Section 205.35 Fees

- a) Pursuant to Section 45(b) of the Transmitters of Money Act [205 ILCS 657] (Act), the fees outlined in Section 45(a) of the Act are amended as follows:
- 1) Application Fee. For applying for a license, an application fee of \$2,500 and a license fee of \$0.
 - 2) Renewal Fee. For renewal of a license, a fee will be calculated based on the total dollar volume of transactions, including transactions by authorized sellers, reported, pursuant to Section 40(4) of the Act, by the licensee in its annual renewal application. The renewal fee shall be calculated in the following manner based on the licensee's reported Illinois volume:

Transactions of \$1,000,000 or less	\$1,000 renewal fee
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Transactions over \$1,000,000 but less than \$10,000,000	\$1,000 plus an additional amount equal to a rate of .0004 for each dollar in volume more than \$1,000,000 but less than \$10,000,000
Transactions over \$10,000,000 but less than \$100,000,000	\$4,600 plus an additional amount equal to a rate of .0002 for each dollar in volume more than \$10,000,000 but less than \$100,000,000
Transactions over \$100,000,000	\$22,600 plus an additional amount equal to a rate of .0001 for each dollar in volume more than \$100,000,000 up to a maximum fee of \$50,000

- 3) For process or other notice served upon the Director as provided by Section 100 of the Act, a fee of \$10.
- 4) For an application for renewal of a license received by the Department after December 1, a penalty fee of \$50 per day for each day after December 1, in addition to any other fees required under this Section, unless an extension of time has been applied for and approved prior to December 1.

b) For failure to submit financial statements required by Section 40 of the Act, a penalty fee of \$50 per day for each day after the date the financial statements are required to be submitted to the Department (120 days after the end of the licensee's fiscal year), unless an extension of time has been applied for and approved prior to the date financial statements are due.

- 5) ~~For failure to submit financial statements required by Section 40 of the Act, a penalty fee of \$50 per day for each day after December 1 the statement is not provided, unless an extension of time has been applied for and approved prior to December 1.~~

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- cb) Unless otherwise indicated by the Act, these fees shall be nonrefundable. All moneys received by the Department under the Act shall be deposited into the Financial Institution Fund.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1220.10	Amendment
1220.100	Amendment
1220.120	Amendment
1220.155	Amendment
1220.157	New Section
1220.160	Amendment
1220.220	Amendment
1220.260	Amendment
1220.350	Amendment
1220.401	New Section
1220.402	New Section
1220.415	Amendment
1220.441	Amendment
1220.510	Amendment
1220.520	Amendment
1220.560	Amendment
- 4) Statutory Authority: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments would create three new sections within the rules, as well as modify existing language to update and provide clarification for the Department and licensees. The three new sections include: Temporary Permit for Free Dental Care, which is an update to the Act beginning January 1, 2022; On-Site Emergency Kits for General Practice; and a section on Telehealth. Updates within these amendments also include changing “WREB” throughout the rules to “CDCA-WREB,” its new name; updating the rules pertaining to anesthesia; and adding some language to a few sections throughout to help clarify certain items with which the Department and Board had previously found issues in practice. These amendments will help the Department, as well as applicants and licensees, to more properly and efficiently function under the Dental Practice Act. The new proposed sections, namely the sections regarding Temporary Permit for Free Dental Care and Telehealth are sections added per statutory requirement. The section titled, “Temporary

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Permit for Free Dental Care” is directly derived from new legislation passed in 2021 that goes into effect January 1, 2022. The updates and clarifications made within these amendments will reduce regulatory burdens by making applying and renewing easier on the Department, and professionals as well.

- 6) Published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed dentists, dental hygienists, and dental specialists may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
 - 54 professional, scientific and technical services
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the last two regulatory agendas.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section

1220.10	Definitions
1220.100	Application for Licensure
1220.110	Application for Examination (Repealed)
1220.120	Dental Examinations
1220.130	System of Retaking the Clinical Sections of the Examination (Repealed)
1220.140	Minimum Standards for an Approved Program in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.157	Temporary Permit for Free Dental Care
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section

1220.200	Application for Licensure
1220.210	Application for Examination (Repealed)
1220.220	Dental Hygiene Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination (Repealed)
1220.240	Prescribed Duties for Dental Hygienists
1220.245	Prescribed Duties of Dental Assistants
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

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Section

1220.310	Applications
1220.320	Examination (Repealed)
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates (Repealed)
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

1220.380	Definitions
1220.400	Reportable Diseases and Conditions
<u>1220.401</u>	<u>On-Site Emergency Kits for General Practice</u>
<u>1220.402</u>	<u>Telehealth</u>
1220.403	Dentists Administering Flu Vaccines
1220.405	Reporting of Adverse Occurrences
1220.406	Impaired Dentist and Dental Hygienist Program of Care, Counseling or Treatment
1220.407	Death or Incapacitation of Dentist
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section

1220.500	Definitions
1220.505	Minimal Sedation in the Dental Office Setting
1220.510	Moderate Sedation (Conscious Sedation) in the Dental Office Setting
1220.520	Deep Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology (Repealed)

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1220.550 Reporting of Adverse Occurrences (Repealed)
1220.560 Restoration of Permits

1220.APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)
1220.APPENDIX B Dental Assistant Permitted Procedures (Repealed)
1220.APPENDIX C Dental Hygienist Permitted Procedures (Repealed)
1220.APPENDIX D Characteristics of Levels of Anesthesia

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 23 Ill. Reg. 7294, effective June 10, 1999; amended at 24 Ill. Reg. 13992, effective August 31, 2000; amended at 25 Ill. Reg. 10901, effective August 13, 2001; amended at 26 Ill. Reg. 18286, effective December 13, 2002; amended at 30 Ill. Reg. 8574, effective April 20, 2006; emergency amendment at 30 Ill. Reg. 12999, effective July 18, 2006, for a maximum of 150 days; emergency expired December 14, 2006; amended at 30 Ill. Reg. 19656, effective December 18, 2006; amended at 34 Ill. Reg. 7205, effective May 5, 2010; amended at 38 Ill. Reg. 15907, effective July 25, 2014; amended at 40 Ill. Reg. 12553, effective September 2, 2016; amended at 46 Ill. Reg. _____, effective _____.

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SUBPART A: DENTIST

Section 1220.10 Definitions

"AAOMS" means the American Association of Oral and Maxillofacial Surgeons.

"ACLS" means Advanced Cardiac Life Support.

"Act" means the Illinois Dental Practice Act [225 ILCS 25].

"AMP Exam" means the national Anatomy, Morphology, and Physiology exam administered by DANB.

"BLS" means current basic life support certification intended for healthcare providers that includes evaluation of hands-on skills and a written exam.

"Board" means the Board of Dentistry authorized by Section 6 of the Act.

"CDCA-WREB" means the Commission on Dental Competency Assessments and Western Regional Examining Board.

"CITA" means the Counsel of Interstate Testing Agencies, Inc.

"CODA" means Commission on Dental Accreditation of the American Dental Association.

"CRDTS" means the Central Regional Dental Testing Service.

"DANB" means Dental Assisting National Board, Inc.

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

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

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"IS Exam" means the national exam on oral cavity isolation techniques administered by DANB.

"JCNDE" or "Joint Commission" means the Joint Commission on National Dental Examinations.

"LLC" means limited liability company, as defined in Section 1-5 of the Limited Liability Company Act [805 ILCS 180].

"NERB" means the North East Regional Board.

"PALS" means Pediatric Advanced Life Support.

"RF Exam" means the national Restorative Functions exam administered by DANB.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"SRTA" means the Southern Regional Testing Agency, Inc.

~~"WREB" means the Western Regional Examining Board.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Division that shall include:

- a) For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a dental program specified in Section 1220.140.
- b) For graduates from a dental college or school outside of the United States or Canada:
 - 1) Certification of graduation from a dental college or school; and

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- 2) Clinical Training
 - A) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of general dental clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of general dental clinical training shall consist of:
 - i) 2850 clock hours completed in 2 academic years for full-time applicants; or
 - ii) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
 - B) In the alternative, certification, from the program director of an accredited advanced dental education program approved by the Division, of completion of no less than 2 academic years may be substituted for the 2 academic years of general dental clinical training. The accredited advanced dental education program must have sufficient clinical and didactic training. An advanced dental education clinical program in Prosthodontics is acceptable under this Part;
- c) The required fee set forth in Section 1220.415(a)(1).
- d) Proof of successful completion of the Theoretical examination given by JCNDE. The passing score shall be determined by JCNDE. The National Board Certificate must be mailed to the Division by JCNDE.
- e) Proof of successful completion of an examination set forth in Section 1220.120(a).
- f) Certification, on forms provided by the Division, from the state in which an applicant was originally licensed and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that state, including

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the date of the original issuance of the license; and

- 2) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.120 Dental Examinations

- a) The Division shall accept the following examinations for licensure if administered and passed in their entirety (which includes passage of the restorative, periodontal, prosthodontic and endodontic portions of the examination):
 - 1) NERB Examination, with a passing score established by the testing entity;
 - 2) CRDTS Examination, with a passing score established by the testing entity;
 - 3) SRTA Examination, with a passing score established by the testing entity;
 - 4) ~~CDCA-WREB~~ ~~WREB~~ Examination, with a passing score established by the testing entity; or
 - 5) CITA Examination, with a passing score established by the testing agency.
- b) Retake requirements shall be that of the testing entity.
- c) The applicant shall have the examination scores submitted to the Division directly from the reporting entity.
- d) The Division will accept only examinations that have been completed in the 5 years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.155 Restricted Faculty Licenses

- a) Pursuant to Section 11(d) of the Act, the Division shall issue a Restricted Faculty

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License to an individual who is currently licensed in another jurisdiction as a dentist and who files an application, on forms provided by the Division, that includes:

- 1) Certification of licensure from the jurisdiction of original licensure and current licensure;
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
 - B) Whether the files of the jurisdiction contain any record of disciplinary action taken or pending;
 - 2) A certification, on forms provided by the Division, signed by the Dean of the school or hospital administrator, indicating:
 - A) The name and address of the dental school or hospital;
 - B) The beginning and ending date of the appointment;
 - C) The nature of and the need for the educational service that will be provided by the applicant;
 - 3) The required fee set forth in Section 1220.415(a)(7).
- b) The restricted faculty license shall be valid for 3 years from the date of issuance and may be renewed in accordance with subsection (e).
 - c) The holder of a restricted faculty license may perform acts as may be required by his or her teaching of dentistry and may practice general dentistry or in his/her area of specialty, including ordering, prescribing and administering controlled substances, but only in a hospital clinic or office affiliated with the dental school. A restricted faculty license holder may apply for and obtain a controlled substances license.
 - d) Any restricted faculty license and controlled substances license issued to a faculty member shall be terminated immediately and automatically without any further action by the Division if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

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- e) Renewal
- 1) Beginning with the September 30, 2021 renewal, every restricted faculty license issued under the Act shall expire on September 30 every 3 years. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 1220.415(b) and providing the following:
~~Application for renewal of a restricted faculty license shall be made on forms supplied by the Division at least 30 days prior to expiration of the license. The application shall include:~~
 - A) Certification from the Dean of a dental program or the administrator of the hospital indicating the term of the renewal contract, not to exceed 3 years from the date of the original expiration date; and
 - B) Certification from the jurisdiction of current licensure indicating the current status of the license. ~~;~~ and
 - ~~C) The fee set forth in Section 1220.415(b).~~
 - 2) Failure to renew a restricted faculty license at least 30 days prior to its expiration shall result in the license expiring. A new application must be submitted.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.157 Temporary Permit for Free Dental Care

- a) A person seeking a Temporary Permit for Free Dental Care pursuant to Section 19.2 of the Act shall file an application on forms provided by the Division, that includes:
- 1) Certification of licensure in the original jurisdiction and from any jurisdiction where the applicant has been practicing for at least one (1) year, stating:

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- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
 - 2) Certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school that meets the minimum education standards of the Division specified in Section 1220.140;
 - 3) Certification of licensure in another jurisdiction in which the applicant is currently licensed, stating, if applicable:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;
 - 4) A collaborative agreement with an Illinois licensed dentist;
 - 5) Formal invitation to perform dental care by a charitable organization or a formal invitation to study or receive training on specific dental or clinical subjects or techniques by a licensed CE sponsor approved by the Department;
 - 6) The fee as required under 1220.415.
- b) A continuing education sponsor seeking a license to provide live patient continuing education clinical training courses pursuant to Section 19.2(a-5) of the Act shall file an application on forms provided by the Division, that includes:
 - 1) Proof of a valid Illinois CE Sponsor License in good standing;

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- 2) Proof that the continuing education course provides services, without compensation, that will improve the welfare of Illinois residents who are eligible for Medicaid or who are uninsured and whose household income is not greater than 200% of the federal poverty level;
 - 3) A plan of follow-up care and training models;
 - 4) Any and all documentation to be signed by the patients, including but not limited to waivers, consent forms, and releases;
 - 5) Information related to the facilities being utilized, staffing plans, and emergency plans;
 - 6) The process by which patients will be contacted before, during, and after treatment;
 - 7) The intended population that will be receiving treatment in the specific continuing education course;
 - 8) Proof of valid malpractice insurance for the approved continuing education sponsor that extends coverage to clinical staff, trainees, and out-of-state permit holders;
 - 9) A valid written collaborative agreement between the temporary visiting dentists holding a permit pursuant to Section 19.2 of the Act and the Illinois licensed dentist co-treating patients under this Section; and
 - 10) A fee as required under 1220.415.
- c) The written collaborative agreement shall be made available upon request. The application to the Department shall include the name and Illinois license number of the collaborating dentist, as well as the name, license number, and licensure jurisdiction of the visiting dentist. The Department may disapprove a collaborating dentist if the Department believes a collaborating dentist is not appropriate based on previous disciplinary history or inability to properly serve as a collaborating dentist.

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- d) The Temporary Training License will be valid for no longer than 5 consecutive clinical days within 6 months from the date of issuance and may be restored no more than one time within 5 years of the initial permit's issuance.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 1220.160 Restoration

- a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 48 hours of continuing education in accordance with Section 1220.440 completed within 3 years prior to the restoration application and payment of \$20 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Division, together with proof of 48 hours of continuing education in accordance with Section 1220.440 completed within 3 years prior to the restoration application and the fees required by Section 21 of the Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years after termination of military service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
 - 3) A current certification in BLS by an organization that has adopted the American Heart Association's or American Red Cross' guidelines on BLS or a statement provided by the dentist's licensed physician indicating that the applicant is physically disabled and unable to obtain certification.

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- c) If neither subsection (b)(1) nor (b)(2) applies to the licensee, then he or she shall be required to take and pass an examination set forth in Section 1220.120.
- d) A licensee who has been granted restoration, whose license has not been active for less than 5 years due to discipline, and whose license expired during the period of discipline, must comply with the requirements of subsection (a). If the licensee has not had an active license for 5 years or more due to discipline, the licensee must pass an examination set forth in Section 1220.120 or shall be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice dentistry with reasonable judgment, skill, and safety.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: DENTAL HYGIENIST

Section 1220.220 Dental Hygiene Examination

- a) The Division shall accept the following examinations for licensure if administered and passed in their entirety:
- 1) NERB Examination, with a passing score established by the testing entity;
 - 2) CRDTS Examination, with a passing score established by the testing entity;
 - 3) SRTA Examination, with a passing score established by the testing entity;
or
 - 4) CDCA-WREB~~WREB~~ Examination, with a passing score established by the testing entity; or
 - 5) The CITA Examination, with a passing score established by the testing agency.
- b) Retake requirements shall be that of the testing entity.
- c) The applicant shall have examination scores submitted to the Division directly from the reporting entity.

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- d) The Division will only accept examinations that have been completed in the 5 years prior to submission of the application, if never licensed in another jurisdiction.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 36 hours of continuing education pursuant to Section 1220.440 within 3 years prior to application for restoration, proof of certification in BLS by an organization that has adopted the American Heart Association's or American Red Cross' guidelines on BLS or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of the fees required by Section 1220.415. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Division, together with the fees required by Section 1220.415, proof of 36 hours of continuing education pursuant to Section 1220.440 within 3 years prior to application for restoration and proof of certification in BLS by an organization that has adopted the American Heart Association's or American Red Cross' guidelines on BLS or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years after

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termination of the service, he or she shall have the license restored without paying any lapsed renewal or restoration fees.

- c) If neither subsection (b)(1) or (b)(2) applies to the licensee, then he or she shall be required to take and pass the clinical examination as provided in Section 1220.220.
- d) A licensee who has been granted restoration, whose license has not been active for less than 5 years due to discipline, and whose license expired during the period of discipline, must comply with the requirements of subsection (a). If the licensee has not had an active license for 5 years or more due to discipline, the licensee must pass an examination set forth in Section 1220.220 or shall be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice dental hygiene with reasonable judgment, skill and safety.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: DENTAL SPECIALIST

Section 1220.350 Restoration

- a) A licensee seeking restoration of a specialty license after it has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall not be required to pay lapsed renewal fees. In order to restore a specialty license the applicant shall have an active dental license.
- b) A licensee seeking restoration of a license after it has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Division, together with the fees required by Section 21 of the Act. Individuals reactivating a license from inactive status shall only be required to pay the current renewal fee. The registrant shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
or

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- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of his license within 2 years of termination of such service, he shall have his license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he or she shall be required to complete such additional testing, training or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice his or her specialty with reasonable judgment, skill and safety.
- d) A licensee who has been granted restoration, whose license has not been active for less than 5 years due to discipline, and whose license expired during the period of discipline, must comply with the requirements of subsection (a). If the licensee has not had an active license for 5 years or more due to discipline, the licensee must show proof of training set forth in Section 1220.310 or shall be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice dentistry with reasonable judgment, skill and safety.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

Section 1220.401 On-Site Emergency Kits for General Practice

A properly equipped dental facility shall include, at a minimum:

- a) Sphygmomanometer and stethoscope;
- b) Emergency backup lighting;
- c) Oxygen with an oxygen delivery system with full face masks and connectors appropriate to the patient population being served that is capable of delivering oxygen to the patient under positive pressure;
- d) Emergency drugs and equipment appropriate to the medications administered;

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- e) An emergency backup suction system;
- f) Device for monitoring temperature (e.g., temperature strips, thermometer);
- g) Automated External Defibrillator (AED);
- h) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation;
- i) Pulse oximeter.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 1220.402 Telehealth

- a) Teledentistry means the use of telehealth systems and methodologies in dentistry and includes patient care and education delivery using synchronous and asynchronous communications under a dentist's authority.
 - 1) Synchronous (live video): Live, two-way interaction between a person (patient, caregiver, or provider) and a provider using audiovisual telecommunications technology.
 - 2) Asynchronous (store and forward): Transmission of recorded health information (for example, radiographs, photographs, video, digital impressions and photomicrographs of patients) through a secure electronic communications system to a practitioner, who uses the information to evaluate a patient's condition or render a service outside of a real-time or live interaction.
- b) Services delivered via teledentistry must be consistent with how they would be delivered in-person. The same standard of care must be met between a treating dentist and patient in a telehealth relationship. All records collected and maintained shall be sufficient for the treating dentist to make a diagnosis and treatment plan, including a review of the patient's most recent x-rays.

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- c) Patient treatment via teledentistry must be properly documented and consistent with in-person recordkeeping requirements. The treating dentist must provide the patient with a summary of services.
- d) A dentist shall refer a patient to an acute care facility or an emergency department when referral is necessary for the safety of the patient or in case of emergency.
- e) Dentists providing services through teledentistry shall provide proof of valid Illinois licensure, the identification of the providers collecting or evaluating their information or providing treatment, and any costs they will be responsible for in advance of the teledentistry service.
- f) Dentists providing services through teledentistry shall only provide teledentistry services to patients of record. Patients being seen via teledentistry must have been examined by the treating dentist within one year of the teledentistry visit.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 1220.415 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) The fee for application for initial license as a dentist is \$250.
 - 2) The fee for application as a dental specialist is \$300.
 - 3) The fee for application as a dental hygienist is \$100.
 - 4) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 5) The fee for application for a dentist licensed under the laws of another

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jurisdiction is \$750.

- 6) The fee for application for a dental hygienist licensed under the laws of another jurisdiction is \$300.
- 7) The fee for application for a dental sedation permit is \$300.
- 8) The fee for application for a restricted faculty license is \$250.
- 9) The fee for application for a temporary training license is \$150.
- 10) The fee for application as a continuing education sponsor is \$1,000.
- 11) The fee for application for a temporary visiting dentist is \$100.
- 12) The fee for application for live patient clinical training is \$100.

b) Renewal Fees

- 1) The fee for the renewal of a license as a dentist is \$300 (\$100 per year), pursuant to Section 21 of the Act.
- 2) The fee for the renewal of a license as a dental specialist is \$300 (\$100 per year), pursuant to Section 21 of the Act.
- 3) The fee for the renewal of a license as a dental hygienist is \$150 (\$50 per year), pursuant to Section 21 of the Act.
- 4) The fee for the renewal of a sedation permit is \$300 (\$100 per year).
- 5) The fee for the renewal of a license as a continuing education sponsor is \$700.
- 6) The fee for the renewal of a restricted faculty license is \$150.

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.

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- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- ~~5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.~~
- ~~5)6)~~ The fee for a roster of persons licensed in this State under the Act shall be the actual cost of producing the roster.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.441 Granting Variances

~~a)~~ The Director may grant variances from this Part in individual cases when he or she finds that:

- ~~a)1)~~ the provision from which the variance is granted is not statutorily mandated;
- ~~b)2)~~ no party will be injured by the granting of the variance; and
- ~~c)3)~~ the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- ~~b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: ANESTHESIA PERMITS

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Section 1220.510 Moderate Sedation (Conscious Sedation) in the Dental Office Setting

- a) Moderate sedation (conscious sedation) includes the prescription or administration of pharmacologic agents to be used for the purposes of moderate sedation. Moderate sedation (conscious sedation) must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.) The drugs and/or techniques used must carry a margin of safety wide enough to render unintended loss of consciousness unlikely.
- b) A licensed dentist seeking a Permit A for moderate sedation (conscious sedation) administration privileges shall file an application with the Division, on forms provided by the Division, that shall include:
 - 1) Certification of completion of an anesthesiology training program that meets the following requirements:
 - A) Include a minimum of 75 hours of didactic and clinical study that includes training in moderate sedation (conscious sedation), physical evaluation, venipuncture, advanced airway management, technical administration, recognition and management of complications and emergencies, and monitoring with additionally supervised experience in providing moderate sedation to 20 or more patients; and
 - B) Be an organized sequence of study operated by one entity and completed in less than one calendar year;
 - 2) A signed affidavit certifying that:
 - A) the dentist will practice in a facility properly equipped in accordance with subsection (g) for the administration of moderate sedation (conscious sedation);
 - B) the facility will be staffed with a team, supervised by the applicant, that will remain in the treatment room. For each patient, the anesthesia team will consist of at least:
 - i) the dentist who holds the Permit A;

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- ii) one dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) and is capable of assisting with procedures, problems and emergencies incident to the administration of sedation; and
 - iii) one additional hygienist or dental assistant;
 - C) the dentist permit holder will remain immediately available to the patient after being treated under moderate sedation. A dental hygienist or dental assistant trained to monitor a patient under moderate sedation will remain with the sedated patient until the patient is no longer sedated;
 - D) all members of the anesthesia team are capable of assisting with procedures, problems and emergencies incident to the administration of sedation and will maintain current certification in BLS~~in BLS~~; and
 - E) for the dentist permit holder, the BLS certification is in addition to the required 9 sedation technique CE hours (see subsection (k)) required per renewal cycle;
- 3) Proof of current ACLS certification or PALS certification; and
 - 4) The required fee set forth in Section 1220.415.
- c) Dentists who have a current valid permit for moderate sedation (conscious sedation) issued by the Division shall be permitted to administer without additional application.
 - d) In accordance with the standards set forth in this Section, the Division will:
 - 1) Issue a moderate sedation (conscious sedation) permit (Permit A).
 - 2) Re-issue a moderate sedation (conscious sedation) permit to Permit A holders who attest to completing continuing education.
 - e) Licensees qualified to administer deep sedation (Permit B) pursuant to Section

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1220.520 may administer moderate sedation (conscious sedation) without a Permit A.

- f) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Division or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Division or a member of the Board's Anesthesia Review Panel.
- g) A properly equipped facility for the administration of moderation sedation (conscious sedation) shall include at minimum:
 - 1) Sphygmomanometer and stethoscope;
 - 2) An oxygen delivery system with full face masks and connectors appropriate to the patient population being served that is capable of delivering oxygen to the patient under positive pressure, with an emergency backup system;
 - 3) Emergency drugs and equipment appropriate to the medications administered;
 - 4) Suction equipment, including an emergency backup suction system;
 - 5) An emergency backup lighting system that will permit the completion of any operation underway;
 - 6) A pulse oximeter;
 - 7) Laryngoscope complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served;
 - 8) Advanced airway devices that would isolate the trachea and facilitate positive pressure oxygen administration in sizes appropriate for the patient population being served (e.g., endotracheal tubes or laryngeal mask airway);
 - 9) Tonsillar or pharyngeal suction tips adaptable to all office outlets;

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- 10) Nasal and oral airways in sizes appropriate to the patient population being served;
 - 11) Defibrillator (an automated external defibrillator is an acceptable defibrillator);
 - 12) Equipment for the establishment of an intravenous infusion;
 - 13) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and
 - 14) A recovery area that has available oxygen, lighting, suction and electrical outlets. The Permit A holder shall remain with the patient until the patient retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and oral commands. The recovery area may be the operating theatre.
- h) The following records shall be kept during the administration of moderate sedation (conscious sedation):
- 1) Medical history of the patient and consent for administration of anesthesia prior to the performance of any procedure;
 - 2) Preoperative, intraoperative and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation. A time based record shall be entered into the patient's chart;
 - 3) Drugs and dosages of these drugs used during the operative procedure, including the identification of the person administering drugs and times of their administration over the course of the procedure.
- i) The dentist who holds the Permit A shall report adverse occurrences to the Division and the Board as required by Section 1220.405.
- j) A licensed dentist shall hold Permit A in order to perform dentistry while a licensed certified nurse anesthetist administers moderate sedation (conscious sedation). A nurse anesthetist for purposes of this Section is a licensed certified

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nurse anesthetist who holds a license as an advanced practice nurse under the Nurse Practice Act [225 ILCS 65]. The dentist shall enter into a written collaborative agreement with the nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act and 68 Ill. Adm. Code 1300.

- k) Proof of 9 hours of continuing education per renewal cycle in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit A.
- l) A treating dentist does not need to hold Permit A to perform dentistry when another dentist, who holds Permit A or Permit B, or a physician [or dental anesthesiologist](#) assists the treating dentist by administering moderate sedation (conscious sedation). Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is a Board certified anesthesiologist.
 - 1) The treating dentist shall be prepared to provide affidavits to the following if requested by the Division:
 - A) That the facility used for sedation meets the criteria of subsection (g) of this Section;
 - B) That the dentist shall staff the facility with a team, supervised by the permit holder or physician, that includes a minimum of 3 individuals per patient. The team shall be composed of either:
 - i) One dental hygienist or dental assistant ~~who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) and is capable of assisting with procedures, problems and emergencies incident to the administration of the sedation~~; the treating dentist; and the dentist who holds a Permit A or B providing the anesthesia services; or
 - ii) One dental hygienist or dental assistant ~~who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) and is capable of assisting with procedures, problems and emergencies incident to the administration of~~

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~~the sedation~~; the treating dentist; and a dental anesthesiologist or physician performing~~physician providing~~ the anesthesia services.

- C) That the permit holder or physician will remain immediately available to the patient after being treated under moderate sedation. A dental hygienist or dental assistant trained to monitor a patient under moderate sedation will remain with the sedated patient until the patient is no longer sedated.
- 2) All members of the team, including the treating dentist (non-permit holder) must maintain current BLS certification or its equivalent.
- 3) In addition, the dentist (non-permit holder) shall report adverse occurrences to the Division as set forth in Section 1220.405 and accept the responsibility to verify the certification and licensure of any licensed provider present during the moderate sedation (conscious sedation) of a patient who is receiving dental care.
- m) A dentist holding a Permit A shall maintain current ACLS or PALS certification. ACLS or PALS certification shall be in addition to the required 9 hours of anesthesia CE per renewal cycle.
- n) A dentist holding a Permit A shall maintain a logbook indicating the sedation cases performed. The log shall include the patient name, date, route of sedation administration, drug name and dosage, and the names of anesthesia team members assisting. This information shall be supplied to the Division upon request.
- o) A dentist holding a Permit A must also hold an active Illinois Controlled Substances License and current federal Drug Enforcement Administration registration.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.520 Deep Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section. (See Appendix D for characteristics of levels of anesthesia.)

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- a) A licensed dentist seeking a permit to administer deep sedation or general anesthesia shall make application to the Division, on forms provided by the Division, that shall include:
 - 1) Certification of meeting one or more of the following:
 - A) Completion of a minimum of 2 years of advanced training in anesthesiology beyond the pre-doctoral level, in a training program approved by the American Dental Association, Commission on Dental Education, as outlined in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, published by the American Dental Association, Commission on Dental Education (October 2012).
 - B) Be a diplomate of the American Board of Oral and Maxillofacial Surgery.
 - C) Have an active, approved application with the American Board of Oral and Maxillofacial Surgery to obtain diplomat status.
 - D) Have a specialty license in oral and maxillofacial surgery issued by the Division;
 - 2) A signed affidavit certifying that:
 - A) the dentist will practice in a facility properly equipped in accordance with subsection (d) for the administration of deep sedation and general anesthesia;
 - B) the facility will be staffed with an anesthesia team, supervised by the applicant, that will remain in the treatment room during the procedure on the patient. For each patient, the anesthesia team will consist of at least:
 - i) the dentist who holds the permit B;
 - ii) one dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) and is capable of assisting with procedures,

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problems and emergencies incident to the administration of the sedation; and

- iii) one additional hygienist or dental assistant;
 - C) the dentist permit holder will remain immediately available to the patient after being treated under deep sedation or general anesthesia. A dental hygienist or dental assistant trained to monitor a patient under deep sedation or general anesthesia will remain with the sedated patient until the patient is no longer sedated;
 - D) all members of the anesthesia team are capable of assisting with procedures, problems and emergencies incident to the administration of sedation and will maintain current certification in BLS or its equivalent; and
 - E) for the dentist permit holder, the BLS certification is in addition to the required 9 sedation technique CE hours (see subsection (h)) required per renewal cycle;
- 3) Proof of current ACLS or PALS certification; and
 - 4) The required fee set forth in Section 1220.415.
- b) In accordance with the standards set forth in this Section, the Division will issue a deep sedation or general anesthesia permit (Permit B).
 - c) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Division or the Board because of discrepancies or conflicts in information needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Division or a member of the Board's Anesthesia Review Panel.
 - d) A properly equipped facility for the administration of deep sedation or general anesthesia shall include, at a minimum:
 - 1) Sphygmomanometer and stethoscope;

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- 2) An oxygen delivery system with full face masks and connectors appropriate to the patient population being served that is capable of delivering oxygen to the patient under positive pressure, with an emergency backup system;
- 3) Emergency drugs and equipment appropriate to the medications administered;
- 4) Suction equipment, including an emergency backup suction system;
- 5) An emergency backup lighting system that will permit the completion of any operation underway;
- 6) Laryngoscope complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served;
- 7) Endotracheal tubes and connectors in sizes appropriate for the patient population being served;
- 8) Tonsillar or pharyngeal suction tips adaptable to all office outlets;
- 9) Nasal and oral airways in sizes appropriate to the patient population being served;
- 10) Device for monitoring temperature (e.g., temperature strips, thermometer);
- 11) Electrocardioscope and defibrillator (an automated external defibrillator is an acceptable defibrillator);
- 12) Pulse oximeter;
- 13) Equipment for the establishment of an intravenous infusion;
- 14) An operating table or an operating chair that permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and
- 15) A recovery area that has available oxygen, lighting, suction and electrical outlets. The Permit B holder shall remain with the patient until the patient

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retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and oral commands. The recovery area may be the operating theatre.

- e) The following records shall be kept when administering deep sedation and general anesthesia:
 - 1) Medical history and patient evaluation prior to the performance of any procedure;
 - 2) Preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, respiration and oxygen saturation. A time based record shall be entered into the patient's chart;
 - 3) EKG monitoring during the entire procedure;
 - 4) Drugs and dosages of agents used during the operative procedure, including nitrous oxide and oxygen, and including identification of the person administering drugs and times of their administration over the course of the procedure. Documentation of the anesthetic encounter will be consistent with currently accepted standards of anesthetic practice.
- f) The dentist who holds the Permit B shall report adverse occurrences to the Division and the Board as required by Section 1220.405.
- g) A licensed dentist shall hold a Permit B in order to perform dentistry while a licensed certified nurse anesthetist administers deep sedation or general anesthesia. A nurse anesthetist for purposes of this Section is a licensed certified nurse anesthetist who holds a license as an advanced practice nurse under the Nurse Practice Act. The dentist shall enter into a written collaborative agreement with the nurse anesthetist in accordance with Section 65-35 of the Nurse Practice Act and 68 Ill. Adm. Code 1300.
- h) Proof of 9 hours of continuing education per renewal cycle in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit B.
- i) A treating-dentist does not need to hold Permit B to perform dentistry when another dentist, who holds Permit B, or a physician [or dental anesthesiologist](#)

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assists the treating dentist by administering deep sedation or general anesthesia. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is a Board certified anesthesiologist.

- 1) The treating dentist shall be prepared to provide affidavits attesting to the following if requested by the Division:
 - A) That the facility used is equipped as specified in subsection (d);
 - B) That the dentist shall staff the facility with a team, supervised by the Permit B holder or physician, that includes a minimum of 3 individuals per patient. The team shall be composed of either:
 - i) One dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) capable of assisting with procedures, problems and emergencies incident to the administration of the sedation; the treating dentist; and the dentist who holds a Permit B providing the anesthesia services; ~~or~~
 - ii) ~~One dental hygienist or dental assistant who has completed the training prescribed in Section 1220.240(f) or 1220.245(c)(2) capable of assisting with procedures, problems and emergencies incident to the administration of the sedation;~~ the treating dentist; and a physician providing the anesthesia services; or
 - iii) One dental hygienist or dental assistant; the treating dentist; and a dental anesthesiologist providing the anesthesia services.
 - C) That the Permit B holder will remain with the patient until the patient retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and oral commands. The recovery area may be the operating theatre.

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- 2) All members of the anesthesia team, including the treating dentist (non-Permit B holder) must maintain certification in BLS or its equivalent.
- 3) In addition, the dentist shall report severe adverse occurrences to the Division as set forth in Section 1220.405 and accept the responsibility for verifying certification and licensure of any licensed provider present during the deep sedation or general anesthesia of a patient receiving dental care.
- j) A dentist holding a Permit B shall maintain current ACLS or PALS certification. ACLS or PALS certification shall be in addition to the required 9 hours of anesthesia CE per renewal cycle.
- k) A dentist holding a Permit B shall maintain a logbook indicating the sedation cases performed. The log shall include the patient name, date, route of sedation administration, drug name and dosage, and the names of anesthesia team members assisting. This information shall be supplied to the Division upon request.
- l) A dentist holding a Permit B must also hold an active Illinois Controlled Substances License and current federal Drug Enforcement Administration registration.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1220.560 Restoration of Permits

- a) A licensee seeking restoration of a permit after it has expired for 12 months or less shall have the permit restored upon payment of \$20 plus the current renewal fee. The licensee shall also submit certification of anesthesia cases as provided in Section 1220.525(d) and the records required to be kept pursuant to Section 1220.510(n) or 1220.520(k), as appropriate to the permit held, of all anesthesia cases performed since the permit was last renewed. The permit will be restored if the Division finds that the applicant is competent to provide anesthesia services appropriate to the permit for which restoration is sought.
- b) A licensee seeking restoration of a permit after it has expired for more than 12 months shall file an application, on forms supplied by the Division, together with the fees required by Section 1220.415. The licensee shall also submit:

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- 1) Sworn evidence of lawful active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of the permit within 2 years after termination of such service, he/she shall have the permit restored without paying any lapsed renewal or restoration fees; or
 - 3) For Permit A restoration, proof of the training set forth in Section 1220.510(b)(1) taken 2 years prior to application; or
 - 4) For Permit B restoration, proof of the training set forth in Section 1220.520(a)(1) taken 2 years prior to application.
- c) When proof of remedial training is provided, the permit shall not be restored unless and until the Board has reviewed and approved the training. The Board may require the renewal applicant to obtain additional training when it finds that the training completed was not sufficient.
- d) A licensee who has been granted restoration, whose license has not been active for less than 5 years due to discipline, and whose license expired during the period of discipline, must comply with the requirements of subsection (a). If the licensee has not had an active license for 5 years or more due to discipline, the licensee must show proof of certification of training pursuant to Sections 510(b) and/or 520(A) or shall be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the licensee's present capacity to practice dentistry with reasonable judgment, skill and safety.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) Section Number: 1800.2070 Proposed Action: New Section
- 4) Statutory Authority: Implementing and authorized by Sections 78(a)(3) of the Video Gaming Act [230 ILCS 40/79(a)(3)], which provides that the Illinois Gaming Board (Board) shall “adopt rules for the purpose of administering the provisions of this Act.”
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to the Video Gaming Act (VGA) contained in P.A. 101-0031, effective June 28, 2019, expressly authorize “in-location progressive games” paying jackpots of up to \$10,000, including but not limited to progressive jackpots [230 ILCS 40/20(b)]. A progressive jackpot increases in value each time the game is played but the jackpot is not won. Each time a jackpot is not won, a meter within the video gaming terminal (“VGT”) tracks the increasing value of the jackpot. Upon the winning of the jackpot, the progressive meter resets to a predetermined base value.

P.A. 101-0031 required the Illinois Gaming Board (Board) to implement rules governing the payout of jackpots by terminal operators [230 ILCS 40/20(c)]. The Board did so, adopting Subpart T of the Video Gaming Rules (11 Ill. Adm. Code 2010 through 2060). In fulfillment of the statutory mandate, these rules prescribe how licensees will pay out jackpots to patrons. To ensure the integrity of video gaming as it relates to progressive jackpots, the present rulemaking adds a new Section 1800.2070 that standardizes the functions of progressive meters as well as how terminal operators track and maintain the values stored on those meters.

The rulemaking mandates that VGTs shall be limited to single machine jackpots. This is in contrast with casinos where multiple electronic gaming devices may be connected to a single jackpot that can be won at any one of the multiple machines. The single machine restriction is implemented here for three reasons. First, while the Illinois Gambling Act establishes no standards or requirements for electronic gaming devices, the VGA has specific requirements and limitations on VGT functionality. Second, the increased jackpot size permitted by P.A. 101-0031 means there are greater consequences resulting from human or technical errors. Third, VGTs, due to their distributed nature, lack the close supervision by casino and Board staff that is present for casino-based progressive machines. By limiting progressive jackpots to only single VGT standalone jackpots, the

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consequences of this lack of direct, personal regulatory oversight are mitigated, should any unforeseen circumstances occur.

Additional provisions of the rulemaking are designed to ensure that values recorded on the progressive meters are not “lost,” thus providing patrons the opportunity to win them in the future. These provisions include requirements that:

Values recorded on any VGT’s progressive meter at a location shall be transferred to another VGT at the same location if a VGT that has value on its progressive meter is removed from the location; and

The Central Communications System shall have capability to track the “stored value” of any progressive meter that has been removed from play but cannot be immediately added to other VGTs.

The provisions relating to progressive meter recording do not take effect until the Administrator certifies that the Central Communications System is capable of fulfilling all requirements necessary to implement the stored value function. Such fulfillment will require technological implementation from the Central Communications System provider that cannot practically commence until the rule itself is adopted.

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does the rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1800.320	Amendment	45 Ill. Reg. 6531; May 21, 2021
1800.1421	New Section	45 Ill. Reg. 14277; November 19, 2021
1800.320	Amendment	46 Ill. Reg. 201; January 3, 2022

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

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- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

IGB.RuleComments@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking will affect small businesses that are terminal operators or licensed video gaming locations, and which operate progressive jackpots under the provisions of the rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance: Competence in technologies pertaining to progressive jackpot operations and the recording and transfer of values on progressive meters.

- 14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
- | | |
|----|---|
| 55 | Management of Companies and Enterprises |
| 71 | Arts, Entertainment, and Recreation |
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements
 - viii. record keeping

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

The full text of the proposed amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING

SUBTITLE D: VIDEO GAMING

CHAPTER I: ILLINOIS GAMING BOARD

PART 1800

VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings
1800.140	Service Via E-mail

SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
1800.220	Continuing Duty to Report Information
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation
1800.340	Change in Ownership of Terminal Operators and Assets Held by Terminal Operators
1800.350	Inducements
1800.360	Terminal Operator Record Retention

SUBPART D: LICENSING QUALIFICATIONS

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Section

- 1800.410 Coverage of Subpart
- 1800.420 Qualifications for Licensure
- 1800.430 Persons with Significant Influence or Control
- 1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

Section

- 1800.510 Coverage of Subpart
- 1800.520 Applications
- 1800.530 Submission of Application
- 1800.540 Application Fees
- 1800.550 Consideration of Applications by the Board
- 1800.555 Withdrawal of Applications and Surrender of Licenses
- 1800.560 Issuance of License
- 1800.570 Renewal of License
- 1800.580 Annual Fees
- 1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

- 1800.610 Coverage of Subpart
- 1800.615 Requests for Hearing
- 1800.620 Appearances
- 1800.625 Appointment of Administrative Law Judge
- 1800.630 Discovery
- 1800.635 Subpoenas
- 1800.640 Motions for Summary Judgment
- 1800.650 Proceedings
- 1800.660 Evidence
- 1800.670 Prohibition on Ex Parte Communication
- 1800.680 Sanctions and Penalties
- 1800.690 Transmittal of Record and Recommendation to the Board
- 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

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Section

1800.710	Coverage of Subpart
1800.715	Notice of Proposed Disciplinary Action Against Licensees
1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board
1800.795	Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

1800.810	Location and Placement of Video Gaming Terminals
1800.815	Licensed Video Gaming Locations Within Malls
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
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1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

Section	
1800.1110	State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section	
1800.1210	Definitions
1800.1220	Entities Authorized to Perform Fingerprinting
1800.1230	Qualification as a Livescan Vendor
1800.1240	Fingerprinting Requirements
1800.1250	Fees for Fingerprinting
1800.1260	Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section	
1800.1310	Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section	
1800.1410	Ticket Payout Devices
1800.1420	Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section	
1800.1510	Non-Payment of Taxes

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SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section	
1800.1610	Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section	
1800.1710	Conversations About Responsible Gaming
1800.1720	Responsible Gaming Education Programs
1800.1730	Problem Gambling Registry
1800.1740	Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section	
1800.1810	Implementation of Technology

SUBPART S: INDEPENDENT TESTING LABORATORIES

Section	
1800.1910	Independent Outside Testing Laboratories
1800.1920	Minimum Duties of an Independent Outside Testing Laboratory
1800.1930	Testing of Video Gaming Equipment
1800.1940	Approval of Video Gaming Equipment

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section	
1800.2010	In-location Progressive Games
1800.2020	Optional Nature of In-location Progressive Games
1800.2030	Procedures Within Licensed Video Gaming Locations
1800.2040	Payments of Progressive Jackpot Amount
1800.2050	Deductions from Progressive Jackpots
1800.2060	Progressive Jackpot Coordinator
1800.2070	Progressive Meters

SUBPART U: UNDERAGE GAMBLING COMPLIANCE

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Section

1800.2110	Statement of Purpose
1800.2120	Program Considerations
1800.2130	Utilization of Confidential Sources
1800.2140	Provision of Funds
1800.2150	Operational Procedures
1800.2160	Reporting and Evidence
1800.2170	Cooperation with Local Law Enforcement Agencies

1800.EXHIBIT A Youth Participant Consent Form

1800.EXHIBIT B Underage Gambling Participant Acknowledgment

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952,

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effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 1961, effective December 31, 2019; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3205, effective February 7, 2020; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; suspension withdrawn at 44 Ill. Reg. 3583; emergency amendment to emergency rule at 44 Ill. Reg. 3568, effective February 21, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 10891, effective June 10, 2020; amended at 43 Ill. Reg. 14099, effective November 21, 2019; emergency amendment at 44 Ill. Reg. 10193, effective May 27, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16454, effective September 25, 2020; emergency amendment at 44 Ill. Reg. 11104, effective June 15, 2020, for a maximum of 150 days; emergency expired November 11, 2020; amended at 44 Ill. Reg. 11134, effective June 22, 2020; emergency amendment at 44 Ill. Reg. 13463, effective July 28, 2020, for a maximum of 150 days; emergency expired December 24, 2020; amended at 45 Ill. Reg. 3424, effective March 8, 2021; amended at 45 Ill. Reg. 5375, effective April 12, 2021; amended at 45 Ill. Reg. 9971, effective July 20, 2021; emergency amendment at 45 Ill. Reg. 10074, effective July 26, 2021, for a maximum of 150 days; emergency expired December 22, 2021; amended at 46 Ill. Reg. _____, effective _____.

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section 1800.2070 Progressive Meters

- a) Video gaming terminals featuring progressive jackpots shall only be standalone progressives, and progressive meters shall be unique to each video gaming terminal.

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- b) No video gaming terminal progressive meter shall be manually set for any reason except as permitted or required by this Section.
- c) The Central Communications System shall provide for recording stored value. Stored value amounts shall be associated with a specific, single video gaming location license. Stored value shall not be transferrable between video gaming location licenses.
- d) Upon initial installation of a video gaming terminal at a location, all progressive meters shall be at their minimum default value, except in the case where the location has stored value. Any stored value shall be applied to a newly installed video gaming terminal progressive meter to the maximum permitted by the video gaming terminal, and deducted from the stored value amount.
- e) Upon removal of a video gaming terminal from a location when that video gaming terminal has greater than the minimum default value on its progressive meters, that value shall be transferred to one or more video gaming terminal progressive meters at the same location. If the amount of the progressive meter value exceeds the maximum capacity of all video gaming terminal progressive meters at the location, the remaining value shall be added to the location's stored value amount.
- f) On at least a quarterly basis, each terminal operator shall identify any active video gaming locations it serves with a non-zero stored value. For each identified location, the terminal operator shall transfer the maximum possible stored value to one or more video gaming terminal progressive meters at that location.
- g) A video gaming terminal progressive meter may only be manually set in the following circumstances:
 - 1) To restore a meter to its previous value prior to a system failure or maintenance which required clearing the meter;
 - 2) To move a meter value from a video gaming terminal which is being removed from a location to another video gaming terminal at the same location;
 - 3) To apply stored meter value to a video gaming terminal;

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- 4) To clear the progressive meter of any video gaming terminal being removed from a location; or
- 5) For any other cause not expressly prohibited by this Section after prior approval by the Administrator or his or her designee.
- h) Effective date. All provisions of this Section relating to stored value shall not be effective until the Administrator certifies that the central communications system is capable of meeting all requirements to implement the stored value function.

(Source: Added at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Rental Housing Support Program
- 2) Code Citation: 47 Ill. Adm. Code 380
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
380.103	Amendment
380.106	Amendment
380.108	Amendment
380.201	Amendment
380.202	Amendment
380.203	Amendment
380.205	Amendment
380.302	Amendment
380.304	Amendment
380.305	Amendment
380.307	Amendment
380.308	Amendment
380.309	Amendment
380.310	Amendment
380.401	Amendment
380.403	Amendment
380.406	Amendment
380.407	Amendment
380.408	Amendment
380.409	Amendment
380.410	Amendment
380.411	Amendment
380.412	Amendment
380.413	Amendment
380.501	Amendment
380.502	Amendment
380.505	Amendment
380.507	Amendment
380.508	New Section
380.601	Amendment
380.605	Amendment
380.607	Amendment
380.608	Amendment
380.610	Amendment

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380.611	Amendment
380.613	Amendment
380.615	Amendment
380.616	Amendment
380.617	Renumbered/New Section
380.618	Renumbered
380.619	Renumbered/Amendment

- 4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Rental Housing Support Program Act [310 ILCS 105].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments make the rules consistent with the Rental Housing Support Program Act. Certain defined terms have been amended and new terms have been added.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not create, expand or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Susan Kim
Associate Corporate & Compliance Counsel
Legal Department
Illinois Housing Development Authority
111 E. Wacker Dr., Suite 1000
Chicago IL 60601

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Affordable housing developers and local governments throughout Illinois
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: No new professional skills.
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 380
RENTAL HOUSING SUPPORT PROGRAM

SUBPART A: GENERAL RULES

- 380.101 Authority
- 380.102 Purpose and Objectives
- 380.103 Definitions
- 380.104 Compliance with Federal and State Law
- 380.105 Forms and Procedures for the Program
- 380.106 Application Fee
- 380.107 Program Operating Fees
- 380.108 Authority Administrative Expenses
- 380.109 Amendment
- 380.110 Severability
- 380.111 Gender and Number
- 380.112 Non-Discrimination
- 380.113 Titles and Captions

SUBPART B: DISTRIBUTION OF FUNDS

- 380.201 Distribution of [Annual Receipts](#)~~Appropriation Funds~~
- 380.202 Fund Distributions to Geographic Areas
- 380.203 Long-Term Operating Support (LTOS) Program
- 380.204 Rural Area Set-Aside
- 380.205 Reserve Fund

SUBPART C: GENERAL REQUIREMENTS

- 380.301 Tenant Eligibility; Required Percentage of Severely Low-Income Tenants
- 380.302 Outreach Requirements
- 380.303 Income Certifications
- 380.304 Training Programs
- 380.305 Tenant Rent Contribution
- 380.306 Amount of Rental Assistance, Rent, and Maximum Rent
- 380.307 Rent Increases

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380.308	Over-Income Tenants
380.309	Appeals
380.310	Rental Preferences for Tenants with Special Needs
380.311	Tenant Bill of Rights
380.312	Tenant Selection Plan

SUBPART D: ALLOCATIONS TO LOCAL ADMINISTERING AGENCIES

380.401	Request for Proposals
380.402	Eligibility
380.403	Application Requirements
380.404	Service Area in Multiple Geographic Areas
380.405	Qualification Requirements
380.406	Administration of Allocations
380.407	Inspection Requirements
380.408	Selection of Landlords
380.409	Contracts with Landlords
380.410	Reporting Requirements
380.411	Reconciliations
380.412	Funding of Allocations
380.413	Revocation/Non-Renewal Renewal of Commitments
380.414	Leases
380.415	Requirements for LAAs Designated by Municipalities
380.416	Reporting Requirements for Municipalities

SUBPART E: LANDLORD RESPONSIBILITIES

380.501	Income Eligibility and Verification
380.502	Record Submission and Retention
380.503	Lead-Based Paint
380.504	Housing Quality Standards
380.505	Compliance with Federal , State and Local Law
380.506	Eviction
380.507	Reconciliations
380.508	Property Insurance

SUBPART F: LONG-TERM OPERATING
SUPPORT (LTOS) PROGRAM REQUIREMENTS

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380.601	Allocations
380.602	Allocations Only for New Units
380.603	Application Procedures
380.604	Developer Qualifications
380.605	Application Requirements
380.606	Agency Review
380.607	Waiver
380.608	Commitments
380.609	Income Eligibility and Verification
380.610	Over-Income Tenants
380.611	Leases
380.612	Evictions
380.613	Housing Quality Standards
380.614	Lead-Based Paint
380.615	Reconciliations
380.616	Reporting Requirements
380.617	<u>Property Insurance</u> Agency Monitoring
380.618 380.617	<u>Agency Monitoring</u>
380.619 380.618	<u>Revocation/Non-Renewal of Commitments</u> Continuing Eligibility Requirements

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Rental Housing Support Program Act [310 ILCS 105].

SOURCE: Adopted at 30 Ill. Reg. 17772, effective October 30, 2006; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 380.103 Definitions

The following terms used in this Part shall have the following definitions:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Agency": The Illinois Housing Development Authority or a Municipality.

"Allocation": An award of funds from the RHS Program to an LAA or a Developer.

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"Annual Adjustment Factor": The figure published ~~annually~~monthly by HUD to determine rent increases for purposes of Section 8 of the United States Housing Act of 1937 (42 ~~U.S.C.~~USC 1437).

"Annual Income": All amounts, monetary or not, received or anticipated to be received, from a source outside the Household, by or on behalf of the head, spouse or co-head of the Household, or any other Household member over the age of 18, during the 12-month period following admission or the date of the most recent recertification of the Household income. There is no asset limitation for participation in the RHS Program. However, the definition of annual income~~Annual Income~~ includes net income from ~~the family's~~ assets. The determination of Annual ~~Income~~Incomes shall be made as provided in the HUD regulations governing ~~section~~Section 8 of the United States Housing Act of 1937 (42 ~~U.S.C.~~USC 1437) ~~and~~; 24 CFR 5.609(b) and (c) ~~(2021)-(2006)~~, provided that imputed income (as described in 24 CFR 5.609(b)(3)) from the Household's assets shall not be included. Examples and instructions for application of these requirements shall be included in the applicable Agency's Program Guide.

"Annual Receipts" means revenue derived from the RHS Program State surcharge from July 1 through June 30 on deposit in the Rental Housing Support Program Fund that is appropriated each year for distribution by the Authority for the RHS Program.

"Applicant": An entity or an individual (as a Developer) making an Application for an Allocation.

"Application": The Application form and attachments that an Applicant must submit when applying for an Allocation under the RHS Program.

~~"Appropriation": The annual Appropriation of funds to the Illinois Department of Revenue for the Authority by the Illinois General Assembly for the RHS Program.~~

"Authority": The Illinois Housing Development Authority.

"Commitment": A contract executed by an Agency and an LAA or a Developer under which the Agency agrees to provide an Allocation. Each Commitment shall contain a provision to the effect that the Agency shall not be obligated to provide funds under the Commitment if the Agency has not received adequate

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funds from the Annual Receipts~~an Appropriation~~ or a Fund Distribution, as applicable.

"Coordinating Local Administering Agency": A local administering agency that provides technical and administrative assistance to localities that do not possess the capacity to administer an Allocation.

"Developer": The owner of a Project that has applied for or has been approved for an Allocation under the LTOS Program.

"Extremely Low-Income Household": A Household whose Annual Income is less than or equal to 30% of the Median Income.

"Fiscal Year": The fiscal year~~Fiscal Year~~ of the State.

"Fund Distribution": A distribution of funds from the Annual Receipts~~Appropriation~~ for a Fiscal Year to a Geographic Area.

"Geographic Areas": The City of Chicago, Suburban Areas, Small Metropolitan Areas, and Rural Areas.

"Household": A single person, family or unrelated persons living together.

"Housing Quality Standards": HUD Section 8 inspection~~Inspection~~ standards for Units established by 24 CFR 982.401 (2021)~~units which shall be set forth in the Program Guide or the Municipality Program Guide, as applicable.~~

"HUD": The U.S. Department of Housing and Urban Development.

"Income Range": A range of ~~incomes~~ Annual Incomes set forth in Section 380.305~~published annually by the Authority~~ that is used to determine the Tenant Contribution for Tenants.

"Landlord": An owner of one or more Units receiving or approved to receive Rental Assistance through an LAA. An LAA or subsidiary of an LAA may be a Landlord; provided, however, that the LAA must disclose its intention to be a Landlord, or appoint a subsidiary to be a Landlord, in its Application.

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"LAA": A local administering agency meeting the eligibility requirements set forth in Section 380.402 and designated by an Agency that receives an Allocation to provide Rental Assistance.

"LTOS Program": The long-term operating support program established under the RHS Program, to be used exclusively to provide long-term operating support to Developers of Projects that provide Units newly available~~affordable~~ to Extremely Low-Income Households and Severely Low-Income Households.

"Maximum Rent": The maximum rent for a Unit, which shall be the greater of:

the Maximum Rent established under the federal Low Income Housing Tax Credit Program for a Unit rented by a Tenant with an Annual Income less than or equal to 60% of the Median Income; or~~and~~

120% of HUD's fair market rent for the area in which the Unit is located.

"Median Income": The Median Income of the area in which the Unit is located, adjusted for family size, as the~~such~~ adjusted income and Median Income for the area are determined from time to time by HUD for purposes of Section 8 of the United States Housing Act of 1937 (42 U.S.C.~~USC~~ 1437).

"Members": The members of the Authority.

"Municipality": A municipality with a population greater than 2,000,000.

"Municipality Program Guide": The guidelines published by a Municipality for Allocations made by the Municipality. Each Municipality Program Guide shall explain~~contain~~ the RHS Program and provide additional information about various RHS Program requirements~~provisions specifically required by Section 380.415 of this Part.~~

"Permanent Supportive Housing": A Project with a preference or restriction for people who need supportive services to access and maintain affordable housing; are experiencing, or are at risk of, homelessness; are living with disabilities; and/or are experiencing, or are at risk of, institutionalization. The housing should be permanent (not time-limited, not transitional), affordable (typically rent-subsidized or otherwise targeted to an extremely-low-income Tenant who makes 30% of the Median Income or below), and independent (Tenant holds the lease

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with normal rights and responsibilities). Services should be flexible (responsive to Tenants' needs and desires), voluntary (participation in supportive services is not a condition of tenancy), and sustainable (focus of services is on maintaining housing stability and good health).

"Plan for Services": The plan through which each prospective LAA will provide information to Tenants on how to gain access to education, training, and other supportive services and that sets forth the procedures for identifying and referring prospective Tenants to Landlords. LAAs designated by a Municipality shall prepare a Plan for Services; and, if a Municipality does not designate an LAA, the Municipality shall prepare a Plan for Services.

"Program Guide": The guidelines published by the Authority explaining the RHS Program and providing additional information about various RHS Program requirements.

"Project": A building or group of buildings that are financed under a common plan of financing.

~~"Receipts": Funds collected by the Illinois Department of Revenue for the RHS Program.~~

"Reconciliation": The determination of the difference between the amount of Rental Assistance payments made to Landlords or Developers and the amount of Rental Assistance payments the Landlords or the Developers were entitled to receive.

"Rental Assistance": The amount paid to a Landlord or a Developer as a subsidy for a Unit approved for assistance under the RHS Program.

"Rental Assistance Rider": The rider to be attached to each Tenant's lease that describes the RHS Program; requires the Tenant to provide a certification of its Annual Income; notifies the Tenant that the Tenant must report changes in its Annual Income to the ~~LAA Landlord~~ or Developer, as applicable, when they occur and on each occasion that the Tenant's lease is to be renewed; and, informs the Tenant that increases in Annual Income may result in an increase in the Tenant Contribution ~~and sets forth the amount of the Tenant Contribution~~. The Rental Assistance Rider shall be included in the Program Guide or the Municipality's Program Guide, as applicable.

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"Reserve Fund": The fund established either by the Authority or by a Municipality directly or through its LAA to provide a source of funds in the event that ~~the Annual Receipts are~~~~an annual Appropriation is~~ not sufficient to provide adequate funding for existing Commitments.

"RFP": A request for proposals by an Agency soliciting Applications from LAAs or Developers.

"RHS Program Act": The Rental Housing Support Program Act [310 ILCS 105].

"RHS Program": The Rental Housing Support Program authorized by the RHS Program Act.

"Rural Area": All areas of the State not specifically included in any other Geographic Area.

"Service Area": The geographic boundaries of the area to be served by an LAA.

"Severely Low-Income Household": A Household whose Annual Income is less than or equal to 15% of the Median Income.

"Small Metropolitan Areas": The Geographic ~~Areas that include~~~~Area that includes~~ the municipalities of Bloomington-Normal, Champaign-Urbana, Decatur, DeKalb, Moline, Peoria, Rantoul, Rockford, Rock Island and Springfield, and the counties of Madison and St. Clair.

"Special Needs Households": Households that are homeless or imminently at risk of becoming homeless; that are, or ~~are~~ imminently at risk of, living in institutional settings because of the unavailability of suitable housing; or that have one or more members with disabilities, including but not limited to physical disabilities, developmental disabilities, mental illness or HIV/AIDS.

"Suburban Areas": The Geographic ~~Areas that include~~~~Area that includes~~ the counties of Cook (excluding Chicago), DuPage, Kane, Lake, McHenry, and Will.

"State": The State of Illinois.

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"State Median Income": The State Median Income published by the U.S. Census Bureau in the most current decennial census.

"Tenant": A Household occupying a Unit.

"Tenant Bill of Rights": Information LAAs and Developers are required to provide to Tenants concerning how to contact the LAA; local Landlord-Tenant laws and procedures; the housing rights of persons with disabilities; how to contact the local agency or agencies administering local Landlord-Tenant laws and procedures or protecting or promoting ~~these~~^{such} housing rights of persons with disabilities; eligibility requirements for participating in the RHS Program; and the rights and responsibilities of prospective Tenants prior to occupancy of a Unit.

"Tenant Contribution": The portion of the monthly rent for a Unit to be paid by the Tenant, which shall be ~~approximately~~ one-twelfth of ~~approximately~~ 30% of the ~~median of Median Income for~~ the Income Range in which the Tenant's Annual Income falls, adjusted for Unit size.

"Tenant Income Certification": The form:

prescribed by the Authority; and

to be used by Landlords and Developers in determining and reporting a Tenant's Annual Income to an LAA or an Agency, as applicable.

"Tenant Selection Plan": The written plan prepared by a Landlord or a Developer and approved by the LAA or an Agency, as applicable, that governs the selection of Tenants for a Unit ~~or an efficiency apartment, a single room occupancy Unit or a one-bedroom or larger Project.~~

"Transitional Contribution": The Tenant Contribution for Tenants whose income has exceeded the income limit for Extremely Low-Income Households.

"Unit": A rental housing Unit receiving Rental Assistance through an Allocation. A Unit may be a single family dwelling or a Unit in a multifamily dwelling. Housing Units intended as transitional or temporary housing do not qualify as Units.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.106 Application Fee

An Agency may charge an Application fee not to exceed \$500 in connection with its Application, as set forth in the Program Guide or Municipality~~Municipal~~ Program Guide, as applicable.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.108 Authority Administrative Expenses

When funding for administrative expenses has not been separately appropriated, the~~The~~ Authority shall be entitled to deduct from the Annual Receipts~~each Appropriation~~, prior to any distribution of funds under the RHS Program, an amount not to exceed 7% of the Annual Receipts~~Appropriation~~ for expenses associated with the administration of the RHS Program, including, without limitation, expenses for staff salaries and benefits for time spent on design and administration of the RHS Program; training and marketing expenses incurred in performing outreach activities and providing technical assistance to LAAs; the use of the Authority's equipment for RHS Program purposes; the cost of office space and utilities incurred in connection with the RHS Program; and any other expenses incurred in the administration of the RHS Program; provided, that only administrative expenses specifically related to the RHS Program within a Municipality may be deducted from the Annual Receipts~~annual Appropriation~~ required by law to be distributed to Municipalities. The Authority shall maintain a detailed accounting of all administrative expenses, which shall be available to the applicable Agency, LAAs or the public for review.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: DISTRIBUTION OF FUNDS

Section 380.201 Distribution of Annual Receipts~~Appropriation Funds~~

The Authority shall distribute funds from Annual Receipts~~annual Appropriations~~ in accordance with the following priorities:

- a) To the Authority for its administrative fee.
- b) To Municipalities.

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- 1) Each Municipality must use at least 10% of its Fund Distribution for an LTOS Program.
- 2) Each Municipality shall distribute the balance of its Fund Distribution to its Reserve Fund and one or more designated non-profit organizations that meet the requirements for an LAA and that will serve as an LAA for the Municipality.
- c) To fund the Authority's Reserve Fund, as provided in Section 380.205 ~~of this Part~~.
- d) After distributing the amounts listed in subsections (a), (b) and (c), the Authority shall use at least 10% of the remaining amount of the Annual Receipts ~~Appropriation~~ for an LTOS Program, which the Authority shall allocate through a competitive Application process, as described in Subpart F, for Projects to be located outside the Municipalities.
- e) The balance of the Annual Receipts ~~Appropriation~~ shall be distributed to Suburban Areas, Small Metropolitan Areas and Rural Areas.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.202 Fund Distributions to Geographic Areas

- a) The Authority shall make Fund Distributions to Geographic Areas on a proportional basis using data from the most recent decennial census performed by the U.S. Census Bureau. Each Geographic Area's proportionate share shall be the fraction having a numerator equal to the number of all Households in that Geographic Area having an Annual Income less than 50% of the State Median Income (as determined by the U.S. Department of Housing and Urban Development, based on U.S. Census data ~~Census Bureau~~) for a Household of four and paying more than 30% of their Annual Income for rent, and a denominator equal to the number of all Households in the State having an Annual Income less than 50% of the State Median Income for a Household of four and paying more than 30% of their Annual Income for rent.
- b) The proportionate Fund Distributions for the Geographic Areas shall be redetermined when data from a new decennial U.S. Census becomes available. The Authority may use funds in the Reserve Fund to alleviate hardships arising

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out of reductions in the proportionate amount of Fund Distributions that would otherwise result in reductions in the amount of Rental Assistance for existing Tenants.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.203 Long-Term Operating Support (LTOS) Program

Each Agency shall establish a competitive Application process for providing long-term operating support to Projects providing Units newly available to Extremely Low-Income Households and Severely Low-Income Households within its jurisdiction. Each Agency shall administer the funds for its LTOS Program in a manner consistent with criteria established in Subpart F ~~of this Part~~, but Municipalities may include additional preferences and requirements set forth in writing in the Municipality's Application form, as long as those preferences and requirements are consistent with applicable federal, State and local law.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.204 Rural Area Set-Aside

The Authority may award up to 20% of the Fund Distribution for Rural Areas to a single LAA, to be used for Rental Assistance within a designed portion of the Rural Area within which localities desire to support a number of Units too small to justify the establishment of a Rental Assistance program for such localities, as determined by the LAA and approved by the Authority. With the approval of the Authority, the designated LAA under the Rural Area set-aside may subcontract administrative tasks, such as inspection of Units, to local agencies. The Authority may award more than 20% of the Fund Distribution for Rural Areas to a single Coordinating Local Administering Agency that provides technical and administrative assistance to localities that do not possess the capacity to administer an Allocation, as determined by the Coordinating Local Administering Agency and approved by the Authority.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.205 Reserve Fund

- a) Each Agency shall establish a Reserve Fund in an ~~interest~~~~interesting~~ bearing account from ~~the Annual Receipts~~~~each Appropriation~~ or Fund Distribution, as applicable, to offset decreases in funding caused by periodic fluctuation in Annual Receipts~~annual Appropriations~~, to maintain continuity in funding when

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Commitments expire, and to phase out Rental Assistance lost by a shift in any Geographic Area's proportionate Fund Distribution as a result of a new decennial census. Municipalities may delegate the responsibility to establish a Reserve Fund to their designated LAAs.

- b) The amount to fund the Reserve Fund for the Authority shall be a maximum of 5% of the amount of each ~~year's Annual Receipts~~~~annual Appropriation~~ after subtracting the Authority's ~~administrative~~~~operating~~ fee and the Fund Distributions to Municipalities. The amount of each Municipality's Reserve Fund shall be a maximum of 5% of the Municipality's Fund Distribution. Each Reserve Fund shall also include income derived from investing funds in the Reserve Fund and funds received from LAAs that did not use the entire amount of their Allocations.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL REQUIREMENTS

Section 380.302 Outreach Requirements

The LAA or the Developer must document that it has made extensive efforts to publicize the availability of Units under the RHS Program, including contacting non-profit corporations serving the homeless, the disabled and senior citizens in the Service Area or the area in which the Project is located; public housing authorities with jurisdiction in the Service Area or the area in which the Project is located; and otherwise publicizing the availability of these Units at appropriate locations within and surrounding the Service Area or the area in which the Project is located, such as by advertising in local newspapers, or through meetings with community groups. The Applicant must submit this evidence to the Agency with its Application and with the report required under Section 380.410 ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.304 Training Programs

~~The~~~~For any year in which funding is available from the Authority for Allocations to new LAAs,~~
~~the~~ Authority shall periodically provide training programs ~~in areas of the State~~ convenient to potential Applicants. The training shall include a program overview, a description of the requirements for both an LAA and a Developer, a thorough review of the Program Guide and, if applicable, the RFP process. The Authority shall provide reasonable notice of all training programs on its website and by any other means the Authority deems appropriate.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.305 Tenant Rent Contribution

The LAA or Developer must annually establish for each Unit the amount of the Tenant Contribution. Each Tenant's Tenant Contribution shall be a fixed amount and must be based on the size of the Unit and the Tenant's Income Range as set forth in this Section. ~~The Authority shall determine Income Ranges and Tenant Contribution schedules annually.~~ A Tenant's Tenant Contribution may increase when the Tenant's lease is renewed, if the Tenant's Annual Income increases or the Authority's Income Range changes. ~~annual Income Ranges or Tenant Contribution schedules change.~~

Monthly Tenant Contribution By Bedroom Type:

Annual Income Range: 0 br. 1 br. 2 br. 3 br. 4 br. 5 br.

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>\$1-\$4,999</u>	<u>\$26</u>	<u>\$29</u>	<u>\$31</u>	<u>\$33</u>	<u>\$35</u>	<u>\$36</u>
<u>\$5,000 – \$9,999</u>	<u>\$104</u>	<u>\$117</u>	<u>\$125</u>	<u>\$133</u>	<u>\$142</u>	<u>\$146</u>
<u>\$10,000 – \$14,999</u>	<u>\$208</u>	<u>\$233</u>	<u>\$250</u>	<u>\$267</u>	<u>\$283</u>	<u>\$292</u>
<u>\$15,000 – \$19,999</u>	<u>\$313</u>	<u>\$350</u>	<u>\$375</u>	<u>\$400</u>	<u>\$425</u>	<u>\$438</u>
<u>\$20,000 – \$24,000</u>	<u>\$417</u>	<u>\$467</u>	<u>\$500</u>	<u>\$533</u>	<u>\$567</u>	<u>\$583</u>
<u>\$25,000 – \$29,999</u>	<u>\$521</u>	<u>\$583</u>	<u>\$625</u>	<u>\$667</u>	<u>\$708</u>	<u>\$729</u>
<u>\$30,000 – \$35,000</u>	<u>\$625</u>	<u>\$700</u>	<u>\$750</u>	<u>\$800</u>	<u>\$850</u>	<u>\$875</u>

Tenants reporting no income will not make a Tenant Contribution for a period of 12 months from the date of income loss. After this period ends, Tenants will begin paying a minimum Tenant Contribution based on the unit size in the \$1-\$4,999 Income Range.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.307 Rent Increases

Upon request from an LAA or a Developer, Agencies may allow an annual increase in the rent for Units, not to exceed the existing rent multiplied by the most recent Annual Adjustment Factor, except as otherwise permitted by Section 380.306(c). Rent increases shall be subject to the availability of funds in Annual Receipts ~~an Appropriation~~. In making this determination, the Agency shall review comparable rents in the market area, operating expenses of the building in

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which the Unit is located, and any other information the Agency deems relevant. Any rent increase shall not increase the Tenant Contribution. If approved, rent increases shall take effect either at the time the lease for the Unit is renewed or, if a lease is not renewed, in the first month Rental Assistance is subsequently provided for a new Tenant for the Unit.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.308 Over-Income Tenants

Upon receipt of a Tenant Income Certification, the Landlord, with the direction and supervision of the LAA, shall verify~~Landlords must recertify~~ the Annual Income of each Tenant prior to the renewal of the Tenant's lease. If the Annual Income of a Tenant exceeds 35% of the Median Income ~~the Extremely Low-Income Household limit as a result~~ because of an increase in the Tenant's Annual Income, Rental Assistance shall be terminated no later than 12 months after the date of that increase. ~~If expiration of the increase occurs during the term of an existing Tenant's lease, in effect when the Tenant's Annual Income exceeds the~~ Tenant shall be required to report the increase to the Landlord and the existing lease shall be extended for the period of time necessary to allow the Tenant the full 12 months of Rental Assistance ~~Extremely Low-Income Household limit~~. The Transitional Contribution during this period shall be the Tenant's Tenant Contribution prior to such increase, plus one-half of the difference between the Tenant Contribution and the current rent for the Unit. If a Tenant's Annual Income initially is within the Severely Low-Income Household limit, and increases above that limit, but is still within the Extremely Low-Income Household limit, the LAA shall take all reasonable efforts to ensure that an additional Unit is reserved for a Severely Low-Income Household, if necessary to comply with Section 380.301.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.309 Appeals

- a) All disputes between Landlord and Tenant or prospective Tenant concerning Annual Income or other eligibility requirements shall be initially resolved by the LAA providing Rental Assistance to the Landlord.
- b) If the LAA is unable to resolve the dispute, any of the parties involved may take an appeal to the applicable Agency. In the event of an appeal, all parties shall submit a written statement of their position and all relevant documentation to the applicable Agency. ~~The;~~ the Agency shall make a final decision based on the documentation submitted.

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- c) For LTOS Programs, all disputes between a Developer and a Tenant or prospective Tenant concerning Annual Income or other eligibility requirements shall be resolved by the funding Agency, based on written statements of positions and submission of relevant documentation by the Developer and the Tenant.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.310 Rental Preferences for Tenants with Special Needs

An LAA or a Developer may include in its Application a pledge to use its best efforts to make ~~up to 30% of the~~ Units under its Allocation available to Special Needs Households.

Notwithstanding the fact that an LAA or a Developer has included such a pledge in its Application, LAAs must require Landlords to rent, and Developers must rent, available Units to the first eligible Tenant, regardless of whether the prospective Tenant is a Special Needs Household. An LAA, a Landlord or a Developer shall not require a Tenant to have a diagnosis of a particular illness or the presence of a specific disability as a condition of eligibility for a Unit unless ~~that~~^{such} diagnosis or disability is required by another funding source for the Unit or the Project.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART D: ALLOCATIONS TO LOCAL ADMINISTERING AGENCIES

Section 380.401 Request for Proposals

From time to time, the Authority shall issue an RFP for Applications from prospective LAAs. The RFP shall include a copy of the Program Guide and an Application form. The period for submitting a response to the initial RFP shall be at least nine months. For each subsequent RFP, the Authority shall allow a minimum of three months to submit a response to the RFP. Each Municipality shall designate an LAA that meets the requirements of ~~Section 380.415 of this Part relating and that adopts a policy statement containing the same requirements for an Application to LAAs~~^{be an LAA, as set forth in Section 380.403 of this Part}; however, Municipalities are not required to issue RFPs for selecting an LAA. Municipalities may designate an LAA according to procedures set forth in the Municipality Program Guide.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.403 Application Requirements

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Each Application to be an LAA shall include the information required by this Section and, in the case of the Authority, any additional information the Authority may require to promote efficient program administration and quality of performance, provided that those requirements are included in the Authority's RFP and are consistent with this Section.

- a) Unit Types: Each Application shall include, but not be limited to, two, three, and four-bedroom Units among those Units proposed for Rental Assistance. Each Applicant shall determine and document the need for and availability of two, three, and four-bedroom Units in its proposed Service Area. The Authority may adjust the number of these larger Units if the information in the Application indicates a greater or lesser need for specific Unit types. All LAAs must make a good faith effort to comply with the final determination of the number of two, three, and four bedroom Units to receive Rental Assistance in the Service Area.
- b) Maximum Number of Units:
 - 1) For buildings containing more than ~~10~~~~six~~ Units, the number of Units proposed to receive Rental Assistance ~~from the~~~~for~~ RHS Program shall not exceed ~~50%~~~~30%~~ of the Units in the building. For buildings containing 10 Units or fewer, there shall be no restriction on the number of Units proposed to receive Rental Assistance from the RHS Program.
 - 2) For buildings containing 20 or more Permanent Supportive Housing Units, the number of Units proposed to receive Rental Assistance for RHS shall be 100% of the Units in the building.
- c) Rents: Each Application shall include a schedule of rents for the proposed Units, the proposed Tenant Contribution and a fair market analysis. To meet the requirements of the fair market analysis, LAAs shall include a sampling of rents at several properties throughout the service area. Proposed schedules of rents should be comparable to rents provided in the fair market analysis. ~~rent study. The requirements for the rent study shall be included in the Program Guide.~~
- d) Required Outreach: As provided in Section 380.302 ~~of this Part~~, each Applicant must demonstrate that it has made extensive efforts to establish working relationships with organizations serving populations in need of Rental Assistance, including, without limitation, local non-profit organizations and other entities serving the homeless, disabled, and senior citizens in the Service Area; public

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housing authorities with jurisdiction in the Service Area; and other organizations within the Service Area having experience in working with Extremely Low-Income Households and Severely Low-Income Households.

- e) Each Applicant must include in its Application a plan for selecting Landlords to participate in the RHS Program.
- f) Preference in Making Allocations: Applications that pledge to make efforts to offer ~~up to 30% of the~~ proposed Units to Special Needs Households, including persons now or imminently at risk of being required to live in institutional settings due to unavailability of suitable housing, shall receive the highest priority for an Allocation. Applications seeking this preference shall include executed written agreements with special needs service providers to refer eligible Households and a pledge to create and maintain procedures for referring the Special Needs Households. Applications shall not include a requirement that a Unit must be occupied by a Tenant having a diagnosis of a particular illness or the presence of a specific disability as a prerequisite for eligibility.
- g) Plan for Services: Each applicant shall provide its Plan for Services, which shall include a plan for advertising and making available information about the RHS Program to Landlords in its Service Area, a plan for providing information to Tenants on how to gain access to education, training, and other supportive services, and procedures for advertising available Units, and for identifying and referring prospective Tenants to Landlords for those Units.
- h) Financial Procedures: Each Application shall describe in detail the procedures for managing and disbursing the funds to be received through the requested Allocation and for making Reconciliations.
- i) Monitoring Landlords: Each LAA shall describe in detail how it proposes to monitor the performance of Landlords, including, at a minimum, the LAA's procedures for conducting physical inspections of Units, how the LAA will monitor and/or assist with the Landlord's procedures for verifying the Annual Income of Tenants and the Landlord's adherence to its Tenant Selection Plan.
- j) Readiness to Proceed: The Authority may give preference to Applicants who demonstrate a readiness to proceed, should they receive an Allocation. Readiness to proceed may be shown by a list of Households that have been pre-qualified to be Tenants, letters of intent from Landlords who own rental Units, or other

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factors, provided that the other factors are listed in the RFP. Letters of intent should include a certification from the Landlord that the Landlord~~he/she~~ is the owner of the rental Unit; the address of, the proposed rent for, and the number of bedrooms in, the Unit; a statement as to whether the Unit is accessible to disabled individuals or is adaptable so that it can be made accessible to disabled individuals; a statement that the Landlord~~he/she~~ will make the Unit available to eligible Households when funding is made available under the RHS Program; the signature of the owner; an executed acknowledgement by an authorized signatory of the Applicant; and other information as the Authority may require in the RFP.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.406 Administration of Allocations

- a) Commitment: Each LAA shall enter into a Commitment with the Agency that is providing its Allocation. The~~the~~ Allocation may be less than the amount requested in the Application. The term of Commitments may be one, two or three years, subject to the availability of funds from Annual Receipts~~an Appropriation~~ or a Fund Distribution, and may be renewed.
- b) Record Retention: Each LAA shall maintain records in connection with all Units receiving Rental Assistance under the LAA's Commitment for five years after the date of termination of the Commitment.
- c) Agency Monitoring: Each Agency shall have the right to monitor all records of LAAs relating to the administration of the Allocation granted by the Agency. Each Agency may perform its own physical inspection of Units in addition to the physical inspections that the LAA is required to perform. Each LAA shall make all records relating to its Commitment available for inspection by the funding Agency upon the Agency's request. The required documentation may include a copy of the LAA's response to the RFP, if applicable; all physical inspection records; occupancy records for all Units; a description of all outreach efforts made by the LAA; records of payments or Rental Assistance to Landlords and Reconciliation payments made to the Agency; copies of contracts with Landlords, the Agency and, where applicable, sub-contractors; documentation of the LAA's administrative expenses; and any other documentation required by the Agency.

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- d) Tenant Income Certifications: Each LAA shall obtain, maintain, and forward to the Agency copies of annual Tenant Income Certifications for all Tenants benefiting from Rental Assistance from the LAA.
- e) Landlord Procedures: Each LAA shall be responsible for monitoring the Landlord's compliance with its Tenant Selection Plan and the Landlord's performance under any agreement between the LAA and the Landlord ~~in certifying and recertifying Tenants' Annual Income, including verification of all family income and assets, family characteristics and other factors that may affect a Tenant's eligibility or level of assistance.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.407 Inspection Requirements

Before releasing Rental Assistance funds for a Unit, the LAA or its agent shall inspect the Unit and the common areas and grounds of the building in which the Unit is located, and shall certify that the Unit and the common areas and grounds of the building comply with Housing Quality Standards. LAAs shall also inspect ~~make inspections of~~ all Units, together with the common areas and grounds of the Unit's building, at least bi-annually. In other years, LAAs shall inspect a sampling of Units to visually observe the physical condition of the Units, including appliances, doors, locks, and smoke detectors and other health and safety items. In other years, if a Landlord receives Rental Assistance for fewer than three Units, the LAA shall perform a visual inspection of all Units; but if a Landlord is receiving Rental Assistance for three or more Units, the LAA may inspect a sample of these Units in each building in which the Units are located, but no fewer than three Units in each building. An Agency may decide to conduct inspections of Units itself, in the manner set forth in this Section. If an LAA or an Agency determines that one or more Units do not satisfy the Housing Quality Standards, it shall give the Landlord of the Unit or Units a period not to exceed 30 days in which to correct the deficiencies discovered in the inspection. However, ~~provided, however, that~~ if the deficiency is in an occupied Unit and poses a serious threat to the health and safety of the Tenant, the deficiency must be corrected within 72 hours.

- a) Examples of conditions that are considered to pose a serious threat to the health and safety of the Tenant include, but are not limited to, the following: ~~If the deficiency is not corrected within such 72 hour period, the LAA shall use its best efforts to find a replacement Unit for the Tenant.~~
 - 1) detection of propane, natural gas and/or methane gas;

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- 2) exposed electrical wires and/or open electrical panels;
 - 3) water leaks on or near electrical equipment;
 - 4) blocked emergency and/or fire exits;
 - 5) unusable fire escapes;
 - 6) blocked egress and/or ladders;
 - 7) any carbon monoxide hazard connected with, but not limited to, gas and/or oil fired units and/or missing or misaligned chimneys; and
 - 8) any and all other conditions the Agency finds to be a health or safety threat.
- b) If the deficiency is not corrected within the 72-hour period, or the 30-day period if the LAA determines that the deficiencies are serious enough to merit relocation, the LAA shall use its best efforts to find a replacement Unit for the Tenant. If a replacement Unit is found, the lease for the deficient Unit shall be terminated and the Tenant shall be relocated to the replacement Unit and shall enter in to a new lease.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.408 Selection of Landlords

- a) An LAA shall select Landlords to participate in the RHS Program in accordance with its plan for selecting Landlords.
- b) An LAA may select as a Landlord a fully- or partially-owned subsidiary of the LAA only if it provides for an independent third party acceptable to the Authority to perform the inspection of Units required under Section 380.407 ~~of this Part~~, at its own cost. If the LAA acts as a Landlord, it must supply to the Authority the certifications required ~~by~~ⁱⁿ Sections 380.~~501~~⁵⁰², 380.~~502~~⁵⁰³ and 380.~~504~~⁵⁰⁶.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.409 Contracts with Landlords

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LAAs shall enter into a payment contract with each Landlord for all Units for which the Landlord has been approved~~wants~~ to receive Rental Housing Assistance. The contract shall provide that the LAA will make quarterly Rental Assistance payments to Landlords in advance. The contract shall identify the Landlord and LAA; have a term not less than one year and not greater than three years; identify the Units to receive Rental Assistance by address and Unit type; set forth the rent to be charged for each Unit, which shall not be greater than the Maximum Rent unless otherwise approved by the Authority pursuant to Section 380.306(c); and require that the Landlord abide by the requirements of the RHS Program. The contract shall also provide that the Landlord is responsible for determining the family size, obtaining and Annual Income of each Tenant Income Certifications, and reporting this information to the LAA. ~~The, but that the Landlord, with the direction and supervision of the LAA, shall verify the Tenant's income and assets. The assist the Landlord in determining the Annual Income of each prospective Tenant; and that the~~ Landlord shall not reveal any information in connection with the prospective Tenant's Annual Income except to the LAA, the applicable Agency or as otherwise required by law.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.410 Reporting Requirements

- a) ~~At Each LAA shall provide reports to its funding Agency, on forms provided by the Agency, at~~ the end of each quarter of the term of its Commitment, each LAA shall prepare and provide to its Landlords a certification form that contains the following information:
- 1) a list of all Units. ~~The report shall identify each Unit that~~ areis receiving Rental Assistance;
 - 2) the date of payment of Rental Assistance; ~~and shall state~~
 - 3) the amount of Rental Assistance; ~~received from the Agency for each Unit;~~
 - 4) the months for which Rental Assistance was paid ~~amount paid to each Landlord for Rental Assistance, including any adjustments made in accordance with Section 380.411 of this Part; the Tenant Contribution for each Unit; any vacancies, including the full rent of each vacant Unit; a statement of the extent to which the LAA was successful in meeting the preference goals set forth in the LAA's Application; and~~

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- 5) such other information as the Agency may require.
- b) The Landlord shall sign and return the certification form to the LAA within the number of days specified in the form. If a Landlord disputes any of the information contained in the certification form, the Landlord shall set forth in writing the details of the information that it believes are erroneous and return the form to the LAA within the time specified in the form. ~~The LAA shall provide all new and updated Tenant Income Certifications along with its report~~ If a dispute between the Landlord and the LAA cannot be resolved, the LAA shall provide notice to the Agency and the Agency will contact the LAA and the Landlord for an explanation of the dispute. Each party shall provide documentation to justify their argument. The Agency will review the documentation and notify both parties of its determination.
- c) Once a Landlord has signed and returned the certification form, the LAA shall forward the certification form to the Agency.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.411 Reconciliations

Each LAA shall perform a Reconciliation every ~~quarters~~six months during the term of its Commitment and, if the Reconciliation indicates that the LAA has received funds in excess of the amount required for Rental Assistance payments, the LAA shall return all excess funds to its funding Agency within 30 days. However, ~~provided, however, that~~ an LAA created by a Municipality must use the excess funds to provide Rental Assistance for additional Units. The funding Agency may reduce the amount of subsequent quarterly payments to the LAA under the Commitment to offset Reconciliation amounts owing to, but not forwarded to, the Agency.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.412 Funding of Allocations

During the term of each Commitment with an LAA, the Agencies shall provide funds to LAAs in quarterly installments. An Agency shall increase the amount of an LAA's Allocation if the Agency has approved an annual rent increase for occupied Units, provided that the rent for each Unit, including the Rental Assistance, does not exceed the Maximum Rent for each Unit and funding is available from the Annual Receipts~~an Appropriation~~.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.413 Revocation/Non-Renewal~~Renewal~~ of Commitments

- a) LAAs may apply for a renewal of their Commitments, which shall be granted at the discretion of the applicable Agency, subject to the restrictions set forth in this Section. Agencies shall review the performance of each LAA at the end of the LAA's Commitment term. Agencies shall only renew the Commitments of those LAAs that have satisfactorily performed their obligations under their Commitments, as determined by the Agency. The performance review shall include, without limitation, the LAA's compliance with requirements for Tenant eligibility, Tenant Contribution, and rent charged for the Units; the number of two, three, and four bedroom Units included among the Units receiving Rental Assistance; the adequacy, frequency, and sufficiency of inspections of Units; the proper and timely submission of quarterly landlord certifications~~reports~~ and Reconciliations; the LAA's compliance with its Plan for Services~~service plan~~ and its outreach plan, including outreach activities conducted by the LAA within and around the LAA's Service Area; the LAA's compliance with its selection plan for Landlords; the implementation of the LAA's pledge to offer Rental Assistance for Units for Special Needs Households, if applicable; the LAA's responsiveness in addressing concerns about the LAA's performance under its Commitment; and proper documentation of the LAA's operating expenses and other program requirements.
- b) If an LAA does not wish to renew its Commitment or the Agency does not renew the Commitment of an LAA, the Agency shall seek another LAA to provide Rental Assistance for Units receiving Rental Assistance under the un-renewed~~unrenewed~~ Commitment. The Agency may offer a temporary Commitment to an LAA working in the same Service Area, and if the substitute LAA's performance is satisfactory, may extend the temporary Commitment for a period not to exceed three years. If the Agency is unable to find a replacement LAA, the Agency shall give 90 days' notice to the Tenants and Landlords of its intention to terminate Rental Assistance for the Units, and shall reallocate the Rental Assistance funds for these Units.
- c) If an LAA~~In the event an Agency~~ does not perform in accordance with the provisions of its~~renew an LAA~~ Commitment with an Agency, as determined upon review by the Agency, the Agency may revoke the Commitment prior~~due~~ to its expiration. In determining whether a Developer has adequately performed under

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its Commitment, the Agency shall review the ~~poor~~ performance factors outlined in subsection (a).

- d) Prior to the revocation/non-renewal, the Agency shall inform the LAA in writing of the reasons for the revocation/non-renewal. The written notification of revocation/non-renewal shall also indicate that the LAA will have 30 days to submit a written appeal to the Agency. The LAA's appeal shall be addressed to the Agency ~~General Counsel~~ and shall include a written statement of the LAA's position, including, without limitation, responses to any allegations of poor performance, along with all relevant supporting documentation. The Agency will review and make a final decision as to the revocation/non-renewal~~renewal~~ of the Commitment within 30 days after receiving the written appeal. Commitments not renewed due to lack of funding are not subject to appeal.
- e) If the Agency decides to revoke or not renew a Commitment, a final Reconciliation shall be performed and any amount due to the Agency by the LAA shall be paid within 10 days. If the LAA fails to pay that amount to the Agency, the Agency may exercise any remedies available to it at law or in equity in order to recover that amount from the LAA.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: LANDLORD RESPONSIBILITIES

Section 380.501 Income Eligibility and Verification

Upon receipt of a Tenant Income Certification, the Landlord, with the direction and supervision of the LAA, ~~Landlords~~ shall verify the Annual Income of each prospective Tenant prior to occupancy of a Unit and thereafter prior to lease renewal, using the Tenant Income Certification form prescribed by the Agency. ~~All Landlords shall verify all~~ Household income and assets shall be verified, following ~~the rules and requirements provided by the Authority, as set forth in~~ this Part.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.502 Record Submission and Retention

- a) Landlords shall maintain monthly records of the Tenant Contribution and Rental Assistance payments received for each Unit, including Unit vacancies, ~~for the~~

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~~term of the lease plus three years from the date of termination of the lease.~~

Landlords shall submit copies of these records to the LAA at least quarterly, unless the contract between the Landlord and the LAA requires more frequent submittals. Landlords shall also submit the quarterly certification forms described in Section 380.410.

- b) Copies of all records described in this Section shall be retained by Landlords for the term of the lease plus three years from the date of termination of the lease.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.505 Compliance with Federal, State and Local Law

Landlords~~The Landlord~~ must certify to the LAA, in the form provided by the Agency, that the lease for each Unit receiving Rental Assistance does not violate federal, State ~~or~~and local law or this Part.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.507 Reconciliations

Landlords shall make Reconciliations to their funding LAAs quarterly~~at least every six months~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.508 Property Insurance

Landlords shall maintain the required State minimum level of property insurance for all buildings that contain a Unit receiving Rental Assistance.

(Source: Added at 46 Ill. Reg. _____, effective _____)

**SUBPART F: LONG-TERM OPERATING
SUPPORT (LTOS) PROGRAM REQUIREMENTS****Section 380.601 Allocations**

Agencies shall reserve at least 10% of each year's Annual Receipts~~Appropriation~~ or Fund Distribution, as applicable, for LTOS Allocations. Agencies are not required to spend those

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funds in the year reserved, but may combine these funds with the reserved amounts from past or subsequent years; ~~provided, however, that such funds must be used within three years after their Appropriation or Fund Distribution.~~ A Municipality may delegate its responsibilities as an agency under this Subpart F to establish and administer an LTOS Program to its designated LAA.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.605 Application Requirements

- a) Applicants shall specify the number of Units for which they are requesting an Allocation. For ~~supportive housing~~ Projects containing more than ~~25~~ 16 Units, ~~and for all other Projects containing more than six~~ Units, the number of Units proposed to receive Rental Assistance shall not exceed 30% of the Units in the Project. For Projects containing 25 Units or fewer, there shall be no restriction on the number of Units proposed to receive Rental Assistance. For Projects containing more than 25 Permanent Supportive Housing Units, the number of Units proposed to receive Rental Assistance shall be 100% of the Units in the Project.
- b) Developers shall specify in their Applications how vacancies in Units will be advertised and shall include in their Application provisions for outreach to local homeless shelters, organizations that work with Special Needs Households, and others interested in affordable housing.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.607 Waiver

An Agency may waive any LTOS Program requirements only when special circumstances exist and in furtherance ~~under which the Application~~ of ~~those requirements would hinder~~ the purpose of the LTOS Program to increase the supply of affordable rental housing, as permitted by the RHS Program Act.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.608 Commitments

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- a) Upon the approval of a Project under the LTOS Program, the Agency shall enter into a Commitment with the Developer. The term of the Commitment may be for a maximum of 15 years, provided, however, that Agencies may provide long-term financing to Developers for a period not to exceed 30 years. The Commitment shall also be subject to the Agency's annual review of the Developer's performance under the Commitment, and may be revoked in the event of clearly unsatisfactory performance. Except in the case of long-term financing, the Commitment shall contain a provision that continued funding of the Allocation shall be conditioned on receipt of sufficient Annual Receipts~~Appropriations~~ for the RHS Program.
- b) Except in the case of long-term financing, during the term of each Commitment the Agency shall provide regular funding for Units in the Project, but not more frequently than in quarterly installments each year.
- c) Except in the case of long-term financing, the Agency shall provide increased funding if the Agency has approved an annual rent increase for occupied Units in accordance with Section 380.307 ~~of this Part~~, provided that the rent for each Unit, including the funds for Rental Assistance, does not exceed the Maximum Rent for each Unit, except as provided in Section 308.306(c), and funding is available from the Annual Receipts~~an Appropriation~~.
- d) ~~The In the case of long term financing, the~~ Developer will be required to enter into a regulatory agreement with the applicable Agency pursuant to which, among other requirements, it will agree to rent a set number of Units to Households who meet the income qualifications for the RHS Program.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.610 Over-Income Tenants

- a) Developers must verify~~recertify~~ the Annual Income of each Tenant prior to the renewal of the Tenant's lease. If the Annual Income of a Tenant exceeds 35% of the Median Income~~the Extremely Low Income Household limit as a result because~~ of an increase in the Tenant's Annual Income, Rental Assistance shall be terminated no later than 12 months after the date of that increase. ~~If expiration of the increase occurs during the term of an existing Tenant's lease, in effect when the Tenant's Annual Income exceeds~~ the Tenant shall be required to report the increase to the Developer and the existing lease shall be extended for the period of

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time necessary to allow the Tenant the full 12 months of Rental Assistance~~Extremely Low Income Household limit~~. The Transitional Contribution during this period shall be the Tenant's Tenant Contribution prior to such increase, plus one-half of the difference between the Tenant Contribution and the current rent for the Unit.

- b) If a Tenant's Annual Income initially is within the Severely Low-Income Household limit, and increases above that limit but is still within the Extremely Low-Income Household limit, the Developer shall take all reasonable efforts to ensure that an additional Unit is reserved for a Severely Low-Income Household, if necessary to comply with Section 380.301.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.611 Leases

Developers must enter into a written lease with each Tenant having a term of no less than 12 months. The lease shall contain a Rental Assistance Rider. The lease shall indicate which party is responsible for paying the utilities. Developers shall provide each Tenant and the funding Agency~~LAA~~ with a copy of the lease.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.613 Housing Quality Standards

- a) Prior to the initial occupancy of a Project, the applicable Agency shall inspect the Project to determine whether the Project satisfies the Housing Quality Standards. If the Project does not satisfy the Housing Quality Standards, the Agency shall not provide an Allocation for the Project until all deficiencies have been removed to the satisfaction of the Agency.
- b) During the period in which the Developer is receiving funding under the LTOS Program or, in the case of long-term financing, during the term of that~~such~~ long-term financing, the Project must continue to meet the Housing Quality Standards. Agencies shall make annual inspections of the Units in each Project, as provided in Section 380.407 ~~of this Part~~.
- c) If an Agency determines that one or more Units do not satisfy the Housing Quality Standards, it shall give the Developer a period not to exceed 30 days in

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which to correct the deficiencies discovered in the inspection. ~~However,;~~
~~provided, however, that~~ if the deficiency is in an occupied Unit and poses a serious threat to the health and safety of the Tenant, the deficiency must be corrected within 72 hours. Examples of conditions that are considered to pose a serious threat to the health and safety of the Tenant include, but are not limited to, the following:

- 1) detection of propane, natural gas and/or methane gas;
 - 2) exposed electrical wires and/or open electrical panels;
 - 3) water leaks on or near electrical equipment;
 - 4) blocked emergency and/or fire exits;
 - 5) unusable fire escapes;
 - 6) blocked egress and/or ladders;
 - 7) any carbon monoxide hazard connected with, but not limited to, gas and/or oil fired units and/or missing or misaligned chimneys; and
 - 8) any and all other conditions the Agency finds to be a health or safety threat.
- d) If the deficiency is not corrected within the 72-hour period, or the 30-day period if the Developer determines that the deficiencies are serious enough to merit relocation, the Developer shall use its best efforts to find a replacement Unit for the Tenant. If a replacement Unit is found, the lease for the deficient Unit shall be terminated and the Tenant shall be relocated to the replacement Unit and shall enter into a new lease.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.615 Reconciliations

Each Developer shall, every ~~quarter~~~~six months~~ during the term of its Commitment, perform a Reconciliation and, if the Reconciliation indicates that the Developer has received funds in excess of the amount required for Rental Assistance payments, the Developer shall return all

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excess funds to its funding Agency within 30 days. The funding Agency may reduce the amount of subsequent quarterly payments to the Developer under the Commitment to offset Reconciliation amounts owing to, but not forwarded to, the Agency.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.616 Reporting Requirements

Each Developer shall provide reports to its funding Agency, on forms provided by the Agency, at the end of each quarter of the term of its Commitment. The report shall identify each Unit that is receiving Rental Assistance and shall state the amount of Rental Assistance received from the Agency for each Unit; the Tenant Contribution for each Unit; ~~and~~ any vacancies, including the rent of each vacant Unit; and any other information required by the Agency. The Developer shall provide all new and updated Tenant Income Certifications along with its report.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 380.617 Property Insurance~~Agency Monitoring~~

Developers shall maintain the recognized State minimum level of property insurance for all buildings that contain a Unit receiving Rental Assistance.

(Source: Former Section 380.617 renumbered to Section 380.618; new Section 380.617 added at 46 Ill. Reg. _____, effective _____)

Section ~~380.618~~380.617 Agency Monitoring

Each Agency shall have the right to monitor all records of Developers relating to the administration of Allocations granted by the Agency. Developers shall make all records relating to its Commitment available for inspection by the funding Agency upon the Agency's request. The records for review may include, without limitation, a copy of the Developer's response to the RFP, if applicable; all physical inspection records; occupancy records for all Units; a description of all outreach efforts; Reconciliation payments to the Agency; and any other documentation required by the Agency.

(Source: Former Section 380.617 renumbered to Section 380.619; former Section 380.617 renumbered to Section 380.618 at 46 Ill. Reg. _____, effective _____)

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**Section 380.619 Revocation/Non-Renewal of Commitments~~380.618 Continuing Eligibility~~
Requirements**

- a) If a Developer does not perform in accordance with the provisions of its Commitment with an Agency, as determined upon review by the Agency, the Agency shall revoke the Commitment prior to its expiration, or determine not renew the Commitment. In determining whether a Developer has adequately performed under its Commitment, the Agency may review, without limitation, the Developer's compliance with Authority requirements for Tenant eligibility, Tenant Contribution, and rent charged for the Units; the compliance of the Project with the Housing Quality Standards; responsiveness to the Agency, including, without limitation, all reporting requirements; the Developer's compliance with the Project's Tenant Selection Plan; and outreach activities conducted by the Developer within and surrounding the area in which the Project is located, where applicable. In the case of long-term financing, if the Developer does not perform in accordance with the requirements of the regulatory agreement with the Agency required under Section 380.608(d), the Agency shall have the right to recapture all or part of the Rental Assistance for the Project if the Developer is unable to correct any material violations of the regulatory agreement within a reasonable period of time.
- b) Prior to the revocation or non-renewal, the Agency shall inform the Developer in writing of the reasons for the revocation/non-renewal. The written notification of revocation/non-renewal shall also indicate that the Developer will have 30 days to submit a written appeal to the Agency. The Developer's appeal shall be addressed to the Agency and shall include a written statement of the Developer's position, including, without limitation, responses to any allegations of poor performance, along with all relevant supporting documentation. The Agency shall review and make a final decision as to the revocation/non-renewal of the Commitment within 30 days after receiving the written appeal.
- c) If the Agency decides to revoke or not renew a Commitment, a final Reconciliation shall be performed and any amount due to the Agency by the Developer shall be paid within 10 days. If the Developer fails to pay that amount to the Agency, the Agency shall have the right to exercise any remedies available to it at law or in equity in order to recover the amount from the Developer.

(Source: Section 380.619 renumbered from Section 380.618 and amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Purchased Care Review Board
- 2) Code Citation: 89 Ill. Adm. Code 900
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
900.310	Amendment
900.320	Amendment
900.330	Amendment
900.331	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-7.02
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Purchased Care Review Board is promulgating rules to (1) allow residential facilities to accept additional Illinois students to ensure that Illinois students who require such service have access to a free and appropriate public education in a residential facility, whether in Illinois or another state, and (2) address the emergency and student-specific approval for placement in nonapproved facilities when no other appropriate facility accepts the student or has immediate availability to serve the student. The changes to these rules will ensure that students who require residential placements due to health and safety reasons are able to be immediately placed in a residential facility that is not ISBE-approved when all other options have been exhausted. The IPCRB's rules will ensure that reimbursement for such placements to Illinois school districts will not be a barrier to a student's immediate placement to ensure their continued receipt of a free and appropriate public education as required by law.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

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

(217) 782-6510
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER V: ILLINOIS PURCHASED CARE REVIEW BOARD

PART 900

ILLINOIS PURCHASED CARE REVIEW BOARD

Section

900.110	Applicability and Purpose; Severability
900.310	General Provisions Relating to Determining Allowable Costs
900.315	Effective Dates of Rate Determinations
900.320	Cost Reports – General Requirements
900.321	Non-Allowable Costs and Revenue Offsets
900.322	Allowable Costs
900.330	Reasonable Cost Provisions
900.331	Reimbursement for Allowable Costs
900.340	Notice and Filing of Appeal
900.341	Principles of Appeals Process
900.342	Basis for Appeals
900.343	Effective Dates of Rates Changed on Appeal
900.344	Conditional Increases
900.345	Procedure for Filing Appeals
900.346	Review by Appeals Committee (Repealed)
900.347	Review by Board (Repealed)
900.348	Final Decision of Board
900.349	Mathematical and Clerical Errors in Calculation
900.351	Factors in Evaluating Appeals (Repealed)

AUTHORITY: Implementing and authorized by Section 14-7.02 of the School Code [105 ILCS 5].

SOURCE: Filed May 8, 1979, effective May 18, 1978; amended at 4 Ill. Reg. 9, pp. 241, 244 and 247, effective February 15, 1980; amended at 5 Ill. Reg. 4171, effective April 7, 1981; amended at 5 Ill. Reg. 5633, effective May 15, 1981; amended at 5 Ill. Reg. 9095, effective September 1, 1981; codified at 6 Ill. Reg. 12452; amended at 7 Ill. Reg. 6079, effective May 4, 1983; amended at 9 Ill. Reg. 9551, effective June 10, 1985; amended at 11 Ill. Reg. 20552, effective December 8, 1987; amended at 16 Ill. Reg. 5311, effective March 23, 1992; emergency amendment at 19 Ill. Reg. 13590, effective September 25, 1995, for a maximum of 150 days; emergency expired February 21, 1996; amended at 28 Ill. Reg. 7242, effective May 5, 2004; amended at 44 Ill. Reg. 1954, effective January 8, 2020; emergency amendment at 46 Ill. Reg.

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3031, effective February 4, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

Section 900.310 General Provisions Relating to Determining Allowable Costs

- a) The Illinois Purchased Care Review Board (Board) approves costs for providers of special educational and related services and also room and board for children whose educational needs, because of their disabilities, cannot be met by the special education program of the district in which they reside.
- b) Each program is subject to prior approval of the Illinois State Board of Education (ISBE).
- c) Providers must comply with the minimum educational standards as found in the rules of the State Board of Education regarding Nonpublic Special Education Facilities (23 Ill. Adm. Code 401), except for providers providing emergency and student-specific placements pursuant to 23 Ill. Adm. Code 226.330(g) or (i).
- d) A "provider" is any organization that offers special education and/or residential services to students with disabilities under Section 14-7.02 of the School Code.
 - 1) A "facility" is the physical premises where a provider offers services.
 - 2) A "program" is a set of special education services designed to serve students who have similar educational needs.
 - 3) A "private for-profit provider" is one that is registered as for-profit by the Secretary of State in the provider's principal location and recognized as a for-profit by the Internal Revenue Service.
 - 4) "Organization" or "organizational" pertains to the business and administrative structure of an entity that serves as a provider under this Part.
- e) "School health services" are those direct or indirect services normally associated with the function of a school nurse, limited to health counseling, health education, personal hygiene/grooming, first aid/emergency care, administration and monitoring of medications, safety, and health protection (prevention) services provided by licensed, registered, or certified nurses or other non-physician health

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care professionals employed by a nonpublic special education provider for the purpose of serving students placed in such facilities and those services required by the students' Individualized Education Programs (IEP).

- f) "Occupancy costs" are those costs associated with the operation and maintenance of the physical plant, and all depreciation, all lease or rental, and all interest.
- g) "Support costs" are those costs normally associated with the provision of food and dietary services, laundry services, housekeeping services, and other costs associated with the provision of domestic services, including salaries, wages, fringe benefits, and supplies used in providing such services.
- h) "Administrative costs" are those costs normally associated with the overall organizational leadership and direction of the various program service entities within the provider's organization. Such costs include salaries, wages, fringe benefits and supplies related to executive officers and assistants, clerical and bookkeeping staff and other costs and fees associated with organizational leadership and direction.
- i) When a provider purchases goods or services from a related organization, the cost of the goods or services shall be allowable only to the extent that it does not exceed the cost to that related organization. That is, a provider may not build a profit for a related organization into its cost structure. A "related organization" is one that:
 - 1) directly or indirectly controls, or is controlled by, the provider; or
 - 2) influences, or is influenced by, the provider in terms of financial and operational policies; or
 - 3) is controlled or influenced by another organization that also controls or influences the provider.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 900.320 Cost Reports – General Requirements

- a) The Board shall require the annual filing of an attested cost report on such financial schedules as the Board may prescribe. Attested cost reports shall

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convey information on those items of cost defined as nonallowable in Section 900.321, as well as those defined as allowable in Section 900.322, and shall attribute allowable costs to special education, related services, or room and board. The time period covered by this report must correspond with the provider's fiscal year. Whenever possible, the Board will accept cost reports filed with other State agencies as fulfilling this requirement. Cost reports submitted to the Board for purposes of determining allowable costs must be accompanied by a certified audit for the most recently ended fiscal year unless this requirement is waived by the Board.

- b) The Board may waive the requirement for a certified audit and/or for a cost report when it deems either of these to be unnecessary; for example, if:
 - 1) the number of pupils placed with a provider by Illinois school districts totals fewer than six except that until August 31, 2023, the Board may waive the requirement for a certified audit and/or for a cost report when it deems the number of pupils placed with a provider by Illinois school districts totals twelve or fewer;
 - 2) the rate for an out-of-state provider is not negotiable according to law or rules in that state; ~~or~~
 - 3) the provider's annual operating budget is very low; or;
 - 4) the provider is providing emergency and student-specific placements pursuant to 23 Ill. Adm. Code 226.330(g) or (i).
- c) Unless prior arrangements for an extension of the deadline are made with the Board due to extenuating circumstances (such as unexpected loss of key personnel, inadvertent destruction of records due to fire or flooding, bankruptcy, etc.), this report must be filed by the latter of either January 15 or 90 days after the end of the provider's fiscal year.
- d) Financial data must be reported using the accrual basis for accounting, unless prior arrangements are made with the Board.
- e) The Board may request such additional financial information as is necessary to fulfill its duties. Circumstances that would cause the Board to request additional information include, but are not limited to, substantial revisions in the provider's

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program or substantial changes in the population served by the provider. This may include requiring a provider to submit a certified financial statement if the Board determines that such a statement is needed.

- f) Providers shall cooperate in audits undertaken to verify the truth, accuracy and completeness of reported costs.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 900.330 Reasonable Cost Provisions

- a) Only reasonable costs that are necessary for the accomplishment of program goals and objectives shall be allowable. A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent buyer under the circumstances prevailing at the time the decision was made to incur the costs. Accordingly, the Board shall seek to approve expenditures for goods and services at a cost that is as low as possible without sacrificing the quality of goods or services received. Parameters for frequently incurred costs, including staffing costs, will be developed by the Board based on analysis of regional variations in costs for comparable services.
 - 1) In determining allowable costs for new programs (i.e., those without audited historical cost data), the Board will consider the special education and related services that will be required in response to the unique characteristics of the children to be served.
 - 2) For new residential programs, allowable costs may be determined based on costs approved by another child care agency of the State of Illinois.
- b) Reasonable cost ceilings for support, administration and occupancy costs shall be determined as follows:
 - 1) All providers will be grouped by type of program offered on the basis of actual costs for support, administration, and occupancy of facilities. Allowable costs for support, administration and occupancy utilize a cost range ceiling of 125% of the median as a reasonable upper limit.
 - 2) For a private for-profit provider, reimbursement will be allowable at 115% of the median cost for support, administration and the physical plant

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operation and maintenance portion of the occupancy costs for all facilities where a similar type of program is offered. When actual costs exceed 115% of these medians, a cost ceiling of 125% of these medians will be utilized.

- 3) Calculation of median costs for the coming rate year will be based on cost reports received prior to April 15. Cost reports not received prior to April 15 may be included in the median calculation using the prior year's cost report, adjusted for inflation, as established by the Board.
- c) Reported costs will be updated for inflation experienced and projected for the time between the period covered on the cost report and the middle of the current school year. The Board will develop an appropriate index for inflation factors each year using the component method to update costs of programs for the same time periods.
- d) Allowable costs approved by the Illinois Purchased Care Review Board for any nonpublic school program or segment thereof shall not exceed the allowable costs for that program approved by any other Illinois State agency for the same program or program segment.
- e) Each Illinois State agency that approves room and board rates for nonpublic providers shall notify the Illinois Purchased Care Review Board of the approved rate for each nonpublic program receiving funding subject to Section 14-7.02 of the School Code.
- f) The Board may use as bases for allowable costs those costs reimbursed by the state in which a provider's facility is located. These may, however, be adapted to meet known differences in cost determination methodologies. The Board may waive allowable cost provisions for a provider's out-of-state program or programs. Circumstances that would lead the Board to waive allowable cost provisions include but are not limited to the following:
 - 1) Fewer than six Illinois children are served by the program or programs except that until August 31, 2023, the Board may waive this requirement when it deems the number of pupils placed with a provider by Illinois school districts totals twelve or fewer;
 - 2) The out-of-state provider submits a substitute cost report as prescribed by

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the Board and/or the provider requests that the Board adopt the official rate of another state or local governmental agency;

- 3) The out-of-state provider will only provide treatment services at a non-negotiable or stated cost and the treatment services are not available in other settings;
 - 4) The placement of a child in the out-of-state program is the result of a court order; ~~or~~;
 - 5) The provider is providing emergency and student-specific placement pursuant to 23 Ill. Adm. Code 226.330(g) or (i).
- g) For school year 2022 ("SY22") only, any out-of-state provider accepting six to twelve Illinois students for which a rate was calculated for SY22 the rate will remain for SY22 (no retroactive adjustments for SY22). Effective school year 2023, for such providers with twelve or fewer students, the Board may waive the certified audit and/or cost report per Section 900.320(b)(1) regardless if rates were calculated for SY22.
- h) Per-student allowable costs shall be determined in the following manner:
- 1) Per-student allowable costs for room and board will be determined on the basis of actual enrollment or 90% of licensed capacity, whichever is larger.
 - 2) Per-student allowable education costs shall be determined on the basis of program enrollment, as reported by the provider and verified by the Illinois State Board of Education. Such verification shall be based on the total reimbursement days claimed by all school districts for each program. In the event of a discrepancy between the enrollment reported by the provider and the enrollment reported by the Illinois State Board of Education, the higher enrollment figure shall be used in determining the per-student allowable education cost, except as provided for in Section 900.342(a)(6) of this Part.
- ~~i~~h) Cost determination for an out-of-state public school program shall be made on the basis of documented prior costs or the operating budget for the public program.

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- 1) Cost information shall be reported annually by an authority representing the out-of-state public school district or other public entity operating the program.
- 2) Additional information such as enrollment, school calendar, weighting factors, or budget detail may be required if such information is not included with the cost information submitted for review.
- 3) Any increase in the actual costs of a program, determined after the original cost determination, shall be submitted to the Board in the form of an appeal, to be approved by the Board prior to payment being made by any Illinois school district. Only appeals that address changes in the current school year shall be considered.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 900.331 Reimbursement for Allowable Costs

- a) Reimbursement shall be made on the basis of days of enrollment in a program at a nonpublic school approved by the Illinois State Board of Education [or approved for emergency and student-specific placement pursuant to 23 Ill. Adm. Code 226.330\(g\) or \(i\).](#)
- b) Reimbursement to the school district shall be made on the basis of allowable costs approved by the Illinois Purchased Care Review Board, subject to appropriation.
- c) Terms of enrollment shall be as contracted for by the school district.
- d) The Illinois State Board of Education will reimburse for room and board payments only when no other State agency is involved in the placement of the child. (See Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].)
- e) A school district shall receive no reimbursement for any portion of an established rate that has been covered by a third-party payor.
- f) Other State agencies may reimburse for costs that are otherwise nonreimbursable, but their responsibility for so doing shall be limited by their own rules and procedures regarding such payments. To the extent no other State agency has

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responsibility for these costs, parents or other responsible parties will be assumed to have accepted responsibility for these costs. In no event shall State agencies, parents or other parties be allowed to pay for special education, related services and room and board fees in excess of those determined allowable by the Board for a child placed only by a local school district. Any such payments made by other than the Illinois State Board of Education for a child placed only by the local school district would be used to offset the allowable costs for special education, related services and/or room and board approved by the Board for that particular student.

- g) Nothing in this Part will preclude a public school district from placing a student in a program pursuant to 23 Ill. Adm. Code 226.330(g) or (i) while allowable costs are being established by the Board.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permanent Program Performance Standards – Surface Mining Activities
- 2) Code Citation: 62 Ill. Adm. Code 1816
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1816.22	Amendment
1816.116	Amendment
1816.117	Amendment
1816.APPENDIX A	Repealed
1816.EXHIBIT A	Repealed
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to bring Illinois' regulations into consistent wording with federal SCMRA counterparts, to add clarity to regulations, to remove outdated end dates previously removed from federal counterparts, update reference documents, to address removal of 62 IAC 1816.Appendix A, strikes sorghum as a crop for testing, and clarify success standards for specific land uses at surface coal mining operations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF NATURAL RESOURCES

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Amy Oakes, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield, IL 62702

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impacts are anticipated.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1816

PERMANENT PROGRAM PERFORMANCE STANDARDS –
SURFACE MINING ACTIVITIES

Section

1816.11	Signs and Markers
1816.13	Casing and Sealing of Drilled Holes: General Requirements
1816.14	Casing and Sealing of Drilled Holes: Temporary
1816.15	Casing and Sealing of Drilled Holes: Permanent
1816.21	Topsoil: General Requirements (Repealed)
1816.22	Topsoil and Subsoil
1816.23	Topsoil: Storage (Repealed)
1816.24	Topsoil: Redistribution (Repealed)
1816.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1816.41	Hydrologic Balance Protection
1816.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1816.43	Diversions
1816.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1816.45	Hydrologic Balance: Sediment Control Measures
1816.46	Hydrologic Balance: Siltation Structures
1816.47	Hydrologic Balance: Discharge of Structures
1816.48	Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)
1816.49	Impoundments
1816.50	Hydrologic Balance: Ground Water Protection (Repealed)
1816.51	Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)
1816.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1816.53	Hydrologic Balance: Transfer of Wells (Repealed)
1816.54	Hydrologic Balance: Water Rights and Replacement (Repealed)
1816.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1816.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities
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- 1816.65 Use of Explosives: Surface Blasting Requirements (Repealed)
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- 1816.81 Coal Mine Waste: General Requirements
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- 1816.86 Coal Processing Waste: Burning (Repealed)
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- 1816.88 Coal Processing Waste: Return to Underground Workings (Repealed)
- 1816.89 Disposal of Noncoal Mine Wastes
- 1816.91 Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
- 1816.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
- 1816.93 Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
- 1816.94 Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)
- 1816.95 Stabilization of Surface Areas
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- 1816.99 Slides and Other Damage
- 1816.100 Contemporaneous Reclamation
- 1816.101 Backfilling and Grading: General Requirements
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- 1816.103 Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)
- 1816.104 Backfilling and Grading: Thin Overburden
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- 1816.106 Backfilling and Grading: Previously Mined Areas
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1816.112	Revegetation: Use of Introduced Species (Repealed)
1816.113	Revegetation: Timing
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1816.116	Revegetation: Standards for Success
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1816.APPENDIX A	Agricultural Lands Productivity Formula (Repealed)
1816.TABLE A	Subsoil Adjustments (Repealed)
1816.TABLE B	Soil Variance Codes (Repealed)
1816.TABLE C	County Numbering System (Repealed)
1816.TABLE D	Sample Points Per Crop Acres (Repealed)
1816.TABLE E	Soil Master Files (Repealed)
1816.TABLE F	County Cropped Acreage File (Repealed)
1816.EXHIBIT A	County Crop Yields by Soil Mapping Unit (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992; amended at 17 Ill. Reg. 11001, effective July 1, 1993; amended at 20 Ill. Reg. 2027, effective January 19, 1996; amended at 22 Ill. Reg. 20228, effective November 5, 1998; amended at 24 Ill. Reg. 5967, effective March 21, 2000; amended at 26 Ill. Reg. 4232, effective March 6, 2002; amended at 27 Ill. Reg. 4690, effective February 26, 2003; amended at 29 Ill. Reg. 10599, effective July 7, 2005; amended at 46 Ill. Reg. _____, effective _____.

Section 1816.22 Topsoil and Subsoil

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- a) Removal.
- 1) All topsoil shall be removed as a separate layer from the area to be disturbed, and segregated. Where topsoil is of insufficient quantity or poor quality for sustaining vegetation, the materials approved by the Department in accordance with subsection (b) shall be removed as a separate layer from the area to be disturbed, and segregated.
 - 2) If topsoil is less than six (6) inches thick and no substitutes or supplements are approved in accordance with subsection (b), the operator shall remove a six (6) inch layer that includes the A horizon and the unconsolidated materials immediately below or the A horizon and all unconsolidated materials if the total available is less than six (6) inches and treat the mixture as topsoil.
 - 3) The Department shall not require the removal of topsoil for minor disturbances which:
 - A) Occur at the site of small structures, such as power poles, signs, fence lines or markers; or
 - B) Will not destroy the existing vegetation, will not cause erosion and will not degrade the quality or limit the future use of the soil.
 - 4) All material to be removed under this Section shall be removed after the vegetative cover that would interfere with its salvage is cleared from the area to be disturbed, but before any drilling, blasting, mining or other surface disturbance takes place.
- b) Substitutes and supplements.
Selected overburden materials may be substituted for, or used as a supplement to topsoil if the operator demonstrates to the Department that the resulting soil medium is equal to, or more suitable for sustaining vegetation than, the existing topsoil, and the resulting soil medium is the best available in the permit area to support revegetation. The demonstration shall be based upon the information requirements of 62 Ill. Adm. Code 1780.18(b)(4).
- c) Storage.

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- 1) Materials removed under subsection (a) if not redistributed immediately shall be segregated and stockpiled.
- 2) Stockpiled materials shall:
 - A) Be selectively placed on a stable site within the permit area;
 - B) Be protected from contaminants and unnecessary compaction that would interfere with revegetation;
 - C) Be protected from wind and water erosion through prompt establishment and maintenance of an effective, quick growing vegetative cover or through other measures equally effective in controlling erosion approved by the Department; and
 - D) Not be moved until required for redistribution unless approved by the Department.
- 3) Where long-term surface disturbances will result from facilities such as support facilities and preparation plants and where stockpiling of materials removed under subsection (a)(1) would be detrimental to the quality or quantity of those materials, the Department may approve the temporary distribution of the soil materials so removed to an approved site within the permit area to enhance the current use of that site until needed for later reclamation provided that:
 - A) Such action will not permanently diminish the capability of the topsoil of the host site; and
 - B) The material will be retained in a condition more suitable for redistribution than if stockpiled.
- d) Redistribution
 - 1) Topsoil materials and topsoil substitutes and supplements removed under subsections~~subsection~~ (a) and (b) of this Section shall be redistributed in a manner that:

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- A) Achieves an approximate uniform, stable thickness when consistent with the approved post-mining land use, contours and surface-water drainage systems. Soil thickness may also be varied to the extent such variations help meet the specific revegetation goals identified in the permit;
 - B) Prevents excess compaction of the materials; and
 - C) Protects the materials from wind and water erosion and contamination before and after seeding and planting.
- 2) Before redistribution of the material removed under subsection (a) the regraded land shall be treated if necessary to reduce potential slippage of the redistributed material and to promote root penetration. If no harm will be caused to the redistributed material and reestablished vegetation, such treatment may be conducted after such material is replaced.
- 3) The Department shall not require the redistribution of topsoil or topsoil substitutes on the approved post-mining embankments of permanent impoundments or of roads if it determines that:
- A) Placement of topsoil or topsoil substitutes on such embankments is inconsistent with the requirement to use the best technology currently available to prevent sedimentation; and
 - B) Such embankments will be otherwise stabilized.
- 4) Nutrients and soil amendments shall be applied to the initially redistributed material when necessary to establish the required vegetative cover.
- e) Subsoil segregation. The Department may require that the B horizon, C horizon, or other underlying strata, or portions thereof, be removed and segregated, stockpiled, and redistributed as subsoil in accordance with the requirements of subsections (c) and (d) if it finds that such subsoil layers are necessary to comply with the revegetation requirements of Sections 1816.111, 1816.113, 1816.114, 1816.116 and 1816.117.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 1816.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with this Section, ~~and~~ Section 1816.117, and as described in the Agricultural Lands Productivity Formula (Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division and Illinois Department of Agriculture, Bureau of Land and Water Resources, October 19, 2021, this incorporation includes no later amendments or additions). The Agricultural Lands Productivity Formula is a program that compares reclaimed field crop yields against projected county yields adjusted annually for weather variations. The Agricultural Lands Productivity Formula is described in writing and made available to the public.
 - 2) Requirements
 - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
 - B) The period of extended responsibility shall continue for a period of not less than 5 full years, except that on lands eligible for remining, the period of responsibility ~~(until September 30, 2004)~~ shall be 2 full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).
 - C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use

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management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook, ~~24th~~^{23rd} Edition (University of Illinois at Champaign-Urbana, [University of Illinois Extension](#), College of Agriculture, Consumer and Environmental Science, ~~1917 Wright St., Champaign IL 61820~~ (~~2009~~²⁰⁰¹⁻²⁰⁰²; this incorporation includes no later amendments or editions)); and those practices that are a part of an approved conservation plan subject to the Farm Security and Rural Investment Act of 2002 (P.L. 107-171; 116 Stat. 134). On all lands with a postmining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Farm Security and Rural Investment Act of 2002, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. Copies of the Illinois Agronomy Handbook and the Farm Security and Rural Investment Act of 2002 are available at the Department's Springfield office.

- D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if a permittee has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
 - ii) the area is small;

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- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- F) **Augmentation**
Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. The application of neutralization agents and fertilizers used for minor remediation work or repairs is considered a normal husbandry practice and not augmentative. Water level

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management using permanent water control structures is considered a normal husbandry practice.

G) Other Management Practices

The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:

- i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
- ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
- iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redisturbed by surface coal mining operations, shall not

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be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;

- B) For areas to be developed for industrial, commercial or residential use less than 2 years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4) or (a)(6). Crop production shall be considered successful if it is 90% of that crop production required in subsection (a)(4) or (a)(6) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year responsibility period. During the extended 5 year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The 5 year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crops to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period. Once chosen by the permittee, the productivity alternative in subsection (a)(6) may not be modified without approval from the Department;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1816.117;

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- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with subsection (a)(4) or (a)(6). Productivity shall be considered successful if it is 90% of the productivity required in subsection (a)(4) or (a)(6) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any 2 years of a 10 year period prior to the release of the performance bond, except the first year of the 5 year extended responsibility period. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C), the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in subsection (a)(4)(D) for one year of hay production on limited capability land. Once chosen by the permittee, the productivity alternative in subsection (a)(6) may not be modified without approval from the Department;
- F) Non-contiguous areas less than or equal to 4 acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the permittee can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

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- 4) In order to use the Agricultural Lands Productivity Formula, ~~Appendix A of this Part~~, or the alternative in subsection (a)(6), to determine success of revegetation, the following shall apply:
- A) The permittee shall submit annually, by February 15, a one inch equals 500 ~~(1:500)~~ feet or larger scale drawing or aerial photograph delineating:
- i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommencing the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(A)(ii); and
 - ii) The crop (e.g., hay, wheat, corn, soybeans, ~~sorghum~~, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year. The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1774.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes. A field is an area of land reclaimed by a single reclamation technique that comprises either high capability land or prime farmland or limited capability ~~pasture~~ land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment.
- B) Fields identified in subsection (a)(4)(A) to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The current sampling method of the Agricultural Lands Productivity Formula ~~Appendix A~~ shall apply. Soil and water conservation practices approved in the permit application

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including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of [the Agricultural Lands Productivity Formula](#) ~~Section 1816. Appendix A~~ and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

- C) Adjustments for abnormal, catastrophic growing conditions shall be accepted by the Department if the adjustments are certified by a qualified professional (American Society of Agronomy certified) or National Association of State Departments of Agriculture crop enumerators used under this Section, whose ability to perform such adjustments has been previously approved by the Department.
 - D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, ~~sorghum~~ or wheat. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one successful year of corn and if the Department has approved its use, a maximum of one successful year each of hay and wheat crops, may be used for the productivity demonstration. If deep tillage has been completed to a minimum depth of 36 inches prior to bond release, the applicant may use more than one successful year of hay or wheat as a crop to be used for the productivity demonstration. The requirement for one successful year of corn remains unchanged under this subsection (a)(4)(D).
- 5) Wetland revegetation shall be deemed successful when:

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- A) The applicable wetland vegetation criteria included in the following reference materials have been met:~~in the~~ Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631), Regional Supplement to the Corp of Engineers Wetlands Delineation Manual: Midwest Region (Department of the Army ERDC/EL TR-10-16, August 2010, published by the Department of the Army, U.S. Army Engineer Research and Development Center, 3909 Ferry Halls Road, Vicksburg, MS 39180-6199), and the National Wetland Plant List for the State of Illinois (U.S. Army Corps of Engineers 2018, National Wetland Plant List, version 3.4 <http://wetland-plants.usace.army.mil>). ~~The reference materials are have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is~~ available for inspection and copying at the Department's Springfield office; and
- B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1816.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.
- 6) In order to use the alternative to the Agricultural Lands Productivity Formula, ~~Appendix A,~~ to determine success of revegetation, the following shall apply: use of this alternative is contingent upon the permittee demonstrating for the entire field that the soil strength of the entire soil profile will average ≤ 200 psi or has been deep tilled to a minimum depth of 36 inches prior to bond release, and soil fertility will average Optimum Management for pH, P and K values as defined under the current Illinois Agronomy Handbook, and intensive land leveling is implemented, as needed, for the entire field. Areas to be tested are allowed under the provisions of subsection (a)(3)(C) or (E). The alternative to the

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Agricultural Lands Productivity Formula compares reclaimed field crop yields against an average of the five most recent county yields adjusted annually for weather variations.

- A) The following substitution of the annual pit base yield adjustment ~~Column F of Appendix A (County Average Yield File)~~ shall read:

County Success Factor = Average of the Five Previous County Success Factors ~~Official County Crop Yield for the Five Previous Years ÷ Average of Weighted Optimum Management Yield for the Five Years~~

- B) ~~When the factor derived in subsection (a)(6)(A) and hand sampling are used, the harvest loss will be calculated by averaging the harvest loss of the 5 previous years for the crop being tested.~~

- b) The person who conducts surface mining activities shall:
- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
 - 2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred 5 unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code 1823.15, or shall initiate deep tillage under appropriate soil moisture conditions on the areas, subject to the approval of the Department.
 - 3) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities. The forms shall be submitted with a copy of the

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approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1816.117 Revegetation: Tree, Shrub, and Herbaceous Wildlife Vegetation

- a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:
 - 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b)-~~below~~ with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the fifth year of the responsibility period or later in the responsibility period. On lands eligible for remining, the period of responsibility-~~(until September 30, 2004)~~ shall be 2 full years. Trees and shrubs counted in determining such success shall be healthy, e.g., not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least 3 growing seasons, i.e., 3 years. ~~On~~Until ~~September 30, 2004, on~~ lands eligible for remining, trees and shrubs need not have been in place for 3 years; however, such trees and shrubs shall not be counted in determining success during the same calendar year in which they were planted.
 - 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
 - 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover. Erosion control structures, including pond

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embankments, shall not require the planting of trees and shrubs.

- 4) For purposes of this Section, herbaceous species means: grasses, legumes and nonleguminous forbs; woody plants means woody shrubs, trees and vines; and ground cover means the area of ground covered by the combined above ground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting, and rill and gully repairs. The replanting of trees and shrubs in areas described in Section 1816.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under Section 1816.116(a)(2)(C), (D) and (E).
- b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of 250 trees or shrubs per acre. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas which increase diversity within wildlife areas may be approved by the Department on a case-by-case basis prior to planting such areas. Where woody plants are used for forest products land uses, the area shall have a minimum population of 450 trees or shrubs per acre.
- c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:
 - 1) The permittee shall submit a scale drawing or aerial photograph delineating the fields to be sampled and the total number of acres in each field. A one inch equals 500 (1:500) feet or larger scale shall be used. Once field boundaries are established in a submittal, the boundaries shall not be changed unless the Department approves a request in accordance with 62 Ill. Adm. Code 1774.13.

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- 2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

- 3) The number of plots needed to sample 2.5% of the area will be calculated employing the following formula:

Number of Plots equals 2.5% multiplied by Sample Area in acres divided by plot size.

- 4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within 60 feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is 60 feet from the boundary of the area to be sampled or the greatest distance possible where 60 feet cannot be achieved.
- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.
- 6) Calculate population levels as follows:

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- A) Average number of live trees and/or shrubs per plot equals total number of live trees and/or shrubs divided by number of plots; and
 - B) Number of live trees and/or shrubs per acre equals average number of live trees and/or shrubs per plot multiplied by plot size denominator.
- 7) Representatives of the Department shall administer all sampling.
- d) Vegetative ground cover shall be measured by the following technique:
- 1) Twenty random points shall be identified in the area to be tested.
 - 2) A 20 feet engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in 90 degree increments until the entire 20 feet length is within the boundary of the area to be tested or area not treated with the herbicide.
 - 3) A measurement shall be taken at each .2 foot increment directly above or below the tape.
 - 4) Ground cover shall be determined to be present if any vegetation identified in subsection (a)(4) is measured at the increment.
 - 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.
- e) For areas where herbaceous vegetation plants are used for fish and wildlife habitat (including shelterbelts), or recreation land uses, vegetative ground cover of approved species shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas that increase diversity within wildlife areas may be approved by the Department on a case-by-case basis prior to planting those areas.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1816.APPENDIX A Agricultural Lands Productivity Formula (Repealed)~~SOIL MASTER FILE~~

~~The Soil Master File of the Agricultural Lands Productivity Formula contains a comprehensive list of the soil mapping units currently recorded in Illinois. The Soil Master File provides the soil mapping unit number, common mapping name, and the optimum level of management yields for corn, soybeans, wheat and mixed hay. The Soil Master File is created annually by the Illinois Department of Agriculture, pursuant to 20 ILCS 205/115. The reference document for information contained in the soil master file shall be Bulletin 811, "Optimum Crop Productivity Ratings for Illinois Soil", University of Illinois, College of Agricultural, Consumer and Environmental Sciences, Office of Research, August 2000.~~

~~COUNTY CROPPED ACREAGE FILE~~

~~The Agricultural Lands Productivity Formula requires that the number of cropped acres by soil mapping unit be calculated for each county. These calculations are generated by computer using the following formula:~~

$$\begin{array}{ccccc} \text{Total acres per soil} & & \text{percent of total} & & \text{acres per soil} \\ \text{type per county} & \times & \text{acreage cropped} & = & \text{type cropped} \end{array}$$

~~The percent of total acreage cropped per soil type will be provided by County Soil and Water Conservation Districts. Any changes to these figures must be approved by the County Soil and Water Conservation District Board with a certified copy of all changes submitted by August 15 of each year to the Illinois Department of Agriculture.~~

~~The County Cropped Acreage File reflects the total acres of each soil type per county, percent of acreage cropped, and the computed figure of total cropped acres by soil type in each county. The "total cropped acres" figures are carried forward to the County Average Yield File. The County Cropped Acreage File is created annually by the Illinois Department of Agriculture, pursuant to 20 ILCS 205/115.~~

~~COUNTY AVERAGE YIELD FILE~~

~~The next procedure of the Agricultural Lands Productivity Formula is to equate annual county~~

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~~crop yield data to the soils derived in the "County Cropped Acreage File". Section 1816.Exhibit A and the following paragraphs summarize the procedure for calculating the crop yield for each soil mapping unit.~~

~~Column A reflects the soil mapping units as they appear on a county by county basis.~~

~~Column B is the number of acres cropped in a county per soil type as recorded in the County Cropped Acreage File. These cropped acreage figures are then added together to give a total number of acres cropped for the county.~~

~~Column C is the percent of the acreage represented by each soil type when compared with the total in Column B (Column B = total acres in soil mapping unit times the percent of acres cropped in the county by mapping unit).~~

~~The number of acres planted in grain (Column D) is calculated by multiplying the percent of each soil mapping unit in the county (Column C) by the total acres in the county harvested for corn, soybeans, wheat and mixed hay. (See asterisk in Section 1816.Exhibit A.) The purpose of this calculation is to estimate the number of acres harvested from each of the particular soil mapping units. It is assumed that 25% of the total corn, soybean, wheat and mixed hay acreage was planted on that particular soil mapping unit. Therefore, the "grain acres" are distributed on the soil mapping units based upon the percent of acres in each soil mapping unit.~~

~~Column E is the adjusted yield information for each crop which comes from the Soil Master File.~~

~~Column F is a derived optimum management production (see the equation below) obtained by multiplying the figures in Column D times the figures in Column E. This production figure will normally exceed actual production because the optimum level management yield is used. The purpose of using the optimum management production is to derive a weighted average optimum management yield; which is, the total optimum management production (Column F) divided by the total grain acres in the county (Column D). The weighted optimum management yield figure will be used to derive a "factor" as described below:~~

$$\text{Factor} = \frac{\text{Official County Crop Yield}}{\text{Weighted Optimum Management Yield}}$$

~~Column G results from the multiplication of the above factor times the optimum level management yield of each soil mapping unit (Column E). The result is a yield which represents the average yield in either bushels per acre or tons per acre in the county for that year and crop.~~

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~~If official county crop yields are unavailable for a specific crop in a given year, the Department, in consultation with the permittee, and with the concurrence of the Illinois Department of Agriculture, will substitute a county crop yield from an adjacent county with similar soils, if it can be determined that similar weather conditions occurred in that year.~~

~~PERMIT SPECIFICS—YIELD STANDARD~~

- ~~a) After completing calculations for the projected yield of the test year in question, a yield standard for each capability class in the disturbed area in the pit must be calculated. The yield standard, which is also applicable to high capability and limited capability land will be calculated in a manner similar to prime farmland.~~
- ~~b) The number of prime farmland acres in each soil mapping unit will be divided by the total prime farmland acres in the pit to obtain a weighted proportion for each soil type. The weighted proportion of each prime farmland soil mapping unit in the pit, relative to the total prime farmland acres in the pit, will be multiplied times the projected yield for the pre-mining soil types. The weighted final yield for each prime farmland soil type in a pit will be added together and the total becomes the yield requirement for the pit.~~
- ~~c) After mining operations have ceased, the Department shall recalculate the yield standards for the pit based solely on the soils which were disturbed. Recalculated targets shall be applicable to all areas tested for productivity subsequent to the recalculation. Approved significant revisions after permanent cessation of mining shall cause the targets to be recalculated and applied to productivity fields tested after the recalculation.~~

~~AGRICULTURAL LANDS PRODUCTIVITY FORMULA
SAMPLING METHOD~~

~~The sampling methodology that the Illinois Department of Agriculture or the Illinois Department of Natural Resources will use to gather the data needed to determine if productivity has been returned to reclaimed mine land is summarized below for corn, soybeans, wheat, sorghum, and mixed hay.~~

~~This sampling methodology requires an operator to submit by February 15 of each year, a scale drawing or aerial photo delineating specific field boundaries and type of crop which is to be sampled for proof of productivity for the current crop year. Each scale drawing and photo submitted shall include a field numbering scheme and the total acreage for each field on which~~

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~~sampling is being requested. In addition, the scaled drawing shall be no less than 1 inch equals 500 feet or greater than 1 inch equals 100 feet. The February 15 annual submittal may be amended by the operator until July 15. Each such amendment shall contain a written explanation of changes from the original submittal and an aerial photograph or scaled drawing reflecting the corrected sampling submittal.~~

~~The determination of sample points within a specific field will be made on the basis of a grid overlay scheme with the location of sample points on the grid randomly generated by computer. An intentional bias of 50 feet will be introduced to all field boundaries to remove the potential that sampling points may fall in turn around areas, or areas where contiguous soil reconstruction may cause field boundaries to not be indicative of whole field productivity.~~

~~The minimum acceptable number of samples to be taken relative to field size is shown in Section 1816. Table D sample points per crop acres, with fields of 4 acres or less to be sampled in their entirety with yields determined by harvest weight. Sample selections will take place using the following guidelines:~~

~~The Illinois Department of Agriculture may elect to increase the minimum number of acceptable sample points per field acres. Some factors which will be considered in determining whether to increase the number of sample points are as follows, but not limited to:~~

- ~~1. Operator requests additional sample points for specific fields.~~
- ~~2. The use of different hybrids in one field.~~
- ~~3. Contour changes within one field which would alter a yield.~~
- ~~4. A coefficient of variation greater than 15%.~~

~~The Department and the Illinois Department of Agriculture shall jointly request the operator to verify yields by harvest weight (e.g., scale tickets) for reasons, including but not limited to:~~

- ~~1. Verification of random sampling results.~~
- ~~2. Availability of sample enumerators.~~

~~In each such case, the certified harvest yield adjusted, to optimum moisture content, will become the comparison yield for the Agricultural Lands Productivity Formula target yield.~~

CORN SAMPLING TECHNIQUE

~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.~~

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- Step 2 — ~~Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.~~
- Step 3 — ~~After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest corn stalk to the toe of your shoe. Measure 15 feet of the corn row starting at the first stake and placing a second stake at the 15 foot mark.~~
- Step 4 — ~~Determine the 3rd and 4th ears of the first row starting with the first stalk of corn. Tag these ears with a rubber band. If there are fewer than 4 ears in the first row, the last ear and the next to last ear should be tagged. In the case where a stalk has more than one ear, count the top ear first. (Note: An ear of corn is defined as a cob having at least one kernel. The tagged ears will be used to determine the moisture content, and at least 250 grams of grain are needed. If it does not appear that the 3rd and 4th ears will supply 250 grams of grain for a moisture test, then the 5th, 6th and/or 7th ear should be included until at least 250 grams of corn is collected.)~~
- Step 5 — ~~Husk all ears in Row 1 within the 15n foot segment of the sample. Husk the ears and snap the shank off as cleanly as possible. Be sure to include any ears tagged for moisture testing.~~
- Step 6 — ~~Weigh the husked ears using a balance scale—obtain field weight in pounds.~~
- Step 7 — ~~After weighing, put ears tagged for moisture testing into polyethylene bags and seal. Mark the bag with the appropriate field number (as supplied by the mine operator), and sample identification number.~~
- Step 8 — ~~Measure on a perpendicular line from the stalks in row one to the stalks in row 5. Divide this measured distance by 4 to determine the average row width.~~
- Step 9 — ~~Repeat Steps 3 through 8 for each additional random sampling point coordinate.~~
- Step 10 — ~~Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~

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~~The following method will be used for determination of gross yield of corn samples. Gross yield is determined by deducting the adjustment for moisture content of shelled corn from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content.~~

~~Included below for reference is the Gross Yield formula and an explanation of its components.~~

$$\begin{array}{l} \text{Gross Yield} \\ \text{Per Acre} \\ \text{(bu/ae)} \end{array} = \frac{A \times B \times C / D}{E \times F}$$

~~Where:~~

~~A = Field weight of husked ears of corn from 15 feet of row x 2 (2 Rows x 15 feet)~~

~~B = Weight of shelled grain at time of moisture test~~

~~C = Percent moisture in grain corrected to 15.5%~~

$$\begin{array}{l} = 1.0 - \frac{(\% \text{ moisture in grain} / 100\%)}{.845} \end{array}$$

~~D = Weight of ears of Corn used for moisture determination~~

~~E = Row Factor~~

~~Average row width in feet x 15 feet of row : 43560 square feet/acre~~

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~~and .845 = The standard moisture content conversion factor of corn per bushel (1.0 — (15.5%/100))~~

~~F = Weight of standard bushel of corn = 56 lbs.~~

~~After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross~~

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~~yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.~~

~~SOYBEAN SAMPLING TECHNIQUE
DRILLED OR PLANTED BEANS (>8" rows)~~

- ~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.~~
- ~~Step 2 — Pace off predetermined sample point coordinates in a sequential fashion to determine individual locations.~~
- ~~Step 3 — After taking the last of the required paces to the first sampling point, mark the closest plant to the toe of your foot. Place a flag at the point that you have just marked. From the point of this flag, and in the direction of travel from where the last pace was counted, measure a distance of 6 feet of plant row and place a flag at the 6 foot mark. Starting from the row just identified, measure the distance across 5 rows. This distance, from row one to row 5, divided by 4 row spaces gives the average row width.~~
- ~~Step 4 — Strip all the soybean pods from all the plants in the 6 foot sample row. Pick up any loose pods or beans found on the ground at the base of these plants. Deposit all the pods, beans and blank pods, into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is less than the 250 grams needed for the moisture test, sufficient grain of known moisture content will be added to the sample so that moisture tests can be made.)~~
- ~~Step 5 — Repeat steps 3 and 4 for each additional random sampling point coordinate.~~
- ~~Step 6 — Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~

~~The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by deducting the adjustment of moisture content of the soybean sample from~~

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~~the harvest weight. Moisture content determinations will be made by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content.~~

~~Included below for reference is the Gross Yield formula and an explanation of its components.~~

$$\frac{\text{Gross Yield Per Acre (bu/ac)}}{\text{Acre (bu/ac)}} = \frac{A \times B}{C \times D \times E}$$

~~Where:~~

~~A = Weight of shelled grain from 6 feet of row~~

~~B = Percent moisture in grain corrected to 12.5%~~

$$= \frac{(1.0 - (\% \text{ moisture in shelled beans} / 100\%))}{0.875}$$

~~C = Number of grams per pound = 453.6~~

~~D = Correction factor for row spacing on drilled or planted beans~~

$$= \frac{\text{Average row width in ft} \times 6 \text{ ft of row}}{43560 \text{ sq ft/acre}}$$

~~E = Standard weight of 1 bushel of soybeans = 60 lbs~~

~~After calculation of the gross yield, the statewide Harvest Loss as calculated by the Illinois Agricultural Statistics Service will be subtracted from the gross yield to obtain a net yield per sample. Harvest loss is the difference between actual grain yield and what is hauled from a field. The net yield determination for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.~~

~~SOYBEAN SAMPLING TECHNIQUE
DRILLED OR PLANTED (<8" rows)~~

~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.~~

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- ~~Step 2 — Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.~~
- ~~Step 3 — After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the 2 ends of the sampling frame with stakes just inside the 3.0 foot sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. (Note: If at any time the point of a line is restricted by a soybean plant, slide the soybean frame toward the starting point far enough for the point of the line to clear the plant.) Repeat this procedure to lay out the other 2 sides of the sampling square, using the opposite corner of the original frame position to find the other 2 sides.~~
- ~~Step 4 — Strip all the soybean pods from all the plants in the 9 square feet sampling area. Pick up any loose pods or beans found on the ground. Deposit all the pods, beans and blank pods into a paper sack. Mark the sack with the appropriate field number (as provided by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)~~
- ~~Step 5 — Repeat steps 3 and 4 for each additional random sampling point coordinate.~~
- ~~Step 6 — Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~

~~The following method will be used for determination of gross yield of soybean samples. Gross yield is determined by deducting the adjustment for moisture content of the soybean sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content.~~

~~Included below for reference is the Gross Yield formula and an explanation of its~~

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~~components:~~

$$\text{Gross Yield Per Acre} = \frac{A \times B \times C}{D}$$

(bu/acre)

~~Where:~~

~~A = Total weight of all beans in 9 sq. ft. grid (in grams)~~

~~B = Conversion factor = $\frac{43560 \text{ sq. ft./ac.}}{453.6 \text{ gms/lb} \times 60 \text{ lbs/bu} \times 9 \text{ sq. ft.}}$~~

~~C = 1.0 (% moisture in shelled beans/100%)~~

~~D = .875 = The standard moisture content conversion factor of soybeans per bushel (1.0 — (12.5%/100%)).~~

~~After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.~~

~~WHEAT SAMPLING TECHNIQUES
(ROWS <8 INCHES)~~

- ~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.~~
- ~~Step 2 — Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.~~
- ~~Step 3 — After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the 2 ends of the sampling frame with stakes just inside the 1.8 feet sample lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other 2 sides of the sampling square using the opposite corner of the original frame position to~~

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~~find the other 2 sides.~~

- ~~Step 4 — Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately ½ inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)~~
- ~~Step 5 — Repeat steps 3 and 4 for each additional random sampling point coordinate.~~
- ~~Step 6 — Send or deliver to the Illinois Department of Agriculture grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C).~~

~~The following method will be used for determination of gross yield of wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content. Included below for reference is the Gross Yield formula and an explanation of its components.~~

$$\text{Gross Yield Per Acre} \quad (\text{bu/ae}) \quad = \quad \frac{A \times B \times C}{D}$$

~~Where:~~

~~A = Sample wt. of wheat in grams~~

~~B = 1.0 — (% moisture in grain/100%)~~

~~C = Conversion factor~~

$$= \frac{43560 \text{ sq. ft./ae}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times 3.24 \text{ sq. ft.})}$$

$$= 4940 \text{ bu/gm-acre}$$

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$$D = .880 = \frac{\text{The standard moisture content conversion factor of wheat per bushel (1.0 - (12\%/100\%))}}{\text{The standard moisture content conversion factor of wheat per bushel (1.0 - (12\%/100\%))}}$$

~~After calculation of the gross yield, the Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.~~

~~WHEAT SAMPLING TECHNIQUES
(Discernible Rows)~~

- ~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.~~
- ~~Step 2 — Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample location.~~
- ~~Step 3 — After taking the last of the required paces to the first sampling point, lay down a sampling frame so that it touches the toe of your shoe, crossing the crop rows at a right angle. Mark the 2 ends of the sampling frame with stakes just inside the 1.8 feet sample tines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked), and at a right angle to the original frame position. Repeat this procedure to lay out the other 2 rows to be sampled. (Total 3 rows) Note: The row spacing will be determined by measuring across 5 row spaces to obtain an average (i.e. the distance in row 1 to 5 / 4).~~
- ~~Step 4 — Clip all wheat heads from within the square outlined by the sampling frame. The wheat heads should be clipped approximately 1/2 inch below the bottom of the head. Deposit all the collected wheat heads into a paper sample sack. Mark the sack with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample sack to prevent any sample loss. (Note: If sample weight is below 250 grams for the moisture test, grain of known moisture content will be added to the sample so that moisture tests can be made.)~~
- ~~Step 5 — Repeat steps 3 and 4 for each additional random sampling point coordinate.~~
- ~~Step 6 — Send or deliver to the Illinois Department of Agriculture any grain sample~~

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~~collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~

~~The following method will be used for determination of gross yield of wheat samples. Gross yield is determined by deducting the adjustment for moisture content of the wheat sample from the harvest weight. Moisture content of the grain sample will be determined by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content~~

~~Included below for reference is the Gross Yield formula and an explanation of its components.~~

$$\text{Gross Yield Per Acre} = \frac{(A \times B \times C)}{D}$$

(bu/ac)

Where:

A = Sample wt. of wheat in grams

B = $1.0 - (\% \text{ moisture in grain} / 100\%)$

C = Conversion factor

$$= \frac{43560 \text{ sq. ft./ac}}{(60 \text{ lbs/bu} \times 453.6 \text{ gms/lb} \times \text{no. of rows harvested} \times 1.8 \text{ ft} \times \text{average row spacing (ft)})}$$

D = .880 = The standard moisture content conversion factor of wheat per bushel ($1.0 - (12\% / 100\%)$).

~~After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from the field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.~~

SORGHUM SAMPLING TECHNIQUE

~~Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a~~

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~~ribbon or flag to it.~~

- Step 2 — ~~Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.~~
- Step 3 — ~~After taking the last of the required paces to the first sampling point, place a stake immediately adjacent to the closest sorghum plant to the toe of your shoe. Measure 10 feet of the plant row starting at the first stake and placing a second stake at the 10 foot mark. Mark the first 5 heads and the last 5 heads with rubber bands. These heads will be used for moisture determination. One sample unit will equal 1 10 foot sorghum row section.~~
- Step 4 — ~~Clip all grain heads in Row 1 within the 10 foot segment of the sample unit.~~
- Step 5 — ~~Weigh the clipped grain heads using a balance scale; obtain field weight to the nearest tenth of a pound. Place any grain heads collected for moisture determination into sealed polyethylene bags. Mark the bags with the appropriate field number (as supplied by the mine operator), and sample identification number.~~
- Step 6 — ~~Measure on a perpendicular line from the plants in row 1 to the plants in row 5. Divide this measured distance by 4 to determine the average row width.~~
- Step 7 — ~~Repeat steps 3 through 6 for each additional random sampling point coordinate.~~
- Step 8 — ~~Send or deliver to the Illinois Department of Agriculture any grain sample collected for moisture content analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~

~~The following method will be used for determination of gross yield of sorghum samples. Gross yield is determined by deducting the adjustment for moisture content of the threshed grain from the harvest weight. Moisture content of the grain samples will be made by lab analysis.~~

~~Gross Yield = Harvest Weight adjusted for moisture content~~

~~Included below for reference is the Gross Yield formula and an explanation of its components.~~

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$$\text{Gross Yield (bu/ac)} = \frac{(\text{A} \times \text{B} \times \text{C}) / \text{D}}{(\text{E} \times \text{F})}$$

Where:

~~A = Field weight of grain heads of sorghum from 10 feet of row x 2 (2 rows x 10 feet)~~

~~B = Weight of threshold grain at time of moisture test~~

~~C = Percent moisture in grain corrected to 13.0%~~

$$= 1.0 - \frac{(\% \text{ moisture in grain} / 100\%)}{.870}$$

~~D = Weight of grain head and seeds used for moisture determination~~

E = Row Factor	28" = .001070
Area or percent of acre sampled	30" = .001148
with 20 feet	36" = .001377
row (2 rows x 10 feet)	38" = .001455
	40" = .001529

~~F = 56 lbs (weight of standard bushel of sorghum)~~

~~.870 = The standard moisture content conversion factor of sorghum per bushel (1.0 - .130)~~

After calculation of the gross yield, the statewide Harvest Loss will be subtracted from the gross yield to obtain a net yield per sample. Harvest Loss is the difference between actual grain yield and what is hauled from a field. The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity.

MIXED HAY SAMPLING TECHNIQUE

Step 1 — Mark the starting corner of the field to be sampled with a large stake and attach a ribbon or flag to it.

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- Step 2 — ~~Pace off predetermined sample point coordinates in a sequential fashion to determine individual sample locations.~~
- Step 3 — ~~After taking the last of the required paces to the first sampling point, lay down a sampling frame perpendicular to the toe of your shoe, where applicable, crossing crop rows at a right angle. Mark the 2 ends of the sampling frame with the stakes just inside the 3 feet sampling lines. Continue to lay out the sample area in the direction of travel from where the last pace was counted. Rotate the sampling frame so that it is perpendicular to one corner of the stake (previously marked) and at a right angle to the original frame position. Repeat this procedure to lay out the other 2 sides of the sampling square using the opposite corner of the original frame position to locate the other 2 sides. In all cases, the layout of the sample area shall be consistent for each randomly identified sample point.~~
- Step 4 — ~~Clip all hay stalks from within the square outlined by the sampling frame. The hay stalks should be uniformly clipped to an approximate height of (2 inches above ground level).~~
- Step 5 — ~~Quarter the collected sample and seal in a suitable poly bag sample container. Mark the sample container with the appropriate field number (as supplied by the mine operator), and sample identification number. Secure the sample container to prevent any sample loss. (Note: It is important when sampling hay that collected samples be chilled and transported in a container capable of sustaining the chilled condition. Hay deteriorates when allowed to heat up.)~~
- Step 6 — ~~Repeat steps 3 and 4 for each additional random sampling point coordinate.~~
- Step 7 — ~~Send or deliver to the Illinois Department of Agriculture any hay sample collected for moisture analysis. (Note: If any single sample requires more than one bag, additional bags should be identified sequentially such as 1A, 1B, 1C.)~~
- * ~~If a field moisture meter is used, steps 5 and 7 shall be eliminated and the following explanations for items A and D will be substituted.~~
- A. ~~Dry matter weight = harvest weight — percent moisture content determined by field moisture tests.~~
- D. ~~Percent moisture in hay at time of harvest determined by field moisture test.~~

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~~The following method will be used for determination of gross yield of mixed hay samples. Gross yield is determined by deducting the adjustment for moisture content of the mixed hay sample from the harvest weight. Moisture content of mixed hay samples will be determined by lab analysis.~~

~~Gross Yield = Harvest weight adjusted for moisture content~~

$$\begin{array}{l} \text{Gross Yield Per Acre} \\ \text{(Tons/Acre)} \end{array} = \frac{(A \times D)}{(C \times B \times E)}$$

~~Where:~~

- ~~A = Field weight or harvested weight of mixed hay in pounds~~
- ~~B = Plot size (sq. ft./43560 sq. ft./ac.) or number of acres~~
- ~~C = Conversion factor from lbs. to tons (i.e., 1 ton = 2000 pounds)~~
- ~~D = Dry matter content of harvested hay (100%—% moisture in hay)~~
- ~~E = Dry matter content of hay standard = 100%—15%~~

~~The net yield determinations for each sample will be averaged together to obtain a yield figure for the entire field being evaluated for proof of productivity. The annual harvest will be determined by the cumulative yields of each cutting.~~

~~HAY SAMPLING
BALED OR GREEN CHOPPED HAY~~

~~To be assured that sampling results are reliable, it is necessary to obtain accurate bale counts, accurate weights, and accurate moisture readings. Reading and following the instructions for the equipment that has been provided will for the most part insure correct interpretation of weights and moisture meter results. Acreage figures will be developed and verified by the Illinois Department of Agriculture. Verification of bale count is an area to be further elaborated on.~~

~~Depending on the use of the hay, an enumerator may be dealing with large round bales, small square bales or wagons of green chopped hay. In the case of large round bales, the enumerator need not be present during the baling of all of the product. If the operator provides a bale count~~

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~~for each field, the enumerator must provide a verification of the count. This can be done by physically visiting the field during baling and taking a bale count to compare with the count that will be provided by the operator. The verification of count can also be done by visiting the field and recording the counter number prior to baling, and then again reading the meter when each field is finished. It is not necessary to observe all of the baling. If an operator has multiple fields to pull weight samples from he may wish to do this on a single day to make his operation run in a more efficient manner. This is perfectly acceptable. The enumerator may identify sample bales just prior to weighing, and perform moisture and temperature tests at that time. Random verification of bale counts will discourage any impropriety on the part of the operator, and eliminate the need for constant observation.~~

~~This procedure will also work well for weighing and counting wagons of green chopped hay. The enumerator should perform random verification of truck weights and collect weight tickets for each field.~~

~~The operator should be reminded to provide the exact number of trucks coming from each field and the weight of each truck. Random verification of truck counts for individual fields is also encouraged. This will make a good comparison for the information received from the operator.~~

CORN

Size of Bond Release Field	Minimum Number of Samples
4—39 acres	8
40—279 acres	12
280—639 acres	16
640 acres or more	28

SOYBEANS

Size of Bond Release Field	Minimum Number of Samples
4—39 acres	10
40—279 acres	12
280—639 acres	16
640 acres or more	26

WHEAT—

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~~Size of Bond Release Field Minimum Number of Samples~~

4—39 acres	6
40—279 acres	8
280—639 acres	10
640 acres or more	14

SORGHUM

~~Size of Bond Release Field Minimum Number of Samples~~

4—39 acres	10
40—279 acres	16
280—639 acres	28
640 acres or more	40

MIXED HAY

~~Size of Bond Release Field Minimum Number of Samples~~

4—39 acres	5
40—279 acres	10
280—639 acres	20
640 acres or more requires one sample for each additional 35 acres	

SPECIAL PROBLEMS IN SAMPLE LAYOUT

- ~~1. It is possible for a sample grid coordinate to fall on areas within the field boundary which were not planted to crops (i.e., grass waterway, roadway, etc.) When this situation occurs, stop the pace count at the start of such an area and resume the count on the other side of the area.~~
- ~~2. If a blank area is crossed which was planted to crops, the pace count should be continued through this area. Usually such areas are due to poor germination, insects, standing water, etc. (if the sample area falls in this planted area which is blank, then a zero yield is established).~~
- ~~3. If a sample coordinate falls partly in a blank area which was not planted for harvest, move the sample area ahead until it is wholly on acreage planted to the crop being~~

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~~sampled. The sample point should begin one pace from the edge of the blank area.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 1816.EXHIBIT A County Crop Yields by Soil Mapping Unit (Repealed)

Column A	Column B	Column C	Column D*	Column E	Column F	Column G
Soil	County	% of total	Grain Acres	Adjusted	Optimum	Yield by
Mapping	Cropped	acres	by Soil	Optimum	Mgt.	(Bu/A) (T/A)
Unit	Acreage	cropped	Mapping	Mgt. Yield	Production	
			Unit			

Total	Total	Total	Total
County Acres in Corn			
Soybeans			
Wheat			
Mixed Hay			
* Total Acres			

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permanent Program Performance Standards – Underground Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1817
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1817.22	Amendment
1817.116	Amendment
1817.117	Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to clarify performance standards for handling soil materials, rules regarding performance standards to determine reclamation success, and provide procedures for crop testing reclaimed lands at surface coal mining operations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Amy Oakes, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield, IL 62702

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impacts are anticipated.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS –
UNDERGROUND MINING OPERATIONS

Section

1817.11	Signs and Markers
1817.13	Casing and Sealing of Exposed Underground Openings: General Requirements
1817.14	Casing and Sealing of Underground Openings: Temporary
1817.15	Casing and Sealing of Underground Openings: Permanent
1817.21	Topsoil: General Requirements (Repealed)
1817.22	Topsoil and Subsoil
1817.23	Topsoil: Storage (Repealed)
1817.24	Topsoil: Redistribution (Repealed)
1817.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41	Hydrologic Balance Protection
1817.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43	Diversions
1817.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45	Hydrologic Balance: Sediment Control Measures
1817.46	Hydrologic Balance: Siltation Structures
1817.47	Hydrologic Balance: Discharge Structures
1817.48	Hydrologic Balance: Acid – Forming and Toxic – Forming Materials (Repealed)
1817.49	Impoundments
1817.50	Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53	Hydrologic Balance: Transfer of Wells (Repealed)
1817.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57	Hydrologic Balance: Stream Buffer Zones
1817.59	Coal Recovery
1817.61	Use of Explosives: General Requirements
1817.62	Use of Explosives: Pre-Blasting Survey
1817.64	Use of Explosives: General Performance Standards
1817.65	Use of Explosives: Surface Blasting Requirements (Repealed)

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- 1817.66 Use of Explosives: Blasting Signs, Warnings, and Access Control
- 1817.67 Use of Explosives: Control of Adverse Effects
- 1817.68 Use of Explosives: Records of Blasting Operations
- 1817.71 Disposal of Excess Spoil: General Requirements
- 1817.72 Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills
- 1817.73 Disposal of Underground Development Waste and Excess Spoil:
Head-of-Hollow Fills (Repealed)
- 1817.74 Disposal of Excess Spoil: Durable Rock Fills
- 1817.75 Disposal of Excess Spoil: Preexisting Benches
- 1817.81 Coal Mine Waste: General Requirements
- 1817.82 Coal Processing Waste Banks: Site Inspection (Repealed)
- 1817.83 Coal Mine Waste: Refuse Piles
- 1817.84 Coal Mine Waste: Impounding Structures
- 1817.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
- 1817.86 Coal Processing Waste: Burning (Repealed)
- 1817.87 Coal Mine Waste: Burning and Burned Waste Utilization
- 1817.88 Coal Processing Waste: Return to Underground Workings (Repealed)
- 1817.89 Disposal of Noncoal Mine Wastes
- 1817.91 Coal Processing Waste: Dams and Embankments: General Requirements
(Repealed)
- 1817.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
- 1817.93 Coal Processing Waste: Dams and Embankments: Design and Construction
(Repealed)
- 1817.94 Coal Processing Waste: Time Requirement for Completion of Covering
(Repealed)
- 1817.95 Stabilization of Surface Areas
- 1817.97 Protection of Fish, Wildlife and Related Environmental Values
- 1817.99 Slides and Other Damage
- 1817.100 Contemporaneous Reclamation and Subsidence Control
- 1817.101 Backfilling and Grading: General Requirements
- 1817.102 Backfilling and Grading: General Grading Requirements
- 1817.103 Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials
(Repealed)
- 1817.106 Backfilling and Grading: Previously Mined Areas
- 1817.107 Backfilling and Grading: Steep Slopes
- 1817.111 Revegetation: General Requirements
- 1817.112 Revegetation: Use of Introduced Species (Repealed)
- 1817.113 Revegetation: Timing
- 1817.114 Revegetation: Mulching and Other Soil Stabilization Practices

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1817.115	Revegetation: Grazing (Repealed)
1817.116	Revegetation: Standards for Success
1817.117	Revegetation: Tree, Shrub, and Herbaceous Vegetation
1817.121	Subsidence Control
1817.122	Subsidence Control: Public Notice
1817.124	Subsidence Control: Surface Owner Protections (Repealed)
1817.126	Subsidence Control: Buffer Zones (Repealed)
1817.131	Cessation of Operations: Temporary
1817.132	Cessation of Operations: Permanent
1817.133	Post-Mining Land Capability
1817.150	Roads: General
1817.151	Primary Roads
1817.180	Utility Installations
1817.181	Support Facilities
1817.182	Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area
1817.190	Affected Acreage Map

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993; amended at 20 Ill. Reg. 1993, effective January 19, 1996; amended at 22 Ill. Reg. 20197, effective November 5, 1998; amended at 24 Ill. Reg. 5938, effective March 21, 2000; amended at 26 Ill. Reg. 4252, effective March 6, 2002; amended at 29 Ill. Reg. 9829, effective June 27, 2005; amended at 46 Ill. Reg. _____, effective _____.

Section 1817.22 Topsoil and Subsoil

a) Removal.

- 1) All topsoil shall be removed as a separate layer from the area to be disturbed, and segregated. Where topsoil is of insufficient quantity or poor quality for sustaining vegetation, the materials approved by the

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Department in accordance with subsection (b) shall be removed as a separate layer from the area to be disturbed, and segregated.

- 2) If topsoil is less than six (6) inches thick and no substitutes or supplements are approved in accordance with subsection (b), the operator shall remove a six (6) inch layer that includes the A horizon and the unconsolidated materials immediately below or the A horizon and all unconsolidated material if the total available is less than six (6) inches and treat the mixture as topsoil.
 - 3) The Department shall not require the removal of topsoil for minor disturbances which:
 - A) Occur at the site of small structures, such as power poles, signs, fence lines or markers; or
 - B) Will not destroy the existing vegetation, will not cause erosion and will not degrade the quality or limit the future use of the soil.
 - 4) All material to be removed under this ~~Section~~^{section} shall be removed after the vegetative cover that would interfere with its salvage is cleared from the area to be disturbed, but before any drilling, blasting or mining or other surface disturbance takes place.
- b) Substitutes and supplements.
Selected overburden materials may be substituted for, or used as a supplement to, topsoil if the operator demonstrates to the Department that the resulting soil medium is equal to, or more suitable for, sustaining vegetation than the existing topsoil, and the resulting soil medium is the best available in the permit area to support revegetation. The demonstration shall be based upon the information requirements of 62 Ill. Adm. Code 1784.13(b)(4).
- c) Storage.
- 1) Materials removed under subsection (a) if not redistributed immediately shall be segregated and stockpiled.
 - 2) Stockpiled materials shall:

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- A) Be selectively placed on a stable site within the permit area;
 - B) Be protected from contaminants and unnecessary compaction that would interfere with revegetation;
 - C) Be protected from wind and water erosion through prompt establishment and maintenance of an effective, quick growing vegetative cover or through other measures equally effective in controlling erosion approved by the Department; and
 - D) Not be moved until required for redistribution unless approved by the Department.
- 3) Where long-term surface disturbances will result from facilities such as support facilities and preparation plants and where stockpiling of materials removed under subsection (a)(1) would be detrimental to the quality or quantity of those materials, the Department shall approve the temporary distribution of the soil materials so removed to an approved site within the permit area to enhance the current use of that site until needed for later reclamation provided that:
- A) Such action will not permanently diminish the capability of the topsoil of the host site; and
 - B) The material will be retained in a condition more suitable for redistribution than if stockpiled.
- d) Redistribution.
- 1) Topsoil materials and topsoil substitutes and supplements removed under subsections~~subsection~~ (a) and (b) shall be redistributed in a manner that:
- A) Achieves an approximate, uniform, stable thickness when consistent with the approved post-mining land use, contours and surface water drainage systems. Soil thickness may also be varied to the extent such variations help meet the specific revegetation goals identified in the permit;
 - B) Prevents excess compaction of the materials; and

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- C) Protects the materials from wind and water erosion and contamination before and after seeding and planting.
- 2) Before redistribution of the material removed under subsection (a) the regraded land shall be treated if necessary to reduce potential slippage of the redistributed material and to promote root penetration. If no harm will be caused to the redistributed material and reestablished vegetation such treatment may be conducted after such material is replaced.
- 3) The Department shall not require the redistribution of topsoil or topsoil substitutes on the approved post-mining embankments of permanent ~~impoundments~~impoundments or of roads if it determines that:
 - A) Placement of topsoil or topsoil substitutes on such ~~embankments~~embankments is inconsistent with the requirement to use the best technology currently available to prevent sedimentation; and
 - B) Such embankments will otherwise be stabilized.
- 4) Nutrients and soil amendments shall be applied to the initially redistributed material when necessary to establish the required vegetative cover.
- e) Subsoil segregation.
The Department shall require that the B horizon, C horizon or other underlying strata, or portions thereof, be removed and segregated, stockpiled, and redistributed as subsoil in accordance with subsections (c) and (d) if it finds that such subsoil layers are necessary to comply with the revegetation requirements of Sections 1817.111, 1817.113, 1817.114, 1817.116 and 1817.117.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1817.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with this Section.

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~~and~~ Section 1817.117, and as described in the Agricultural Lands Productivity Formula (Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division and Illinois Department of Agriculture, Bureau of Land and Water Resources October 19, 2021, this incorporation includes no later amendments or additions). The Agricultural Lands Productivity Formula is a program that compares reclaimed field crop yields against projected county yields adjusted annually for weather variations. The Agricultural Lands Productivity Formula is described in writing and made available to the public.

2) Requirements

- A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
- B) The period of extended responsibility shall continue for a period of not less than 5 full years, except that on lands eligible for remining, the period of responsibility ~~(until September 30, 2004)~~ shall be 2 full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved standard set forth in subsection (a)(3).
- C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook, 24th ~~23rd~~

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Edition (University of Illinois at Champaign-Urbana, [University of Illinois Extension](#), College of Agriculture, Consumer and Environmental Science, ~~1917 Wright St., Champaign IL 61820~~ (~~2009~~~~2001-2002~~; this incorporation includes no later amendments or editions)); and those practices that are a part of an approved conservation plan subject to the Farm Security and Rural Investment Act of 2002 (P.L. 107-171; 116 Stat. 134). On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Farm Security and Rural Investment Act of 2002, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Farm Security and Rural Investment Act of 2002 are available at the Department's Springfield office.

- D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
 - ii) the area is small;
 - iii) the erosion is not expected to recur; and

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- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- F) **Augmentation**
Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. The application of neutralization agents and fertilizers used for minor remediation work or repairs is considered a normal husbandry practice and not augmentative. Water level management using permanent water control structures is considered a normal husbandry practice.

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G) Other Management Practices

The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:

- i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
- ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
- iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;

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- B) For areas to be developed for industrial, commercial or residential use less than 2 years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year responsibility period. During the extended 5 year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The 5 year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crops to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117;

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- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Productivity shall be considered successful if it is 90% of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C), until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any 2 years of a 10 year period prior to the release of the performance bond, except the first year of the 5 year extended responsibility period. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C), the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in 62 Ill. Adm. Code 1816.116(a)(4)(D) for one year of hay production on limited capability land. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department; and
- F) Non-contiguous areas less than or equal to 4 acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

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- 4) In order to use the Agricultural Lands Productivity Formula, ~~62 Ill. Adm. Code 1816.Appendix A~~ or the alternative under 62 Ill. Adm. Code 1816.116(a)(6), to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.
- 5) Wetland revegetation shall be deemed successful when:
 - A) The applicable wetland vegetation criteria included in the following reference materials have been met:~~in the~~ Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631), Regional Supplement to the Corp of Engineers Wetlands Delineation Manual: Midwest Region (Department of the Army ERDC/EL TR-10-16, August 2010, published by the Department of the Army, U.S. Army Engineer Research and Development Center, 3909 Ferry Halls Road, Vicksburg, MS 39180-6199), and the National Wetland Plant List for the State of Illinois (U.S. Army Corps of Engineers 2018, National Wetland Plant List, version 3.4 <http://wetland-plants.usace.army.mil>). The reference materials are ~~have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is~~ available for inspection and copying at the Department's Springfield office; and
 - B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1817.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.
- b) The person who conducts underground mining activities shall:
 - 1) Conduct periodic measurements of vegetation, soils, and water prescribed

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or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a).

- 2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred five unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code 1823.15, or shall initiate deep tillage under appropriate soil moisture conditions on the areas, subject to the approval of the Department.
- 3) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1817.117 Revegetation: Tree, Shrub, and Herbaceous Vegetation

- a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:
 - 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b)-~~below~~ with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error)

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during the fifth year of the responsibility period or later in the responsibility period. On lands eligible for reining, the period of responsibility ~~(until September 30, 2004)~~ shall be 2 full years. Trees and shrubs counted in determining such success shall be healthy, e.g., not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least 3 growing seasons, i.e., 3 years. ~~On~~ Until September 30, 2004, on lands eligible for reining, trees and shrubs need not have been in place for 3 years; however, such trees and shrubs shall not be counted in determining success during the same calendar year in which they were planted.

- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover. Erosion control structures, including pond embankments, shall not require the planting of trees and shrubs.
- 4) For purposes of this Section, herbaceous species means: grasses, legumes and nonleguminous forbs; woody plants means: woody shrubs, trees and vines; and ground cover means: the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting and rill and gully repairs. The replanting of trees and shrubs in areas described in Section 1817.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under Section 1817.116(a)(2)(C), (D) and (E).

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- b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of 250 trees or shrubs per acre. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas which increase diversity within wildlife areas may be approved by the Department on a case-by-case basis prior to planting such areas. Where woody plants are used for forest products land uses, the area shall have a minimum population of 450 trees or shrubs per acre.
- c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:
- 1) The permittee shall submit a scale drawing or aerial photograph delineating the fields to be sampled and the total number of acres in each field. A one inch equals 500 (1:500) feet or larger scale shall be used. Once field boundaries are established in a submittal, the boundaries shall not be changed unless the Department approves a request in accordance with 62 Ill. Adm. Code 1774.13.
 - 2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

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- 3) The number of plots needed to sample the area will be calculated employing the following formula:

Number of Plots equals 2.5% multiplied by Sample Area in acres divided by plot size.

- 4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within 60 feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is 60 feet from the boundary of the area to be sampled or the greatest distance possible where 60 feet cannot be achieved.
- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.
- 6) Calculate population levels as follows:
- A) Average number of live trees and/or shrubs per plot equals Total Number of live trees and/or shrubs divided by number of plots; and
- B) Number of live trees and/or shrubs per acre equals Average number of live trees and/or shrubs per plot multiplied by plot size denominator.
- 7) Representatives of the Department shall administer all sampling.
- d) Vegetative ground cover shall be measured by the following technique:
- 1) Twenty random points shall be identified in the area to be tested.
- 2) A 20 feet engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in 90 degree increments until the entire 20 feet length is within the

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boundary of the area to be tested or area not treated with the herbicide.

- 3) A measurement shall be taken at each .2 foot increment directly above or below the tape.
 - 4) Ground cover shall be determined to be present if any vegetation identified in subsection (a)(4) is measured at the increment.
 - 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.
- e) For areas where herbaceous vegetation plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, vegetative ground cover of approved species shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas that increase diversity within wildlife areas may be approved by the Department on a case-by-case basis prior to planting those areas.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: State Operating Assistance to Downstate Areas
- 2) Code Citation: 92 Ill. Adm. Code 653
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
653.430	Amendment
653.440	Amendment
653.450	Amendment
- 4) Statutory Authority: Implementing and authorized by Articles I and II of the Downstate Public Transportation Act [30 ILCS 740].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing an update to this rule to remove duplicative audit requirements. The current rule requires a participant of the funding program to commission an independent audit of its finances and then requires the Department to audit their audit. The Department proposes to remove this duplicative audit requirement by making clear that the Department is only required to review and reconcile the independent audit commissioned by the participant.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Rules Manager

DEPARTMENT OF TRANSPORTATION

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Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

(217) 524-2638

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not for profit corporations affected: This rulemaking may affect small municipalities; however, no adverse impact is anticipated.
 - B) Reporting, bookkeeping, or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Department does not anticipate this rulemaking will have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2022

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER h: PUBLIC TRANSPORTATIONPART 653
STATE OPERATING ASSISTANCE TO DOWNSTATE AREAS

SUBPART A: GENERAL PROVISIONS

Section	
653.10	Program Overview
653.20	Purpose
653.30	Definitions
653.40	Effective Date

SUBPART B: GRANT APPLICATION REQUIREMENTS

Section	
653.90	Preliminary Grant Application
653.100	Notification of Grant Cycle
653.110	Application Contents
653.111	Eligible Operating Expenses
653.112	Ineligible Operating Expenses
653.113	Reportable Income
653.114	Accounting and Documentation
653.120	Application Filing Deadline
653.130	Place of Filing

SUBPART C: REVIEW AND APPROVAL OF APPLICATION

Section	
653.200	Review of Application
653.205	Approval/Disapproval of Applicant's Program of Proposed Expenditures
653.210	Approval of Application
653.220	Grant Contract Requirements and Procedures
653.230	Amounts of and Limitations on Grants
653.240	Disapproval of Application (Repealed)

SUBPART D: PROGRAM MANAGEMENT

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Section

653.300	Quarterly Reports/Requisitions for Advance Payment
653.310	Reporting of Actual Expenses for all Quarters
653.320	Payment
653.330	Notification of Change in Services
653.335	Notification of Change in Fares
653.340	Filing of Reconciliation Report for Actual Expenses Accrued in Fiscal Year
653.350	Downstate Transit Improvement Fund

SUBPART E: AUDIT PROCEDURES/GRANT CLOSEOUT

Section

653.400	Year End Operating Data Report
653.410	Independent Audit Requirements and Procedures
653.420	Review of Independent Audit
653.430	State Review Audit
653.440	Corrective Action by Participant
653.450	Reconciliation of Payments
653.460	Grant Closeout
653.470	Finality of Prior Grant Related Decisions (Repealed)

SUBPART F: MISCELLANEOUS PROVISIONS

Section

653.500	Access to and Retention of Records
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AUTHORITY: Implementing and authorized by Articles I and II of the Downstate Public Transportation Act [30 ILCS 740/Articles I and II].

SOURCE: Adopted at 11 Ill. Reg. 1985, effective January 13, 1987; amended at 34 Ill. Reg. 13142, effective August 24, 2010; amended at 46 Ill. Reg. _____, effective _____.

SUBPART E: AUDIT PROCEDURES/GRANT CLOSEOUT

Section 653.430 State ~~Review~~Audit

- a) The Department shall perform ~~a reconciliation~~~~or commission an audit, known as the State audit,~~ of the participant's financial records and the audit performed by

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the independent auditor submitted by the participant with its own forces or by contracting with an independent licensed certified public accountant solely at the expense of the Department. Any reconciliation~~audit~~ under this Section shall begin no later than three years following the last day of the fiscal year that is being audited. The Department will perform a State reconciliation~~audit~~ on all grants. The State reconciliation~~audit~~ will be done after the Department receives the independent audit. The Department will give written notice to the participant of the dates scheduled for the State reconciliation~~audit~~, which shall be an agreed-upon time arrived at between the grantee and the Department.

- b) The independent auditor and the participant shall work with the Department in resolving any issues raised by the State reconciliation~~audit~~. Any issues that cannot be resolved to the mutual agreement of the Department, the participant and/or independent auditor shall be decided by the Department consistent with the Act, this Part and the Department's application and interpretation of generally accepted accounting principles adopted by the AICPA. The Department's decisions shall be considered final.
- c) Upon resolution of the issues according to the procedures provided in subsection (b), the Department will issue a final State reconciliation~~audit~~ report to the participant. In the absence of fraud, payment issues, audit and/or reconciliation issues or any other matters pertaining to the grant may not be raised and are forever settled upon issuance of the final State reconciliation~~audit~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 653.440 Corrective Action by Participant

Whenever the independent audit, reconciliation process, or State Compliance Review~~or State audit~~ discloses significant weaknesses, irregularities and areas of noncompliance, i.e., failure by the grantee to act in accordance with any of the terms and conditions of the grant contract or State law, including by way of example and information only and not by way of limitation, conflicts of interest, falsification of records or reports and inadequate internal controls. The participant shall correct the weaknesses, irregularities and noncompliance consistent with the corrective recommendations of the independent audit or State reconciliation~~audit~~. "Inadequate" means "unable to meet the requirements of the State laws, this Part and the terms of the grant contract."

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 653.450 Reconciliation of Payments

The Department will reconcile the amounts paid to the participant consistent with the participant's audit and the Department's final State reconciliation report. ~~final State audit~~. The Department will take the necessary steps to pay the participant any amounts due the participant for the reconciled~~audited~~ fiscal year. If the reconciliation~~audit~~ reflects that the Department has overpaid the participant, then the Department shall notify the participant in writing of the amount due and owing. In determining whether amounts paid to the participant are consistent with the State reconciliation~~audit~~, the Department looks at how much was actually paid to the participant and how much the State ~~audit~~ says should have been paid to the participant. If the participant received actual payments which are less than the State reconciliation~~audit~~, then the Department will pay the difference. If the participant received actual payments in excess of the State reconciliation~~audit~~, then the Department will notify the participant in writing of the overpayment and request remittance. "Necessary steps" means "seeking an appropriation, if necessary, preparing a request for payment form and generally doing the paperwork that is required to get a check from the Office of Comptroller to the participant."

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
50.210	Amendment
50.230	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 Rule: February 24, 2022
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 12455; October 8, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Grammatical and minor corrections were made to this rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rulemaking currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
50.1000	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1010	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1020	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1030	New Section	45 Ill. Reg. 12961; October 15, 2021

DEPARTMENT OF HUMAN SERVICES

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50.1040	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1050	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1060	New Section	45 Ill. Reg. 12961; October 15, 2021
50.1100	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1110	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1120	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1130	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1140	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1150	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1160	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1170	New Section	46 Ill. Reg. 1326; January 14, 2022
50.1180	New Section	46 Ill. Reg. 1326; January 14, 2022

- 15) Summary and Purpose of Rulemaking: This rulemaking is being proposed to support parents enrolled in the Child Care Assistance Program through periods of unemployment stemming from the COVID-19 pandemic. The amendments to this rule will establish a temporary 3-month period of child care assistance for parents enrolled in CCAP who have not yet secured an eligible activity from October 2021 through June 2022. This will allow eligible parents 3 months to place their children in child care while looking for employment or completing enrollment in an education or training program.

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

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

(217) 785-9772

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

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NOTICE OF ADOPTED AMENDMENTS

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

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- 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

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

SUBPART I: CHILD CARE RESTORATION GRANT PROGRAM 2021

- | Section | |
|---------|---|
| 50.900 | Purpose |
| 50.910 | Eligible Child Care Provider |
| 50.920 | Calculation of Child Care Restoration Grant Award Amounts |
| 50.930 | Eligible Expenses |
| 50.940 | Reporting Requirements |
| 50.950 | Monitoring |
| 50.960 | Qualified Partners |
| 50.970 | Identifying Disproportionately Impacted Areas |

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

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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; 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; emergency expired May 30, 2021; emergency amendment at 45 Ill. Reg. 4946, effective April 1, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 11057, effective August 26, 2021; emergency amendment at 45 Ill. Reg. 9153, effective July 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 12872, effective October 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 13098, effective October 1, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 15467,

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effective November 24, 2021; emergency amendment at 46 Ill. Reg. 1335, effective January 1, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 4066, effective February 24, 2022.

SUBPART B: APPLICABILITY

Section 50.210 Child Care

- a) To the extent resources permit, the Department shall provide child care services:
 - 1) to parents or other relatives who are working and are unable to supervise their children;
 - 2) to parents or other relatives who are participating in employment, training or education programs that are approved by the Department; ~~and~~
 - 3) to teen parents to enable them to obtain a high school degree or its equivalent, to provide time to find employment after graduation, and to provide a stable learning environment for their children; ~~and~~;
 - 4) to parents or other relatives who request a 3-month period to establish an eligible employment or education activity (allowed once every 12 months through 6/30/2022).
- b) In a two-parent household, both parents must be working, ~~or~~ in an approved education and training activity, or taking steps to establish an eligible activity (see subsection (a)(4)) and unavailable to care for the children unless one of the parents is unable to care for the children for one of the following reasons:
 - 1) A physical or mental disability that limits the ability of the parent to provide adequate child care;
 - 2) Participation in an alcohol or drug abuse rehabilitation program;
 - 3) Military service away from home; or
 - 4) Participation in a Department approved program such as a Temporary Assistance for Needy Families (TANF) Employment and WorkActivity (see 89 Ill. Adm. Code 112.78) or Teen Parent Services (TPS).

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- c) The applicant must furnish written documentation to verify the reason why the other parent, if living in the home, is unable to work and unable to provide care for the children that live in the home.
- 1) To document the other parent's physical or mental health problem or participation in a rehabilitation program, the applicant shall submit written verification from the treating physician, psychiatrist, or other appropriate licensed health care practitioner that includes details of the nature and degree of the person's disability or impairment, the reason the condition prevents the individual from providing care, and the projected length of disability.
 - 2) To document military service away from home, the applicant must furnish a copy of the orders from the appropriate branch of the military that details the length and location of the assignment, as well as any money allowances for clothing and housing.
 - 3) To document participation in a Department approved program (see subsection (b)(4)), child care staff shall use Department computerized case information systems. If participation in a Department approved program cannot be verified via the Department computerized case information systems, the applicant may be required to submit a copy of the Responsibility and Services Plan (RSP) (FORM 4003) or other relevant Department forms signed by the caseworker.

(Source: Amended at 46 Ill. Reg. 4066, effective February 24, 2022)

Section 50.230 Child Care Eligibility

- a) To the extent resources permit, it is the intent of the Department to provide child care services to all applicants that meet the eligibility requirements set forth in this Section. If it is necessary to limit participation to stay within the amounts appropriated or resources available to the Department for child care services, participation will be limited to the priority service groups specified in subsection (c)(6) and that limitation in participation shall remain until such time as sufficient resources are available to serve all eligible applicants.
- b) To be eligible for child care services, a child shall at the time of eligibility determination or redetermination:

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- 1) be under 13 years of age (if a child turns 13 years old during the eligibility period, that child shall remain eligible for CCAP for the remainder of the eligibility period); or
 - 2) be under age 19 and under court supervision or have physical, developmental, or intellectual disabilities as documented by a statement from a local health provider or other health professional.
- c) Parents and other relatives eligible to receive child care services include:
- 1) Clients who receive Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and/or training-related activities as specified in their Responsibility and Service Plan (RSP) (see 89 Ill. Adm. Code 112.74) as approved by the Department's TANF case worker.
 - 2) Parents or other relatives who request a 3-month period to establish an eligible employment or education activity (allowed once every 12 months through 6/30/2022).
 - 32) Working families, including teen parents enrolled full-time in elementary or high school or high school equivalency classes to obtain a high school diploma or its equivalent, whose monthly incomes do not exceed the following amounts by family size at the time of initial program application:

Family Size	Gross Monthly Base Income
2	\$2,903
3	\$3,660
4	\$4,417
5	\$5,173
6	\$5,930
7	\$6,687
8	\$7,443
9	\$8,200
10	\$8,957

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The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current Federal Poverty Level (FPL) for each family size.

- 43) At the end of each eligibility period, families must fall into the following income guidelines to remain eligible for another 12-month eligibility period:

Family Size	Gross Monthly Base Income
2	\$3,629
3	\$4,575
4	\$5,521
5	\$6,467
6	\$7,413
7	\$8,358
8	\$9,304
9	\$9,751

These income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current FPL for each family size.

- 54) Any time a family's countable income exceeds 85% of the State Median Income (SMI), the case will be canceled 10 calendar days after the date the termination notice was sent to the family and providers.

Family Size	Gross Monthly Base Income
2	\$4,703
3	\$5,809
4	\$6,916
5	\$8,022
6	\$9,129
7	\$9,336
8	\$9,751

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These income guidelines will be indexed annually so that the thresholds are no less and no more than 85% of the most current SMI level for each family size.

- ~~65~~) If the countable income for a family is between 250% FPL and 85% SMI at the end of an eligibility period, and all other eligibility factors are met, the family will be eligible for a 90-day graduated phase-out period that begins the first day of the new eligibility period. If the family requests child care assistance at any time after the graduated phase-out period, the request must be treated as a new application and the family must have family income below 200% of FPL to qualify.
- ~~76~~) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (c)(2). Clients can be approved for education/training activities that will lead to multiple certificates within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse) or Associate Degrees, but only the first Bachelor's Degree. Clients may also be approved for additional vocational certificate programs if they are beginning a new career path in a new field or if classes are required to remain certified in their current employment. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Teen parents enrolled full-time in elementary or high school or high school equivalency classes will be eligible for full-time, full-year child care, including summers, when using a licensed child care provider, up to and including a three-month period after graduation, in order to secure employment or to prepare for higher education. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income of the other person, does not exceed the monthly income ceiling in subsection (c)(2) for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 [225 ILCS 410], the Real

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Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation. Social service agencies that provide recognized English as a Second Language (ESL) and other adult education courses and programs are not required to hold or maintain any separate type of accreditation, as long as the program they offer is supported by an accredited institution.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and high school equivalency examination preparation programs. Clients/applicants who have already earned a vocational certificate are still eligible for below post-secondary education activities if they have not already earned a high school diploma or high school equivalency certificate.

- i) There is no work requirement for the first 24 non-consecutive months the client participates. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree.
- ii) From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client will be allowed one eligibility period below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the

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institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period.

- B) Vocational Education Eligibility and Participation Requirements
Programs in this category of education may be offered by a public community college, public or private university, or private business/technical school.
- i) The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. Families eligible to receive child care services while they attend an education or training program under this Section must not already possess a Bachelor's, Master's or Doctorate Degree. Clients/applicants may be approved for multiple vocational certificate programs if they are within a designated career path (e.g., from Certified Nursing Assistant to Licensed Practical Nurse) or are beginning a new career path in a new field, or if classes are required to remain certified in their current employment.
 - ii) There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The client will be allowed one eligibility period below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of each eligibility period.
- C) Post-Secondary Education

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- i) This category of education includes all undergraduate college level courses that could result in an Associate or the client's first Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:
- be enrolled in a program accredited under requirements of State law as stated in subsection (c)(3).
 - not already have a Bachelor's, Master's or Doctorate Degree, if requesting child care to earn an Associate Degree. Child care will not be approved for attainment of a second Associate Degree.
 - not be in an, or have completed an, advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.
- ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a 2.5 grade point average (GPA) (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of each eligibility period. If the client's GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another eligibility period. If the GPA is below 2.5 or 2.0 two eligibility periods in a row, the client

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will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.

- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:
- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent must leave the home to have access to a computer.
 - ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) Study Time
Child care services may be granted for up to one hour of study time per week for each classroom hour or course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time granted to add an extra day of care must be approved first by the Department's Bureau of Child Care and Development Policy Unit.
- 8) Relatives (other than parents) who receive child-only TANF benefits as a Representative Payee for children in need of care while they work.
- 9) 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.
- 10) In the event the Department must limit participation due to insufficient appropriations or available resources, applicants included in the priority service groups are:

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- A) Recipients of Temporary Assistance for Needy Families as described in subsection (c)(1);
 - B) Teen parents enrolled full-time in elementary school, high school or high school equivalency classes to obtain a high school degree or its equivalent;
 - C) Families engaged in an eligible employment and/or educational activity with a special needs child and family income that does not exceed 185% of FPL for their family size;
 - D) Working families whose monthly incomes do not exceed 185% of the most current FPL for their family size;
 - E) Families that are not recipients of TANF whose monthly incomes do not exceed 185% of the most current FPL for their family size that need child care assistance to participate in education and training.
- d) All families must reside in Illinois.
- e) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature on the Child Care Assistance Program (CCAP) application (Form 444-3455); or
 - B) one week (seven calendar days) prior to the stamped date of receipt of the CCAP application (Form 444-3455) by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- f) Approval of payments will cease no less than 10 calendar days after the date of the termination notice sent to the parent by the Department or its agents following

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a determination of ineligibility. Care will be terminated immediately if it is determined the child is no longer enrolled with the approved provider or the family requests that its case be terminated.

(Source: Amended at 46 Ill. Reg. 4066, effective February 24, 2022)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.210 Adopted Action: Amendment
- 4) Statutory Authority: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Rule: February 23, 2022
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 8627; July 16, 2021
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The entirety of the amendment was changed to simplify the text. "Semitrailer registrations shall only be issued to trailers designed and constructed to be towed by truck tractors, as defined in Section 1-212 of the Vehicle Code."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1010.195	Amendment	45 Ill. Reg. 11665; September 24, 2021

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- 15) Summary and Purpose of Rulemaking: This rulemaking provides clarification that utility trailers are not included in the definition of “semitrailer” for the purposes of registration with SOS.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Pamela Wright
Secretary of State
298 Howlett Building
Springfield, IL 62756

pwright@ilsos.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.193	Procedures for Application for Title for Vehicles Purchased at Mechanic's Lien Sales
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration

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1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions
1010.250	Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section	
1010.300	Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310	Improper Use of Evidences of Registration
1010.320	Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330	Operation of Vehicle Without Proper Illinois Registration
1010.350	Suspension or Revocation
1010.360	Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section	
1010.410	Temporary Registration – Individual Transactions
1010.420	Temporary Permit Pending Registration In Illinois
1010.421	Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
1010.425	Non-Resident Drive-Away Permits
1010.426	Seven Day Permits
1010.430	Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440	Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450	Special Plates
1010.451	Purple Heart License Plates
1010.452	Special Event License Plates
1010.453	Retired Armed Forces License Plates
1010.454	Gold Star License Plates
1010.455	Collectible License Plates
1010.456	Sample License Plates For Motion Picture and Television Studios

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1010.457	Korean War Veteran License Plates
1010.458	Collegiate License Plates
1010.459	Universal Plate Decal
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.465	Requests for General Issuance Specialty License Plates
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees
1010.550	Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine
1010.630	Extension of Expiration Dates

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates

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1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety
1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20,

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2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. 8941, effective June 14, 2013; amended at 37 Ill. Reg. 12578, effective July 17, 2013; amended at 39 Ill. Reg. 5106, effective March 20, 2015; amended at 42 Ill. Reg. 212, effective December 19, 2017; amended at 42 Ill. Reg. 14450, effective July 23, 2018; amended at 43 Ill. Reg. 3945, effective March 15, 2019; amended at 44 Ill. Reg. 2014, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5831, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 17440, effective October 19, 2020; amended at 44 Ill. Reg. 16487, effective September 25, 2020; emergency amendment at 45 Ill. Reg. 1369, effective January 12, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 6054, effective April 22, 2021; emergency amendment at 45 Ill. Reg. 6794, effective May 6, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 6862, effective May 24, 2021 for the remainder of the 150 days; emergency rule as amended expired October 2, 2021; emergency amendment at 45 Ill. Reg. 11690, effective September 9, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. 1868, effective January 13, 2022; amended at 46 Ill. Reg. 2750, effective January 25, 2022; amended at 46 Ill. Reg. 4083, effective February 23, 2022.

SUBPART C: REGISTRATION

Section 1010.210 Application for Registration

- a) Cash or stamps may not be mailed for payment of any registration fee or tax.
- b) Leased Vehicles:
The application shall contain the name of the Lessor. The vehicle may be registered in the name of the Lessee if the Lessee includes a valid copy of the lease with the application for registration. The Lessee may then apply for special

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plates in his or her own name.

- c) Newly-Acquired Vehicles:
Application for registration shall be made by the new owner on the date of acquisition or when the vehicle becomes subject to registration as provided in 92 Ill. Adm. Code 1010.510, and filed with the Secretary of State personally or by U.S. Mail. The dealer who sold the vehicle shall accept the application from the new "owner" and must within 15 days transmit the application and fees to the Secretary of State, as provided in Section 3-113 of the Illinois Vehicle Code (~~(HVC) [625 ILCS 5]~~), ~~Ill. Rev. Stat. 1983, ch. 95½, par. 3-113.~~
- d) Trailer Registrations:
Semitrailer registrations shall only be issued to trailers designed and constructed to be towed by truck tractors, as defined in Section 1-212 of the Vehicle Code.

(Source: Amended at 46 Ill. Reg. 4083, effective February 23, 2022)

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- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1070.10	Amendment
1070.40	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].
- 5) Effective Date of Rule: February 25, 2022
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 12457; October 8, 2021
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Differences between Proposal and Final Version: References to gender were made neutral and Subsection 1070.10(f) was restructured to include a numbered list.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 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 implements Public Act 102-052, which allows the Secretary of State to reinstate a driver's license that has been suspended for failing to post security in an uninsured crash if the statute of limitations for filing suit has expire or to return a previously posted security upon the expiration of the statute of limitations.

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

Secretary of State
Pamela Wright
298 Howlett Building
Springfield, IL 62756

217-785-3094
pwright@ilsos.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.75	Post-Unsatisfied Judgment Action
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law
1070.120	Nonresidents and Former Residents; When Proof Not Required

1070.Appendix A Post-Unsatisfied Judgment Action Form

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008; amended at 35 Ill. Reg.

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1790, effective January 13, 2011; amended at 36 Ill. Reg. 5575, effective March 26, 2012; amended at 37 Ill. Reg. 3319, effective February 28, 2013; amended at 38 Ill. Reg. 6119, effective February 27, 2014; amended at 38 Ill. Reg. 20054, effective October 1, 2014; amended at 42 Ill. Reg. 16552, effective August 23, 2018; amended at 46 Ill. Reg. 4091, effective February 25, 2022.

Section 1070.10 Forms of Security

- a) For purposes of this Section, the following definitions shall apply:

"Bank Draft" – a negotiable instrument that contains an unconditional promise to pay a certain sum of money that is payable on demand or at a definite time to the bearer or to order as provided in Section 3-104 of the Uniform Commercial Code [810 ILCS 5/3-104].

"Cashier Check" – a check that is the primary obligation of the issuing bank as indicated in Section 4-211 of the Uniform Commercial Code [810 ILCS 5/4-211]. It is drawn by the bank itself and issued by an authorized officer of the bank.

"Certified Check" – a check of a depositor drawn on a bank of which the holder of the check procures certification and the drawer and all prior endorsers are discharged as provided in Section 3-411 of the Uniform Commercial Code [810 ILCS 5/3-411]. The words "accepted or certified" are on the check along with the date and the signature of a bank official.

"Department" – Department of Driver Services of the Office of the Secretary of State.

- b) The Department shall accept as security to establish proof of financial responsibility following an accident for purposes of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7] the following: certified checks, money orders, bank drafts, cashier checks, surety bonds, and cash. The amount of security required is determined by the Illinois Department of Transportation. The person depositing security shall stipulate on a designated form supplied by the Secretary of State on whose behalf the deposit is made.
- c) A surety bond shall not be accepted by the Department as a deposit of security as required by Section 7-201 of the Illinois Safety and Family Financial

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Responsibility Law [625 ILCS 5/7-201] unless the following conditions are met:

- 1) The form is completed.
 - 2) The surety company is authorized to do business in Illinois or a power of attorney is executed in accordance with Section 7-203 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-203].
 - 3) The bond specifies whom it is to cover.
 - 4) The signatures are notarized.
 - 5) The bond is accompanied by a power of attorney.
- d) If a surety bond is accepted by the Department and the surety company later does not pay a judgment upon demand of the Department, the Department shall not accept any further bonds from the surety company until payment is made.
- e) If a surety company has failed and ceased operations by order of a court, the Department shall notify the interested party(ies) that the party's~~his/her~~ driver's license and/or registration shall be suspended in 30 days if the party~~he/she~~ does not deposit the security required by Section 7-201 of the Illinois Safety Responsibility Law.
- f) If a person's security requirement has not been terminated pursuant to Section 7-210 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-210], that person~~he/she~~ shall be eligible to file an affidavit for termination of surety bond ~~2 years after the date of the suspension~~ attesting ~~that:~~
- 1) that 2 years have elapsed since the suspension occurred; ~~or~~
 - 2) that the applicable statute of limitations has expired, regardless of the length of time the suspension has been in effect, that no suit or claim for damages and/or personal injuries is filed and pending, and no judgment rendered remains unpaid ~~no suits for claims for damages and/or personal injuries have been instituted and are now pending, nor does any judgement rendered remain unsatisfied.~~
- g) All security deposits shall be deposited at the following address: Department of

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Driver Services, Safety and Financial Responsibility Section, 2701 South Dirksen Parkway, Springfield, IL 62723. No security shall be considered deposited until it is received by the Department at the above mentioned address in one of the above mentioned forms of security specified in subsection (b) of this Section hereof.

(Source: Amended at 46 Ill. Reg. 4091, effective February 25, 2022)

Section 1070.40 Disposition of Security

a) For purposes of this Section, the following definitions shall apply:

"Claim" – a demand for something rightfully or allegedly due.

"Claimant" – person or persons making claim.

"Default" – failure to make a payment when due.

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Discharged in Bankruptcy" – a legal order for release from a debt or debts.

"Installment Agreement" – agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety and Family Financial Responsibility Law.

"Judgment Creditor" – person who is owed money due to a court judgment in the person's~~his/her~~ favor.

"Proper Notice" – notice provided by, but not limited to any of the following: Petition in Bankruptcy; Notice of Meeting of Creditors; Schedule A-3 of Schedule of Creditors; Trustee Report of No Assets; Discharge of Bankruptcy; Notice of Automatic Stay; Chapter 13 Wage Earner Plan.

"Release" – to give up or surrender a claim.

"Security" – deposit made to satisfy any potential judgment or judgments

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for money damages following an accident as provided in Section 7-201 of the Illinois Safety and Family Financial Responsibility Law.

- b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.
- c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.
- d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimants. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.
- e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-214].
- f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend ~~that person's~~ the driving privileges and/or registration ~~of that person until he/she redeposits~~ the original amount of security ~~is redeposited~~ or ~~meets~~ the other requirements set forth in Section 7-208(c) of the Illinois Safety and Family Financial Responsibility Law ~~are met~~.
- g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Secretary of State's Department of Administrative Hearings.
- h) A security deposit shall also be refunded if the Department receives a certified

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court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.

- i) A security deposit shall be refunded if no legal action has been taken within 2 years after the date of the suspension or upon the expiration of the applicable statute of limitations, whichever occurs first, and the Department receives a notarized affidavit from the person depositing the security stating that to the best of the person's~~his/her~~ knowledge, the person~~he/she~~ has not been or is not being sued. To verify this, the Department shall send the claimant~~interested party~~ a letter and give the claimant~~him/her~~ 2 weeks to respond. If the claimant~~he/she~~ responds that a lawsuit has not been filed~~he/she has not sued~~ or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within 2 years from the date of the suspension, the security shall not be refunded to the depositor.
- j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or that party's~~his/her~~ authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or the judgment creditor's~~his/her~~ authorized representative upon receipt of a certified full or partial satisfaction of judgment.
- k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. The driver's~~His/her~~ driving privileges and vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500 or more.
- l) A surety bond shall be terminated if no legal action has been taken within 2 years after the date of a suspension, or upon the expiration of the applicable statute of limitations, if the Department receives from a person a letter for termination of a surety bond stating that to the best of that person's~~his/her~~ knowledge the

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~~person~~~~he/she~~ has not been or is not being sued. To verify this the Department shall send the ~~claimant~~~~interested party~~ a letter and give ~~the claimant~~~~him/her~~ 2 weeks to respond. If ~~the claimant~~~~he/she~~ responds that ~~a lawsuit has not been filed~~~~he/she has not been sued~~ or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within 2 years from the date of the suspension, the surety bond shall not be terminated.

- m) If a judgment creditor wishes to obtain a payment from a surety bond to satisfy a judgment, ~~the judgment creditor~~~~he/she~~ shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and ~~the party's~~~~his/her~~ authorized representative informing ~~the party~~~~him/her~~ that the surety bond shall be used toward satisfying the judgment if ~~the party~~~~he/she~~ does not otherwise satisfy the judgment and notify the Department within 14 days after the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, ~~the judgment creditor's~~~~his/her~~ authorized representative, and the surety company. The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and ~~the judgment creditor's~~~~his/her~~ authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. ~~The driver's~~~~His/her~~ driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500 or more.
- n) *If, after releasing security to a judgment debtor or claimant, the balance of the security posted with the Secretary is \$5 or less, the balance shall be transferred to the General Revenue Fund. The Secretary will compile a list of all security amounts of \$5 or less annually in July and will certify that amount to the State Comptroller. As soon as possible after receiving the certification, the State Comptroller shall order transferred, and the State Treasurer shall transfer, the amount certified to the General Revenue Fund. [625 ILCS 5/7-214]*

(Source: Amended at 46 Ill. Reg. 4091, effective February 25, 2022)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1540.60	Amendment
1540.80	Amendment
1540.140	Amendment
1540.350	Amendment
1540.395	Amendment
- 4) Statutory Authority: 40 ILCS 5/14-124; 40 ILCS 5/14-124.1; 40 ILCS 5/14-130; 40 ILCS 5/14-135.03; and 40 ILCS 5/14-147.5
- 5) Effective Date of Rule: February 23, 2022
- 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 is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 14138; November 12, 2021
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: JCAR recommended that the proposed rule that was to be included in the proposed new Section 1540.86 be deleted because it was not supported by statute. This proposed rule that the System agreed to remove would have required a retiree that returns to active service to reimburse the System for the entire monthly pension payment that member received in the month they returned to active service. Additionally, JCAR recommended various technical changes, such as defining the term "Code" in Section 1540.395 to mean the Illinois Pension Code and replacing the term "physician" with "licensed healthcare professional" as physician is no longer a relevant statutory term as Public Act 101-0080 replaced that term with licensed healthcare professional. Furthermore, "court" was added the phrase "QILDRO

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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calculation order" so that the statutory term of "QILDRO calculation court order" was utilized throughout Section 1540.350

- 12) Have all the changes agree 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1540.250	Amendment	46 Ill. Reg. 2024; February 4, 2022
1540.350	Amendment	46 Ill. Reg. 2024; February 4, 2022
1540.405	New Section	46 Ill. Reg. 2024; February 4, 2022

- 15) Summary and Purpose of Rulemaking: The adopted rules are summarized as in the following manner:

Clarifies that if legal action provides for the reinstatement of a terminated employee who accepted a refund or began retirement following a wrongful termination, then that member can reinstate the service credit or repay the retirement benefit without interest as long as an installment plan is executed within 30 days of notice;

Delays the processing of a Termination Refund or Total Buyout Payment for a member with either a pending Social Security Disability claim or a Workers' Compensation Claim;

Suspends Nonoccupational Disability Benefits or Temporary Disability Benefits of members that refuse to apply for Social Security Disability benefits; and

Clarifies that for purposes of determining eligibility for a survivor's annuity of a surviving child, full-time student status is determined by the standard set by that student's college for that student's course of study.

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

Jeff Houch
Assistant to the Executive Secretary
State Employees' Retirement System

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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2101 South Veterans Parkway
Springfield, IL 62794

217/524-8105
jeff.houch@srs.illinois.gov

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section

1540.5	Introduction (Repealed)
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits and Survivor's Annuities
1540.80	Disability Claims
1540.85	Benefit Suspension and Termination for Gainful Employment or Activity
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.125	Reversionary Annuity
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.195	Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits – Basis of Computation
1540.330	Board Elections
1540.340	Excess Benefit Arrangement
1540.350	Qualified Illinois Domestic Relations Orders (QILDRO)
1540.360	Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
1540.370	Americans With Disabilities Act
1540.380	Correction of Mistakes in Benefit Payments
1540.385	Suspension of Benefits from Uncashed Warrants
1540.390	Freedom of Information Act
1540.395	Accelerated Pension Benefit Payment Program
1540.400	Multiple Survivors of a Tier 2 Member
1540.410	Final Average Compensation for Certain Alternative Retirement Annuity Recipients
1540.APPENDIX A	Grievance Form
1540.TABLE A	Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677,

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effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; emergency amendment modified in response to Joint Committee on Administrative Rules Objection at 39 Ill. Adm. Code 5626, effective April 7, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. 4217, effective March 22, 2017; amended at 42 Ill. Reg. 9568, effective May 29, 2018; emergency amendment at 42 Ill. Reg. 21436, effective November 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 768, effective December 19, 2018; amended at 43 Ill. Reg. 3965, effective March 18, 2019; amended at 43 Ill. Reg. 9252, effective August 16, 2019; amended at 44 Ill. Reg. 534, effective December 27, 2019; amended at 44 Ill. Reg. 7888, effective April 27, 2020; amended at 44 Ill. Reg. 11172, effective June 19, 2020; amended at 44 Ill. Reg. 19510, effective December 2, 2020; amended at 45 Ill. Reg. 3023, effective February 26, 2021; amended at 45 Ill. Reg. 6848, effective May 24, 2021; amended at 45 Ill. Reg. 9547, effective July 19, 2021; amended at 46 Ill. Reg. 4100, effective February 23, 2022.

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Section 1540.60 Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity

- a) Application for Refund or Retirement Annuity
Any member who is eligible to receive a refund of contributions ~~his contribution~~ or a retirement annuity may elect to apply for that refund or retirement annuity by making a written request in the ~~shall, if he so elects, make written request thereof at the Springfield Office of the System upon a~~ form and manner prescribed by the Board.
- b) Verification of Withdrawal From Service
A request for a refund of contributions or a retirement annuity ~~any of the payments outlined in this Section~~ shall not be considered until the Board has ~~shall have~~ received a written notice from the Department in which the member was last employed certifying to the member's withdrawal from service and the effective date thereof, except that the written notice described in this subsection shall not be required for a member who retires while on inactive or disabled status and has been off the Department's payroll for a period of at least 5 years.
- c) Withdrawal From Service – Period of Separation
A member who terminates employment and then returns to State employment shall be eligible for a refund of contributions only if there is at least a 14 ~~fourteen~~ day break in State employment as reflected on a payroll and if the refund application is executed by the member prior to the date of reemployment. A member who is placed on "Temporary Layoff" as that term is used in the rules defined by rule of the Department of Central Management Services (see 80 Ill. Adm. Code 302.510) shall not be considered to have completed ~~met the definition of~~ "Withdrawal" as that term is defined in the Illinois Pension Code (Code) [40 ILCS 5] ~~Aet.~~
- d) Effect of Legal Action
1) If ~~In the event~~ a refund of contributions ~~or a retirement annuity~~ is paid by the System to a member and legal action results in the member being reinstated to their ~~his~~ position with full restoration of all rights and privileges, then the reinstated member ~~he~~ shall be permitted to reestablish service ~~his~~ credit with the System for the reinstated period by repaying to the System the amount of refunded contributions in a lump sum or installment payments in accordance with ~~refunded to him, without interest,~~

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~~if paid within 30 days from the date of notification by the System. If a member does not repay the amount of contributions refunded to him, without interest, within 30 days from the date of notification by the System, he may request to re-establish the service credit either in a lump sum or installment payments by direct payment or payroll deduction. The two-year minimum service requirement is waived for purposes of determining the period within which the member may commence payment of the refund. All other repayment terms and conditions will be the same as those contained in~~ Section 1540.250 of this Part, except that:

- A) the two-year minimum service requirement shall be waived for purposes of determining the period within which the member may commence repayment of the refund; and
 - B) no interest shall be due if the member makes the required lump-sum payment to the System within 30 days after the System's written notice of the opportunity to reestablish the service credit or executes within the same period an installment agreement with the System to make the required payment, ~~Payments to Establish Credit for Service for Which Contributions are Permitted. If a retirement annuity has been initiated it shall be discontinued immediately and he shall repay the total amount of benefits received during the reinstated period.~~
- 2) If a retirement annuity is paid by the System to an annuitant and legal action results in the annuitant being reinstated to their position with full restoration of all rights and privileges, then upon making a re-entry to service after retirement, the annuitant's retirement annuity shall be discontinued immediately and they may repay to the System in a lump sum or installment payments the total amount of all retirement annuity payments received on or after retirement. No interest shall be due on the amount of the repayment if the member makes the required lump-sum payment to the System within 30 days after the System's written notice of the opportunity to make the repayment or executes within the same period an installment agreement with the System to make the repayment. The retirement annuity of a member who has completed the repayment described in this subsection (d)(2) and subsequently retires shall be computed as though the member had not previously retired.

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- e) An election for a refund that is submitted by a member that received disability benefits and has a pending claim for either Social Security disability benefits or benefits payable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310] shall not be processed until that claim has been determined.

(Source: Amended at 46 Ill. Reg. 4100, effective February 23, 2022)

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the State Employees' Retirement System (SERS) claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of SERS a written application on forms prescribed by the Board.
 - 2) If a member makes a payment of contributions to SERS in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the latter of the 31st day of absence from work (including any periods of the absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to SERS. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment). If a member is receiving a nonoccupational disability benefit, and incurs a concurrent sickness or condition that is severe enough to disable the member past the period in which the member is disabled from the original sickness or condition, the nonoccupational benefit would continue uninterrupted and the member would not be required to obtain a new leave of absence or incur a new 30 day waiting period. A benefit will continue uninterrupted in the manner described only if the member is otherwise eligible for the benefit and a licensed healthcare professional's ~~physician's~~ report is provided and supports the disabling sickness or condition.
 - 3) If a member makes a payment of contributions to SERS in order to establish sufficient credit to qualify for a temporary disability benefit, payment of the benefit shall accrue as of the latter of the 31st day after the

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member is last entitled to receive compensation or the date of payment to SERS. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).

- 4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make the payment must be received at the Springfield Office of SERS before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (Period for Payment).
- 5) If a member requests to have service credits under the State Universities Retirement System (SURS) or the Teachers' Retirement System of the State of Illinois (TRS) considered for the purposes of determining nonoccupational or temporary disability benefit eligibility under Section 14-124 or 14-123.1 of the Illinois Pension Code, or for purposes of calculating the total period of time for which benefit will be paid, SERS shall not include in its calculations any credits accrued under Article 15 or 16 of the Code that have been forfeited by acceptance of a refund or applied toward a retirement annuity and that have not been restored or otherwise reestablished in accordance with the requirements of those Articles of the Code. Credits accrued under Article 15 or 16 of the Code that have been forfeited by acceptance of a refund or applied toward a retirement annuity, and that have not been restored or otherwise reestablished in accordance with the requirements of those Articles of the Code, shall not be considered for purposes of determining eligibility for a nonoccupational or temporary disability benefit under Section 14-124 or 14-123.1 of the [Illinois Pension Code \(Code\) \[40 ILCS 5\]](#) or in determining the total period of time for which such a benefit is payable.
- 6) The System may deem the requirement of Section 14-124(4) of the Code to be satisfied with respect to a member if the member who is applying for a nonoccupational disability benefit is eligible to be granted a leave of absence for disability but, before the leave could be granted, upon medical examination, the member is found to be permanently and totally incapacitated to perform the duties of the member's position.

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- b) **Occupational Disability**
Any member of SERS claiming benefits for occupational disability shall file at the Springfield Office of SERS a written application on forms prescribed by the Board.
- c) **Licensed Healthcare Professionals**
Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed healthcare professional attesting to the disability. An additional statement from a second licensed healthcare professional may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
- d) **Report of Licensed Healthcare Professionals**
 - 1) All reports provided to the System by a licensed healthcare professional shall contain, among other things, the date and place of the first examination by the licensed healthcare professional, the cause and nature of the member's disability, information regarding surgical work or laboratory tests performed for the member, the date of last examination by the licensed healthcare professional, prognosis regarding the member's disability, an estimate of the probable length of the member's disability, and the licensed healthcare professional's license number.
 - 2) All licensed healthcare professional's reports shall be signed by a licensed healthcare professional or by medical records personnel employed by or acting pursuant to the direction of the licensed healthcare professional.
- e) **Suspension and Termination for Gainful Employment**
The occupational, non-occupational, and temporary disability benefits that are payable to members under Article 14 of the Illinois Pension Code are subject to suspension and termination for gainful employment in accordance with Section 1540.85.
- f) **Investigation of Claims**
 - 1) The SERS Board of Trustees recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.

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- 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. SERS may waive the medical examination report requirement for cases in which the evidence supports that a member is permanently disabled and that the member will never be able to return to ~~their~~^{his or her} former position.
- 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.
- 4) Any benefit suspended as a result of a medical examination will be suspended on the last day of the month in which the claim is reviewed by the Executive Committee.
- 5) The System may direct a covered employee who is receiving a nonoccupational or temporary disability benefit from the System and who is eligible under the federal Social Security Act (42 U.S.C. 7) for a disability benefit before attaining the Social Security full retirement age to file a claim for benefits under the federal Social Security Act so that the amount of the Social Security offset to the System-provided disability benefit can be calculated as provided in Sections 14-123.1 and 14-125 of the Code. If an employee does not file a claim for Social Security benefits within 30 days after receiving written direction from the System to do so, then the payment of the System-provided disability benefit shall be suspended until the member files such a claim.
- 65) Any person who applies for or who is receiving disability benefits and knowingly makes to SERS any false statement, falsifies or permits to be falsified any record submitted to SERS, or omits pertinent information in an attempt to defraud SERS, shall have the benefit suspended until the

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correct information has been provided to SERS.

- A) If the correct information that is provided does not substantiate eligibility for the disability benefit payments, then the benefit shall be terminated.
 - B) If it is determined that the person omitted pertinent information and the correct information that is provided supports that the individual is gainfully employed, then the process prescribed in subsection (e) shall determine if the benefit payments shall resume.
 - C) If it is determined that the person knowingly made to SERS a false statement, or falsified or permitted to be falsified any record submitted to SERS, in an attempt to defraud SERS and the correct information that is provided supports that the individual is gainfully employed, then the benefit shall be terminated.
- g) A disability benefit claim will be processed after the date that the final payroll payment received by the member has been posted to SERS' accounting database.
 - h) When calculating the amount of a nonoccupational, occupational, or temporary disability benefit under Section 14-123, 14-123.1, or 14-125 of the Code, the "date of disability" or "time disability occurred" is the date the member is removed from payroll by virtue of being placed on disability leave.
 - i) When calculating the final average compensation of a disability benefit claim, the calculation shall include the actual compensation received during the month in which the member left the regular payroll.
 - j) Any individual receiving an occupational disability benefit under Section 14-123 of the ~~Illinois Pension~~ Code who remains disabled at the end of the month in which that benefit ceases under paragraph (3) or (4) of Section 14-123 shall become entitled to a retirement annuity and have the minimum period of service prescribed for the receipt of such annuity waived as described in that Section. The disability benefit described in this subsection (j) applies regardless of whether the member first became a member on or after January 1, 2011.
 - k) Definitions

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As used in this Section:

"Code" means the Illinois Pension Code [40 ILCS 5].

"Full retirement age" means the age at which an individual is eligible to receive full Social Security retirement benefits.

"The duties of the member's position" means the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

"Licensed healthcare professional" means any individual who is licensed by the Department of Financial and Professional Regulation as a physician under the Medical Practice Act of 1987 [225 ILCS 60], as a physician assistant under the Physician Assistant Practice Act of 1987 [225 ILCS 95], as a psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15], or as an advanced practice registered nurse under the Nurse Practice Act [225 ILCS 65] or who is licensed or otherwise credentialed by the licensing body of another state as a physician, physician assistant, clinical psychologist, or advanced practice registered nurse under the laws of that state.

"Licensed healthcare professional's license number" means the unique license number, registration number, or other identifier issued by the federal Centers for Medicare and Medicaid Services, the Department of Financial and Professional Regulation, or the licensing body of another state to an individual who is licensed or otherwise credentialed by the Department of Financial and Professional Regulation or the licensing body of another state, as a licensed healthcare professional.

"Member", for purposes of Sections 14-123, 14-123.1, and 14-124 of the ~~Illinois Pension Code [40 ILCS 5] (Code)~~, means an employee in active service at the time of incurring a disabling condition.

(Source: Amended at 46 Ill. Reg. 4100, effective February 23, 2022)

Section 1540.140 Removal of Children from Care of Surviving Spouse

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a) Children Under Age 18

If a spouse is receiving a widow's or survivors' annuity prior to age 50 because minor children of the member are under the care of the spouse and the children are legally removed by order of a court from the spouse's care, then the widow's annuity or survivors' annuity payable to the spouse shall be suspended until the spouse attains age 50; however, the children eligible to receive a survivors' annuity, if under the care of the legal guardian, may continue to receive their portion of the survivors' benefit, based on their individual eligibility. Widow's or survivors' annuity payments accepted by the spouse after the children have legally been removed by order of a court from the spouse's care will be considered benefit overpayments due to the System.

b) Children Over Age 18 and Under Age 22 and a Full-Time Student

- 1) If under the care of the surviving spouse at attainment of age 18, children over age 18 and under age 22 and a full-time student will be presumed under the care of a surviving spouse during their period of eligibility, based upon a self-certification signed by the surviving spouse. However, the surviving spouse will not be considered as the natural guardian of the child.
- 2) Application for benefits by or on behalf of a child over age 18 and under age 22 and a full-time student must be accompanied by a student certification. The certification must have the signature of the student and a representative of the school to be valid. A new certification must be obtained and submitted to the System semi-annually after initial approval of the benefit unless the System is able to determine, based on records in its possession or vendor-supplied data, that the child is a full-time student for that semi-annual period.
- 3) Survivor benefits shall be payable during the period between regular school years, such as winter breaks or summer terms, if the benefit recipient carried a full-time workload in the preceding semester.

c) Definitions of Full-Time Student and Regular School Year

- 1) For purposes of this Section, a full-time student shall be one who is enrolled in a course of study in an educational institution and who is carrying a full-time workload as determined by the educational institution

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during the regular school year for the course of study the student is pursuing.

- 2) A regular school year is the 8 to 9 months that includes two semester terms or three trimester (quarter) terms, excluding the summer term.

(Source: Amended at 46 Ill. Reg. 4100, effective February 23, 2022)

Section 1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)

a) Definitions

- 1) The definitions in Section 1-119(a) of the Illinois Pension Code (~~Code~~~~the Act~~) [40 ILCS 5/1-119(a)(2)] shall apply to this Section.
- 2) "Death Benefit" in Section 1-119(a)(2) of the ~~Code~~~~Act~~ [40 ILCS 5/1-119(a)(2)] includes a lump sum payment described in Sections 14-116, 14-117 and 14-128 of the ~~Code~~~~Act~~.
- 3) "Member's Refund" in Section 1-119(a)(5) of the ~~Code~~~~Act~~ [40 ILCS 5/1-119(a)(5)] does not include an error refund as defined in subsection (a)(4) of this Section.
- 4) "Error Refund" as used in this Section includes:
 - A) a refund paid to a member as the result of an error in a payment to the System;
 - B) an interest rebate; or
 - C) a refund paid to a member as the result of the member's failing to complete the required contributions necessary to purchase or reinstate service credit.
- 5) "Disability Benefit" in Section 1-119(a)(3) of the ~~Code~~~~Act~~ [40 ILCS 5/1-119(a)(3)] includes:
 - A) an occupational disability benefit under Section 14-123 of the ~~Code~~~~Act~~ [40 ILCS 5/14-123];

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- B) a temporary disability benefit under Section 14-123.1 of the CodeAct ~~[40 ILCS 5/14-123.1]~~; or
 - C) a nonoccupational disability benefit under Section 14-124 of the CodeAct ~~[40 ILCS 5/14-124]~~.
- 6) "Member's Retirement Benefit" as used in this Section means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the CodeAct ~~[40 ILCS 5/1-119(a)(8)]~~ that would be payable to the member in the absence of a QILDRO.
- 7) "Partial Member's Refund" as used in this Section includes:
- A) a refund of widow/survivor benefit contributions;
 - B) a refund of alternative formula contributions as a result of the member not completing sufficient service to qualify for the alternative formula retirement benefit; or
 - C) a refund of early retirement contributions.
- 8) "Permissive Service" in Section 1-119(a)(5.5) of the CodeAct includes credit purchased by the member for military service, leaves of absence, early retirement incentives, contractual service, federal or out-of-state service, visually handicapped service, legislative staff intern service and unused sick and vacation time.
- 9) "Regular Service" in Section 1-119(a)(7.5) of the CodeAct includes service for which compensation was paid on a State payroll and purchased by the member for a qualifying period, short periods of employment, full or partial refund, emergency or temporary employment, and service credit where the member previously opted not to participate in the System and subsequently opted to purchase the service credit for the participation.
- 10) "Accelerated Retirement Benefit" means an accelerated pension benefit payment under Sections 14-147.5 and 14-147.6 of the Illinois Pension Code ~~[40 ILCS 5]~~.

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- b) Requirements for a Valid Qualified Illinois Domestic Relations Order
The System will accept a court order as a valid Qualified Illinois Domestic Relations Order, or QILDRO, that meets all of the following requirements:
- 1) The order must be accompanied by a \$50 non-refundable processing fee, by check payable to the State Employees' Retirement System.
 - 2) If the order applies to a person who became a member of the System before July 1, 1999, the order must be accompanied by the original Consent to Issuance of QILDRO signed by the member.
 - 3) The order must be a certified copy of an original order dated on or after July 1, 1999.
 - 4) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution, prior to the death of the member.
 - 5) The order must contain the name, residence address, and Social Security number of the member.
 - 6) The order must contain the name, residence address, and Social Security number of the alternate payee.
 - 7) The order must identify the State Employees' Retirement System as the retirement system to which it is directed.
 - 8) The order must express any amount to be paid to the alternate payee from a member's retirement benefit as a dollar amount per month or as a percentage per month.
 - 9) The order must express any amount to be paid to the alternate payee from a member's refund or partial refund as a dollar amount or as a percentage of the refund.

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- 10) The order must express any amount to be paid to the alternate payee from a member's death benefit as a dollar amount or as a percentage of the death benefit.
 - 11) The order must apply only to benefits that are statutorily subject to QILDROs as provided in Section 1-119(b)(1) of the ~~Code Act~~ ~~[40 ILCS 5/1-119(b)(1)]~~.
 - 12) The order and, if applicable, the Consent to Issuance of QILDRO must be in the form adopted by the System.
 - 13) No language may be added to, or omitted from, the QILDRO form or the consent form adopted by the System.
- c) Requirement for a Valid QILDRO Calculation Court Order
The System will accept a court order as a valid QILDRO Calculation Court Order or as a QILDRO Calculation Court Order that meets all of the following requirements:
- 1) The order must be accompanied by a \$50 non-refundable processing fee, with the check made payable to the State Employees' Retirement System.
 - 2) The order must be a certified copy of an original order dated on or after July 1, 2006.
 - 3) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such a property distribution.
 - 4) The order must contain the name, residence address, and Social Security number of the member.
 - 5) The order must contain the name, residence address, and Social Security number of the alternate payee.
 - 6) The order must identify the State Employees' Retirement System as the retirement system to which it is directed.

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- 7) The order must apply only to benefits that are statutorily subject to QILDRO Calculation [Court](#) Orders as provided in Section 1-119(b)(1) of the [CodeAct](#).
 - 8) The order must be in the form directed by Section 1-119 of the [CodeAct](#).
 - 9) No language may be added to, or omitted from, the QILDRO Calculation [Court](#) Order form adopted by the System.
 - 10) The QILDRO Calculation [Court](#) Order must not be completed in a manner that changes the intent of the QILDRO to which it relates.
- d) Required Form
- 1) A QILDRO/QILDRO Calculation [Court](#) Order must be in the form directed by Section 1-119 of the [CodeAct](#). The required QILDRO/QILDRO Calculation [Court](#) Order form is available from the System upon request or in PDF at www.state.il.us/srs.
 - 2) A QILDRO/QILDRO Calculation [Court](#) Order that is not in the form adopted by the System is invalid.
 - 3) A Consent to Issuance of QILDRO must be in the form adopted by the System as of the date that the QILDRO is received. The required consent form is available from the System upon request or in PDF at www.state.il.us/srs.
 - 4) A consent form that is not in the form adopted by the System is invalid.
- e) Filing a QILDRO with the System
- 1) A QILDRO should be sent to the System's Springfield Office, accompanied by the consent form, if applicable, and a \$50 non-refundable processing fee.
 - 2) A QILDRO will be deemed received by the System on the date that it is received in the System's Springfield Office.

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- 3) Within 45 calendar days after receipt of a QILDRO, the System will review the order and notify the member and each alternate payee by first class mail that it has received the order, and whether the order is a valid QILDRO. If the System determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.
 - 4) A QILDRO that has been modified by the issuing court should be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each modified QILDRO.
- f) Filing a QILDRO Calculation [Court](#) Order with the System
- 1) A QILDRO Calculation [Court](#) Order should be sent to the System's Springfield Office, accompanied by a \$50 non-refundable processing fee.
 - 2) A QILDRO Calculation [Court](#) Order will be deemed received by the System on the date that it is received in the System's Springfield Office.
 - 3) Within 45 calendar days after receipt of a QILDRO Calculation [Court](#) Order, the System will review the order and notify the member and each alternate payee by first class mail that it has received the order, and whether the order is a valid QILDRO Calculation [Court](#) Order. If the System determines that the order is not a valid QILDRO Calculation [Court](#) Order, the notice will specify the reason or reasons.
 - 4) A QILDRO Calculation [Court](#) Order that has been modified by the issuing court should be submitted in the same manner as the original QILDRO Calculation [Court](#) Order. A separate \$50 non-refundable processing fee is required for each modified QILDRO Calculation [Court](#) Order. A modified QILDRO Calculation [Court](#) Order will not affect the priority of the QILDROs on file.
- g) Benefits Affected by a QILDRO
- 1) A QILDRO may apply only to the following benefits administered by the System:
 - A) a monthly retirement benefit;

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- B) a member's termination refund;
 - C) a member's partial refund;
 - D) a member's death benefit; and
 - E) a member's accelerated retirement benefit.
- 2) If a QILDRO specifies a dollar amount or percentage payable to an alternate payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount or percentage specified in the QILDRO.
- 3) A QILDRO shall not apply to any of the following:
- A) a reversionary annuity that becomes payable following the death of the member;
 - B) a survivor benefit;
 - C) any disability benefit;
 - D) an error refund; and
 - E) any other benefit paid under Article 14 of the Code~~[40 ILCS 5/Art. 14]~~ not specifically listed in subsection (g)(1) of this Section.
- 4) If the space provided on the QILDRO form for the dollar amount or percentage the alternate payee is to receive from the member's retirement benefit, member's refund, partial member's refund or death benefit is left blank, then the alternate payee will receive no portion of the benefit or refund for which the space is left blank.
- h) Effect of a Valid QILDRO
- 1) Retirement Benefit

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- A) After the System has determined that a QILDRO applying to a retirement benefit on a dollar basis is valid, one of the following will occur:
- i) If the member has not yet started receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first affected benefit payment commences; or
 - ii) If the member is already receiving benefits subject to the QILDRO, payment to the alternate payee will begin with the first payment to the member occurring at least 30 days after the QILDRO is received.
- B) After the System has determined that a QILDRO applying to a retirement benefit on a percentage basis is valid, that the member has not retired, and that a QILDRO Calculation Court Order will be needed, the following will occur:
- i) Within 45 days, the System will provide the information required in Section 1-119(h)(1.5)(B) of the CodeAct;
 - ii) When the member requests a retirement benefit, within 45 days after the System receives all information necessary to determine the actual benefit payable, the System will provide the information required in Section 1-119(h)(1.5)(C) of the CodeAct; and
 - iii) When the member requests a retirement benefit and there is no QILDRO Calculation Court Order on file, the System will advise the member and alternate payee of the need for a QILDRO Calculation Court Order. The System will determine an anticipated payment to the alternate payee based on information in the QILDRO, if it is possible to do so. The System will hold the alternate payee's anticipated payment and pay the member's monthly retirement benefit, less the amount held for the alternate payee, pending receipt of the QILDRO Calculation Court Order. Once the QILDRO Calculation Court Order is received, the System

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will adjust the amounts payable in accordance with the QILDRO Calculation [Court](#) Order and begin paying the alternate payee. However, if it is not possible for the System to determine an anticipated payment based only on the QILDRO, then neither the member nor the alternate payee will be paid until the QILDRO Calculation [Court](#) Order is received.

- C) After the System has determined that a QILDRO applying to a retirement benefit on a percentage basis is valid, and that the member is receiving a retirement benefit, the following will occur:
 - i) Within 45 days, the System will provide the information required in Section 1-119 (h)(1.5)(C) of the [CodeAct](#); and
 - ii) If there is no QILDRO Calculation [Court](#) Order on file, the System will advise the member and alternate payee of the need for a QILDRO Calculation [Court](#) Order. The System will determine an anticipated payment to the alternate payee based on information in the QILDRO, if it is possible to do so. The System will hold the alternate payee's anticipated payment and pay the member's monthly retirement benefit, less the amount held for the alternate payee, pending receipt of the QILDRO Calculation [Court](#) Order. Once the QILDRO Calculation [Court](#) Order is received, the System will adjust the amounts payable in accordance with the QILDRO Calculation [Court](#) Order and begin paying the alternate payee. However, if it is not possible for the System to determine an anticipated payment based only on the QILDRO, then neither the member nor the alternate payee will be paid until the QILDRO Calculation [Court](#) Order is received.
- 2) Refund or Partial Refund
 - A) After the System has determined that a QILDRO applicable to a member's refund or partial member's refund is valid, one of the following will occur:

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- i) If the QILDRO provides that the refund or partial refund will be allocated on a dollar amount basis and the member has not applied for a refund or partial refund, the QILDRO will be placed in the member's file and will be implemented when payment of the affected refund or partial refund is made;
 - ii) If the QILDRO provides that the refund or partial refund will be allocated on a percentage basis and a QILDRO Calculation [Court](#) Order is not on file when the member requests a refund or partial refund, the System will provide the refund or partial refund amount to the member and alternate payee and will advise of the need for a QILDRO Calculation [Court](#) Order. The System will hold the refund or partial refund until the QILDRO Calculation [Court](#) Order is received;
 - iii) If a refund application is pending when the System receives a QILDRO that purports to apply to the refund but the refund payment has not yet been vouchered, the System will hold the portion of the refund that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO is effective against that pending refund. It is the member's or alternate payee's responsibility to obtain clarification from the court and to notify the System of the court's clarification; or
 - iv) If a refund payment has already been vouchered when the System receives a QILDRO that purports to apply to the refund, the QILDRO shall not be effective against that refund.
- B) "Vouchered", as used in subsection (h)(2)(A), means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.
- 3) Death Benefit

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- A) After the System has determined that a QILDRO applicable to a member's death benefit is valid, one of the following will occur:
- i) If the QILDRO provides that the death benefit will be allocated on a dollar amount basis and if the System has not received notice of the member's death, the QILDRO will be placed in the member's file and will be implemented when payment of the affected death benefit is made;
 - ii) If the QILDRO provides that the death benefit will be allocated on a percentage basis and a QILDRO Calculation Court Order is not on file when the System is notified of the death of the member, the System will provide the death benefit amount to the beneficiary on file and the alternate payee and will advise of the need for a QILDRO Calculation Court Order. The System will hold the death benefit until the QILDRO Calculation Court Order is received.
 - If a death benefit application is pending when the System receives a QILDRO that purports to apply to the death benefit but the death benefit payment has not yet been vouchered, the System will hold the portion of the death benefit that would be payable to the alternate payee until it receives clarification from the court as to whether the QILDRO is effective against that pending death benefit. It is the ~~beneficiary or~~ alternate payee's responsibility to obtain clarification from the court and to notify the System of the court's clarification;
 - If a death benefit payment has already been vouchered when the System receives a QILDRO that purports to apply to the death benefit, the QILDRO shall not be effective against that death benefit;

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- B) "Vouchered", as used in subsection (h)(3)(A), means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.
- 4) Accelerated Retirement Benefit
 - A) For cases in which a valid QILDRO filed with the System grants prospective automatic annual increases to benefits of an alternate payee and the member subject to that QILDRO elects the accelerated retirement benefit under Section 14-147.6 of the ~~Illinois Pension~~ Code, a supplemental order clarifying how the payment option is to be divided must be accepted before any of the retirement benefits payable to the member and alternative payee are vouchered. If no supplemental order was provided by or on behalf of the member subject to the QILDRO at the time he or she applies for the accelerated retirement benefit under Section 14-147.6, the System will advise of the need for a supplemental order. It is the member's or alternate payee's responsibility to obtain the supplemental order.
 - B) If a member subject to a valid QILDRO elects the accelerated retirement benefit under Section 14-147.5 of the Illinois Pension Code, a supplemental order clarifying how the accelerated retirement benefit is to be divided must be accepted by the System before any benefits payable to the member or the alternate payee may be vouchered. If no supplemental order was provided by or on behalf of the member subject to the QILDRO at the time he or she applies for the accelerated retirement benefit under Section 14-147.5, the System will advise of the need for a supplemental order. It is the member's or alternate payee's responsibility to obtain a supplemental order.
 - C) "Vouchered", as used in this subsection (h)(4), means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.
- i) Termination of QILDRO
The System will consider a QILDRO as having been terminated in any of the following situations:

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- 1) Upon receipt of a certified copy of a court order terminating the QILDRO;
 - 2) Upon payment of all amounts provided for in the QILDRO; or
 - 3) When the person to whom the QILDRO applies ceases to be a member or annuitant of the System.
- j) QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1) A QILDRO that applies to a person who became a member of the System prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.
 - 2) The Consent to Issuance of QILDRO must be in the form adopted by the System (including judicial district and county, case number and caption, member's name and SSN, alternate payee's name and SSN, member's signature and date) as of the date the QILDRO is received. A consent form that is not in the form adopted by the System is invalid.
 - 3) In accordance with Section 1-119(m)(1) of the ~~Code Act [40 ILCS 5/1-119(m)(1)]~~, a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge in lieu of the member is invalid.
- k) Alternate Payee's Address
- 1) An alternate payee is responsible to report to the System in writing and in the form and manner prescribed by the System each change in ~~their~~his or her name and ~~mailing~~residence address.
 - 2) When a member's retirement benefit, refund or death benefit subject to a QILDRO becomes payable, the System will send notice to the last address of the alternate payee reported to the System that the benefit, refund or death benefit is payable. Other than sending such notice, the System shall have no duty to take any other action to locate an alternate payee.

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- 3) The 180-day period during which the System will hold the retirement benefit, refund, or death benefit as provided in Section 1-119(e)(2) of the ~~CodeAct~~ ~~[40 ILCS 5/1-119(e)(2)]~~ begins on the date that the notice described in subsection (j)(2) of this Section is sent to the last address of the alternate payee reported to the System, or on the date that the retirement benefit, refund, or death benefit becomes payable, whichever is later.
 - 4) If the System does not receive written confirmation of the alternate payee's current mailing address in the form and manner prescribed by the System within the 180-day period, then the System will pay the amounts held under Section 1-119(e)(2) of the Code to the regular payee.
 - 5) If the System receives written confirmation of the alternate payee's current mailing address in the form and manner prescribed by the System after the 180-day period, then the System will begin issuing applicable recurring benefit payments to the alternate payee in accordance with the QILDRO and QILDRO Calculation Court Orders on file with the System, but the alternate payee will have no right to any amounts already paid to the member.
- l) Electing Form of Payment
- 1) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the ~~CodeAct~~ ~~[40 ILCS 5/1-119(j)(1)]~~.
 - 2) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the ~~CodeAct~~.
 - 3) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the ~~CodeAct~~.
- m) Automatic Annual Increases
- 1) The alternate payee will or will not receive a proportionate share of any

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automatic annual increase in the member's retirement benefit under Section 14-114 or 14-115 of the [CodeAct](#) ~~[40 ILCS 5/14-114, 14-115]~~, according to the designation in the QILDRO. If the QILDRO fails to designate whether the alternate payee is intended to receive a proportionate share of the automatic annual increase, then the System will presume that the alternate payee is not entitled to a proportionate share of the automatic annual increase in the member's share.

- 2) The initial increase in the amount due the alternate payee under the QILDRO is payable with the next succeeding increase due the member after the date the QILDRO first took effect.
- 3) The System will calculate the amount of any increase payable to the alternate payee under the QILDRO.
- 4) The amount of any increase payable to the alternate payee is the percentage of increase due the member under Sections 14-114 or 14-115 of the [CodeAct](#), multiplied by the alternate payee's monthly benefit as of the date of the increase.

n) Providing Benefit Information for Divorce Purposes

- 1) Within 45 days after receiving a subpoena or request from a member, the System will provide the information required in Section 1-119(h)(1) of the [CodeAct](#).
- 2) Information provided by the System for divorce purposes does not include the amount of a member's retirement benefit for which no information is yet on file with the System. The System will not provide a retirement benefit amount if the member is not vested. The System will not project earnings or future service. The System will not assume future eligibility for special formula employees or elections by members.
- 3) Information provided by the System for divorce purposes does not reflect an actuarial opinion as to the present value of a member's retirement benefit, refund, death benefits or other interests.
- 4) Except as otherwise indicated by the System in a statement regarding a member's benefits, information provided by the System for divorce

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purposes reflects the member's total service career for which service credit in the System has accrued, and is not isolated as to the marital period only. The System will not provide benefit information for the marital period or specific years.

- 5) The System does not calculate the amount of a member's retirement benefit, refund or death benefit that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.
- 6) While the System makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing the System.
- 7) The System does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

o) [Member's Death before Entry of QILDRO Calculation Court Order](#)

- 1) [If the System has on file a valid QILDRO that allocates a System-provided benefit on a percentage basis and if the member named in the QILDRO dies before the associated QILDRO Calculation Court Order has been entered, then the System shall send a written notice to the alternate payee's last known address to advise the alternate payee that a valid QILDRO Calculation Court Order is needed and that it is the alternate payee's responsibility to have the required calculations performed and to file that order with the System.](#)
- 2) [If the alternate payee does not respond to the System's written notice by filing a valid QILDRO Calculation Court Order for the underlying QILDRO within 180 days after the System sends the written notice and, as a result, the alternate payee to whom benefits are to be directed under the QILDRO Calculation Court Order has not been located, then the System shall pay the System-provided benefits that would otherwise be distributed under the QILDRO to the regular payee's beneficiaries or estate as is provided in Article 14 of the Code.](#)

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- 3) The System has no duty or obligation to assist in performing calculations required for the entry of a QILDRO Calculation Court Order or in completing the QILDRO Calculation Court Order form.

(Source: Amended at 46 Ill. Reg. 4100, effective February 23, 2022)

Section 1540.395 Accelerated Pension Benefit Payment Program

- a) Purpose. This Section establishes policies specific to SERS concerning the Accelerated Pension Benefit Payment Options authorized by Sections 14-147.5 and 14-147.6 of the Illinois Pension Code (Code) [40 ILCS 5].
- b) Payment Option Limitations
- 1) A member needs to be an eligible person on or before June 1, 2024 in order to elect an accelerated pension benefit payment.
 - 2) A member who elects the Level Income Option is ineligible to elect an accelerated pension benefit payment.
 - 3) A member who elects the Social Security Offset Removal is ineligible to elect an accelerated pension benefit payment.
 - 4) A member who elects a reversionary annuity is ineligible to elect an accelerated pension benefit payment.
 - 5) A member subject to a mandatory distribution pursuant to section 401(a)(9) of the Internal Revenue Code (26 CFR 1) is ineligible to elect an accelerated pension benefit payment at least 30 days prior to the date the mandatory distribution must be paid. The election form of such a member must be received by SERS at least 30 days prior to the date the mandatory distribution must be paid.
 - 6) A member who is indebted to SERS because of an overpayment is ineligible to elect the accelerated pension benefit payment under Section 14-147.5 of the Code. That member may qualify for an accelerated pension benefit payment upon repaying the debt in full.

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- 7) An election for an accelerated pension benefit payment under Section 14-147.5 of the Code that is submitted by a member that received disability benefits and has a pending claim for either Social Security disability benefits or benefits payable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310], shall not be processed until a determination has been made on that claim.
- 87) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under Article 14 of the Code was used to calculate a proportional annuity or to qualify the member for a proportional annuity, is ineligible to elect an accelerated pension benefit payment.
- 98) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under another participating system was used to calculate the proportional annuity payable by SERS established under Article 14 of the Code or to qualify the member for the proportional annuity payable by SERS established under Article 14 of the Code is ineligible to elect an accelerated pension benefit payment.
- c) The present value of pension benefits calculation, as determined by Section 14-147.5(b) of the Code, shall not include any earnings credits under another participating system.
- d) For a member who elects the accelerated pension benefit payment prescribed under Section 14-147.5 of the Code, the effective date of that accelerated pension benefit payment shall not be before April 1, 2019. Furthermore, the effective date of the payment shall not be before the first of the month immediately following the date in which a valid application is received by SERS.
- e) The effective date for accelerated pension benefit payment prescribed under Section 14-147.6 of the Code:
- 1) shall not be before December 1, 2018; and
 - 2) shall not be before the effective date of the member's retirement annuity.

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- f) The accelerated pension benefit payment shall not be transferred to the member's eligible account prior to the effective date of the member's retirement annuity.
- g) A valid application for an accelerated pension benefit must be received by SERS before June 1, 2024 in order to qualify a member for an accelerated pension benefit.
- h) The election to receive an accelerated pension benefit payment under Section 14-147.6 of the Code becomes irrevocable on either the date the member cashes or deposits the first retirement annuity payment, or the date on which the accelerated pension benefit payment is vouchered, whichever occurs earlier.
- i) The election to receive an accelerated pension benefit payment under Section 14-147.5 of the Code becomes irrevocable on the date the accelerated pension benefit payment is vouchered.
- j) Accelerated pension benefit payments shall be paid solely from the amounts transferred to SERS from the State Pension Obligation Acceleration Bond Fund. Under no circumstance will other SERS assets be used to pay accelerated pension benefit payments. All elections for an accelerated pension benefit payment that will not be paid from amounts transferred to SERS from the State Pension Obligation Acceleration Bond Fund shall be null and void.
- k) For cases in which a member is charged with a felony related to, arising out of, or in connection with his or her service as an employee and elects an accelerated pension benefit payment, the adjudication process related to the charges must be completed before the accelerated pension benefit payment is vouchered. If the member is convicted and sentenced of a felony related to, arising out of, or in connection with his or her service as an employee, the payment shall not be vouchered.
- l) A member who elects the accelerated pension benefit payment under Section 14-147.5 of the Code is ineligible to receive a refund under Section 14-130(c) of the Code.
- m) A member with post-tax contributions on file with SERS, and who elects the accelerated pension benefit payment under Section 14-147.5 of the Code, may not

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elect to transfer the payment into the pre-tax plan offered under the State Employees Deferred Compensation Plan.

- n) On or after the date that a member's accelerated pension benefit payment is vouchered, that member is ineligible to establish creditable service associated with employment before the date that the accelerated pension benefit payment is vouchered.
- o) If a member who elected the Early Retirement Incentive under Section 14-108.3 of the Code elects the accelerated pension benefit payment under Section 14-147.5 of the Code, then the calculation of that payment shall exclude the creditable service and age enhancement components of the Early Retirement Incentive program unless the member has paid the necessary costs under Section 14-108.3(c) prior to the election of the accelerated pension benefit payment.
- p) If a member has irrevocably elected to receive an Accelerated Pension Benefit Payment and if the member's spouse dies after the date of that election but before the System has paid the Accelerated Pension Benefit Payment, then the amount to be paid as an Accelerated Pension Benefit Payment shall not be recalculated, reduced, or otherwise adjusted on account of the death of the member's spouse.
- q) Definitions

"Accelerated Pension Benefit Payment" means an accelerated pension benefit payment under Sections 14-147.5 and 14-147.6 of the Code.

"Accrued Sufficient Service Credit to be Eligible to Receive a Retirement Annuity Under this Article" means, for the purposes of Section 14-147.5(a)(2) of the Code, that a member must have established sufficient creditable service to qualify for a retirement annuity under Article 14 of the Code. Service credit on file with another participating system at the time of the member's election for an accelerated pension benefit payment under Section 14-147.5 shall be excluded for those purposes.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Creditable Service" means service defined as "creditable service" under Section 14-103.15 of the Code.

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"Eligible Account" means a "tax qualified retirement plan or account" required by Sections 14-147.5(e) and 14-147.6(d) of the Code.

"Level Income Option" means a benefit payment option prescribed by Section 14-112 of the Code.

"Participating System" means a retirement system defined as a "participating system" by Section 20-108 of the Code.

"Proportional Annuity" means a retirement annuity paid in accordance with Section 20-121 of the Code.

"Reversionary Annuity" means a reversionary annuity authorized by Section 14-113 of the Code.

"Social Security Offset Removal" means the 3.825% reduction to a member's retirement annuity established by Sections 14-119(d) and 14-121(g) of the Code.

"State Employees Deferred Compensation Plan" means the plan described by Section 24-104 of the Code.

"State Pension Obligation Acceleration Bond Fund" means the bond fund created by Section 7.7(d) of the General Obligation Bond Act [\[30 ILCS 330\]](#).

"Vouchered" means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 46 Ill. Reg. 4100, effective February 23, 2022)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.675 Emergency Action: New Section
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Emergency Rule: February 25, 2022
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rulemaking will expire at the end of the 150-day period, upon repeal of the emergency rulemaking, or upon adoption of permanent rulemaking, whichever comes first.
- 7) Date Filed with the Index Department: February 23, 2022
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations related to COVID-19.

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

- 10) A Complete Description of the Subject and Issues: This emergency rulemaking outlines the COVID-19 training requirements for skilled nursing and intermediate care facilities, including the requirement that frontline clinical and management staff at these facilities must complete Targeted COVID-19 Training for Frontline Nursing Home Staff & Management, a free training provided by Centers for Medicare & Medicaid Services (CMS). This free training includes topics such as infection control, personal protective equipment, disinfection, screening, surveillance, cohorting and caring for individuals with dementia during a pandemic. CMS developed this training in consultation with the Centers for Disease Control and Prevention and expert stakeholders. The training has five specific modules designed for frontline clinical staff and 10 modules designed for

DEPARTMENT OF PUBLIC HEALTH

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nursing home management. The emergency amendment includes deadlines for meeting the training requirements including that all new frontline and management staff hired by skilled nursing and intermediate care facilities after January 31, 2021, must complete the required training within 14 days of being hired.

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
300.340	Amendment	45 Ill. Reg. 15216; December 3, 2021
300.650	Amendment	45 Ill. Reg. 15216; December 3, 2021
300.696	Amendment	45 Ill. Reg. 15216; December 3, 2021
300.697	New Section	45 Ill. Reg. 15216; December 3, 2021
300.340	Amendment	45 Ill. Reg. 15442; December 10, 2021
300.700	New Section	45 Ill. Reg. 15442; December 10, 2021

- 12) Statement of Statewide Policy Objective: This rulemaking may create a State mandate for county-owned nursing homes.
- 13) Information and questions regarding this emergency rule shall be directed to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761

(217)782-1159
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
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300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)

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300.6020	Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
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300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
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300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279,

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effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill.

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Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021, for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021; emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days; emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective October 22, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction 46 Ill. Reg. 4157, effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective February 14, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days.

SUBPART C: POLICIES

Section 300.675 COVID-19 Training Requirements
EMERGENCY

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NOTICE OF EMERGENCY AMENDMENT

- a) Definitions. For the purposes of this Section, the following terms have the meanings ascribed in this subsection (a):
- 1) "CMMS Training" means CMMS Targeted COVID-19 Training for Frontline Nursing Home Staff and Management, available at <https://QSEP.cms.gov>.
 - 2) "Frontline clinical staff" means the medical director of the facility, facility treating physicians, registered nurses, licensed practical nurses, certified nurse assistants, psychiatric service rehabilitation aides, rehabilitation therapy aides, psychiatric services rehabilitation coordinators, assistant directors of nursing, directors of nursing, social service directors, and any licensed physical, occupational or speech therapists. Any consultants, contractors, volunteers, students in any training programs, and caregivers who provide, engage in, or administer direct care and services to residents on behalf of the facility are also considered frontline clinical staff.
 - 3) "Management staff" means any facility staff who:
 - A) Assign and direct nursing activities;
 - B) Oversee comprehensive assessment of residents' medical needs and care planning;
 - C) Recommend numbers and levels of nursing personnel;
 - D) Plan nursing service budgeting;
 - E) Develop standards of nursing practice;
 - F) Supervise in-service education and skill training for all personnel;
or
 - G) Participate in the screening of prospective residents and resident placement.
- b) Required Frontline Clinical Staff Training

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NOTICE OF EMERGENCY AMENDMENT

- 1) All frontline staff employed by facilities shall complete the following portions of CMMS Training:
 - A) Module 1: Hand Hygiene and PPE;
 - B) Module 2: Screening and Surveillance;
 - C) Module 3: Cleaning the Nursing Home;
 - D) Module 4: Cohorting; and
 - E) Module 5: Caring for Residents with Dementia in a Pandemic.
 - 2) Facilities shall ensure at least 50% of frontline clinical staff have completed the CMMS Training by January 31, 2021.
 - 3) Facilities shall ensure 100% of the frontline clinical staff have completed the CMMS Training by February 28, 2021.
 - 4) Facilities shall require, within 14 days after hiring, CMMS Training for all frontline clinical staff hired after January 31, 2021.
- c) Required Management Staff Training
- 1) All management staff employed by facilities shall complete the following portions of CMMS Training:
 - A) Module 1: Hand Hygiene and PPE;
 - B) Module 2: Screening and Surveillance;
 - C) Module 3: Cleaning the Nursing Home;
 - D) Module 4: Cohorting;
 - E) Module 5: Caring for Residents with Dementia in a Pandemic;
 - F) Module 6: Infection Prevention and Control;

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- G) Module 7: Emergency Preparedness and Surge Capacity;
- H) Module 8: Addressing Emotional Health of Residents and Staff;
- I) Module 9: Telehealth for Nursing Homes; and
- J) Module 10: Getting Your Vaccine Delivery System Ready.
- 2) Facilities shall ensure at least 50% of management staff have completed the CMMS Training by January 31, 2021.
- 3) Facilities shall ensure 100% of management staff have completed the CMMS Training by February 28, 2021.
- 4) Facilities shall require, within 14 days after hiring, CMMS Training for all management staff hired after January 31, 2021.
- d) By January 31, 2021, all facilities shall certify compliance, in the form and format specified by the Department, with subsections (b)(2) and (c)(2).
- e) By February 28, 2021, all facilities shall certify compliance, in the form and format specified by the Department, with subsections (b)(3) and (c)(3).

(Source: Emergency rule added at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) Heading of the Part: Orthotics, Prosthetics, and Pedorthics Act
- 2) Code Citation: 68 Ill. Adm. Code 1325
- 3) Section Number: 1325.80 Emergency Action: Amendment
- 4) Notice of Emergency Amendment published in the *Illinois Register*:

November 19, 2021
(issue date)

45 Ill. Reg. 14508
- 5) Date JCAR Statement of Objection published in the *Illinois Register*:

January 3, 2022
(issue date)

46 Ill. Reg. 564
- 6) Summary of Action Taken by the Agency:

At its meeting on December 20, 2021, the Joint Committee on Administrative Rules (JCAR) voted to object to the emergency rulemaking titled Orthotics, Prosthetics, and Pedorthics Act 68 Ill. Adm. Code 1325; 45 Ill. Reg. 15104. The reasons stated in the JCAR Statement of Objection to Emergency Rulemaking were that the Department did not meet the criteria established under 1 Ill. Adm. Code 230.400 for use of emergency rulemaking, did not clearly state in writing its reasons for finding that an emergency existed, and did not demonstrate that an emergency situation arose through no fault of the agency. JCAR points to the variance that the Department issued at the end of August, 2021 and states that filing emergency rules in its wake in November, 2021 does not meet the standard for emergency but that the general rulemaking procedures should have been used.

JCAR also objected to the Department's use of blanket variances, stating that the adoption and application of a general variance is contrary to the Department's authority, which permits the granting of individual variances. JCAR further states the Department should have utilized the regular rulemaking process.

The Department intends on submitting the following response in support of the Emergency Rules submitted November 1, 2021. The Department found itself in an

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

emergency situation when it discovered that even in the second year of the Covid-19 pandemic, licensed OPPs were having extreme difficulty in securing the in-person continuing education required in the Orthotics, Prosthetics, and Pedorthic's Rules 68 ILCS 1325.80. The Department also faced difficulty when it transitioned to new data and operating systems, requiring the use of a variance in order to allow licensees more time to complete renewal online. Emergency rules would have been submitted closer to the original renewal date of September 30, 2021 if it were not for the ongoing operation system issues the Department experienced in trying to get licensees renewed throughout the fall and winter of 2021.

The public interest, safety, and welfare remains at the heart of any decision made by the Department. The far greater threat to public interest, safety, and welfare would have been not to file emergency rules renewing hundreds of OPP healthcare providers during a pandemic. The Department is no stranger to the rulemaking process, after assessing the risks associated with not getting a rule in place by the time of OPP renewal, the Department submitted emergency rules. The Department determined the best route to combat the emergency plaguing OPP renewal was to submit emergency rules, an option that was put in place for precisely this kind of situation, a rule change was necessary to avoid public harm, for a limited amount of time.

The Department is also aware that JCAR previously objected to the use of blanket variances to address issues arising from the pandemic. Not addressing the issues through blanket variance leaves the Department with only one option, submitting emergency rules temporarily changing the existing rules.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) Heading of the Part: Clinical Social Work and Social Work Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3) Section Number: 1470.95 Emergency Action: Amendment
- 4) Notice of Emergency Amendment published in the *Illinois Register*:

November 29, 2021
(issue date)

45 Ill. Reg. 15104

- 5) Date JCAR Statement of Objection published in the *Illinois Register*:

January 3, 2022
(issue date)

46 Ill. Reg. 566

- 6) Summary of Action Taken by the Agency:

At its meeting on December 20, 2021, the Joint Committee on Administrative Rules (JCAR) voted to object to the emergency rulemaking titled Clinical Social Work and Social Work Practice Act 68 Ill. Adm. Code 1470; 45 Ill. Reg. 15104. The reasons stated in the JCAR Statement of Objection to Emergency Rulemaking were that the Department did not meet the criteria established under Ill. Adm. Code 230.400 for use of emergency rulemaking, did not clearly state in writing its reasons for finding that an emergency existed and did not demonstrate that an emergency situation arose through no fault of the agency.

JCAR also objected to the Department's use of blanket variances, stating that the adoption and application of a general variance is contrary to the Department's authority, which permits the granting of individual variances. JCAR further states the Department should have utilized the regular rulemaking process.

The Department intends on submitting the following response in support of the Emergency Rules submitted November 1, 2021. The Department found itself in an emergency situation when it discovered that even well into the second year of the Covid-19 pandemic, licensed Clinical Social Workers and Social Workers were having extreme difficulty in securing in-person continuing education as required in the Clinical Social

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

Work and Social Work Rules 68 Ill. Adm. Code 1470.95. The lack of availability of in-person continuing education was completely outside of the control of the Department. The Department also faced difficulty when it transitioned to new data and operating systems, requiring the use of variance in order to allow licensees more time to complete renewal online. Aware the renewal date would likely be extended, the Department did not submit emergency rules until early November 2021.

The public interest, safety and welfare remains at the heart of any decision made by the Department. The far greater threat to public interest, safety, and welfare would have been not to file emergency rules modifying renewal requirements for thousands of mental health providers. Covid-19 made complying with in-person continuing education requirements impossible. Without an emergency rule, those attempting to renew without in-person continuing education would be denied for failure to complete the appropriate continuing education required for renewal.

As no stranger to the regular rulemaking process, the Department knew that they could not run the risk of failing to get these critical rule flexibilities in place by the time of Clinical Social work and Social Work renewal. The Department determined that the best route available was to submit emergency rules; an option that was put in place for precisely this kind of situation—namely to zealously protect the public, and in this case, prevent the harm that would occur if a large portion of its already critically-low mental health work force could no longer practice on account of licensure status. Suspension of these rules would only widen the mental health deficit that Illinois finds itself in.

Emergency rules also lend the opportunity to alter a rule for a limited amount of time. Social Workers find intrinsic value in in-person continuing education and do not want the emergency rule to become permanent. The Department at this time is not proposing to make these rule changes permanent. The Department is also aware that JCAR previously objected to the use of blanket variances to address issues arising from the pandemic. Not addressing the issues through blanket variance leaves the Department with only one option, submitting emergency rules temporarily changing the existing rules.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.3210
- 4) Date Proposal published in *Illinois Register*: 45 Ill. Reg. 9382; July 23, 2021
- 5) Date Adoption published in *Illinois Register*: 45 Ill. Reg. 13953; November 5, 2021
- 6) Date Request for Expedited Correction published in *Illinois Register*: 45 Ill. Reg. 16088; December 17, 2021
- 7) Adoption Effective Date: October 25, 2021
- 8) Correction Effective Date: October 25, 2021
- 9) Reason for Approval of Expedited Correction: When an amendment to Section 300.3210 was adopted effective October 25, 2021, text that had been added to that Section in a previously adopted rulemaking at 45 Ill. Reg. 11096, effective August 27, 2021, was inadvertently omitted. The omitted text is being restored and the new subsection added in the October 25th rulemaking is being relabeled.

Ngozi Ezike, MD,
Director

Date

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public by the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Medications
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Care and Treatment of Sexual Assault Survivors
300.1050	Dental Standards
300.1060	Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing
300.1231	Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations
300.1232	Waiver of Registered Professional Nurse Staffing Requirements
300.1233	Quarterly Administrative Staffing Compliance Review
300.1234	Penalties and Notice of Violation
300.1240	Additional Requirements

DEPARTMENT OF PUBLIC HEALTH

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SUBPART G: RESIDENT CARE SERVICES

Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning

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300.2060	Therapeutic Diets (Repealed)
300.2070	Scheduling Meals
300.2080	Menus and Food Records
300.2090	Food Preparation and Service
300.2100	Food Handling Sanitation
300.2110	Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section	
300.2210	Maintenance
300.2220	Housekeeping
300.2230	Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
300.2410	Furnishings
300.2420	Equipment and Supplies
300.2430	Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
300.2640	Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.2810	Applicability of this Subpart N
300.2820	Compliance with Local Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.3010	Applicability
300.3020	Compliance with Local Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

300.3710	Day Care in Long-Term Care Facilities
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SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

DEPARTMENT OF PUBLIC HEALTH

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Section

- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
HEALTHCARE AND FAMILY SERVICES'
DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.6000 Applicability of Subpart T (Repealed)
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)

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300.6060	Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
300.6070	Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6090	Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
300.6095	Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
300.APPENDIX A	Example of Staffing Calculations from Section 300.1230
300.APPENDIX B	Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities (Repealed)
300.TABLE D	Heat Index Table/Apparent Temperature

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EXPEDITED CORRECTION

1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December

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18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021, for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021; emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days; emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective October 22, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157, effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective February 14, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days.

SUBPART P: RESIDENT'S RIGHTS

Section 300.3210 General

- a) *No resident shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely~~based~~ on account of his or her~~their~~ status as a resident of a facility.*
(Section 2-101 of the Act) ~~(A, B)~~
- b) *A resident shall be permitted to retain and use or wear his or her personal property in his or her immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record.*
(Section 2-103 of the Act)
- c) *If clothing is provided to the resident by the facility, it shall be of a proper fit.*

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(Section 2-103 of the Act)

- d) *The facility shall provide adequate ~~and convenient~~ storage space for the personal property of the resident. (Section 2-103 of the Act)*
- e) *The facility shall provide a means of safeguarding small items of value for its residents in their rooms or in any other part of the facility so long as the residents have daily access to ~~their~~^{such} valuables. (Section 2-103 of the Act)*
- f) *The facility shall make reasonable efforts to prevent loss and theft of residents' property. Those efforts shall be appropriate to the particular facility and may, ~~for example,~~ include, but are not limited to, staff training and monitoring, labeling property, and frequent property inventories. (Section 2-103 of the Act)*
- g) *The ~~facility~~^{facility} shall develop procedures for investigating complaints concerning theft of residents' property and shall promptly investigate all ~~such~~ complaints. (Section 2-103 of the Act)*
- h) *The facility administrator shall ensure that married residents residing in the same facility be allowed to reside in the same room within the facility unless there is no room available in the facility or it is deemed medically inadvisable by the residents' attending physician and so documented in the residents' medical records. (Section 2-108(e) of the Act)*
- i) *There shall be no traffic through a resident's room to reach any other area of the building. ~~-(B)~~*
- j) *Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.*
- k) *A resident may refuse to perform labor for a facility. (Section 2-113 of the Act)*
- l) *A resident shall be permitted the free exercise of religion. Upon a resident's request, and if necessary at his ~~or her~~ expense, the facility administrator shall make arrangements for a resident's attendance at religious services of the resident's choice. However, no religious beliefs or practices, or attendance at*

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religious services, may be imposed upon any resident. (Section 2-109 of the Act)

- m) All facilities shall comply with the "Election Code" ~~(Ill. Rev. Stat. 1991, ch. 46, par. 1-1 et seq.) [10 ILCS 5]~~ as it pertains to absentee voting for residents of licensed long-term care facilities.
- n) *The facility shall immediately notify the resident's next of kin, representative and physician of the resident's death or when the resident's death appears to be imminent.* (Section 2-208 of the Act)
- o) The facility shall also immediately notify the resident's family, guardian, representative, conservator, and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. ~~-(B)~~
- p) *Where a resident, a resident's representative or a resident's next of kin believes that an emergency exists each of them, collectively or separately, may file a verified petition to the circuit court for the county in which the facility is located for an order placing the facility under the control of a receiver.* (Section 3-503 of the Act) *As used in Section 3-503 of the Act, "emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct.* (Section 3-501 of the Act)
- q) *An identification wristlet may be employed for any resident upon a physician's order, which shall document the need for the identification wristlet in the resident's clinical record. Nothing in this Section prohibits a facility from allowing any resident who requests an identification wristlet from having one. A facility may provide an identification wristlet to any resident if requested by the resident.*
- r) *A facility may require a resident residing in an Alzheimer's disease unit, as defined in Subpart U, with a history of wandering to wear an identification wristlet, unless the resident's guardian or power of attorney directs that the wristlet be removed.*
- s) *All identification wristlets shall include, at a minimum, the resident's name and the name, telephone number, and address of the facility issuing the identification wristlet.* (Section 2-106a of the Act)

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t) The facility shall ensure that residents are not subjected to physical, verbal, sexual or psychological abuse, neglect, exploitation, or misappropriation of property.

uq) Cook County facilities with Colbert Class Members shall provide residents access to the supports and services they need in the most integrated settings appropriate to their needs, including community-based settings, to promote and maximize their independence, choice, and opportunities to develop and use independent living skills. For the purposes of this subsection (uq), "community-based setting" means the most integrated setting appropriate to promote the resident's independence in daily living and ability to interact with persons without disabilities to the fullest extent possible.

(Source: Amended at 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157, effective October 25, 2021)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 22, 2022 through February 28, 2022. These rulemakings are scheduled for the March 22, 2022 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
4/8/22	<u>Chief Procurement Officer for General Services</u> , Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)	8/20/21 45 Ill. Reg. 10293	3/22/22
4/10/22	<u>Housing Development Authority</u> , COVID-19 Affordable Housing Grant Program (47 Ill. Adm. Code 369)	10/1/21 45 Ill. Reg. 11732	3/22/22
4/10/22	<u>Secretary of State</u> , Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)	11/19/21 45 Ill. Reg. 14410	3/22/22
4/10/22	<u>Department of Agriculture</u> , Illinois Pesticide Act (8 Ill. Adm. Code 250)	12/17/21 45 Ill. Reg. 15494	3/22/22
4/10/22	<u>Housing Development Authority</u> , COVID-19 Affordable Housing Grant Program (47 Ill. Adm. Code 369)	10/1/21 45 Ill. Reg. 11732	3/22/22
4/13/22	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	11/12/21 45 Ill. Reg. 14061	3/22/22

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

4/13/22	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	12/17/21 45 Ill. Reg. 15576	3/22/22
4/13/22	<u>State Board of Education</u> , Educator Licensure (23 Ill. Adm. Code 25)	10/8/21 45 Ill. Reg. 12277	3/22/22
4/13/22	<u>State Board of Education</u> , Standards for Endorsements in Special Education (23 Ill. Adm. Code 28)	10/8/21 45 Ill. Reg. 12296	3/22/22
4/13/22	<u>State Board of Education</u> , Standards for Administrative Endorsements (23 Ill. Adm. Code 29)	10/8/21 45 Ill. Reg. 12375	3/22/22
4/13/22	<u>State Board of Education</u> , New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)	10/8/21 45 Ill. Reg. 12393	3/22/22
4/13/22	<u>State Board of Education</u> , Illinois Hope and Opportunity Pathways Through Education Program (23 Ill. Adm. Code 210)	10/8/21 45 Ill. Reg. 12398	3/22/22
4/13/22	<u>State Board of Education</u> , Special Education (23 Ill. Adm. Code 226)	10/8/21 45 Ill. Reg. 12404	3/22/22
4/13/22	<u>State Board of Education</u> , Driver Education (23 Ill. Adm. Code 252)	10/8/21 45 Ill. Reg. 12442	3/22/22
4/13/22	<u>State Board of Education</u> , Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401)	10/8/21 45 Ill. Reg. 12450	3/22/22

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

4/13/22	<u>State Board of Education</u> , Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)	12/17/21 45 Ill. Reg. 15892	3/22/22
4/13/21	<u>Secretary of State</u> . Procedures and Standards (92 Ill. Adm. Code 1001)	4/30/21 45 Ill. Reg. 5489	3/22/22

EXECUTIVE ORDER

2022-6

**EXECUTIVE ORDER 2022-06
(COVID-19 EXECUTIVE ORDER NO. 101)**

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 3,031,200, and taking the lives of more than 32,700 residents; and,

WHEREAS, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, numerous variants have emerged over the course of the pandemic, each with different transmissibility and degrees of severity; and,

WHEREAS, predicting what will happen in the future in this pandemic is a difficult task, and could mean that proven pandemic mitigations such as social distancing, face coverings and other public health precautions that are critical to slowing and stopping the spread of COVID-19 may be required again; and,

WHEREAS, the State of Illinois has seen vast improvement in recent weeks of hospitalizations and transmission; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) issued revised guidance on February 25, 2022, to lift its recommendation for universal indoor masking, including in K-12 settings; and,

WHEREAS, that guidance provided a framework for assessing community COVID-19 levels based on COVID-19 hospital admissions, inpatient bed availability, and number of COVID-19 cases; and,

WHEREAS, the CDC's guidance now only recommends universal masking in communities with high community COVID-19 levels; and,

WHEREAS, the CDC continues to advise that some community settings, such as schools and high-risk congregate settings may require additional layers of prevention based on the characteristics of the setting and in the event of an outbreak; and,

EXECUTIVE ORDER

WHEREAS, even without a State mandate, K-12 schools, childcare facilities, and other settings may choose to require individuals to wear face masks based on the community COVID-19 level and other characteristics of the setting; and,

WHEREAS, some employers have entered collective bargaining agreements that continue to require individuals to wear face masks in certain settings; and,

WHEREAS, the CDC continues to recommend that individuals who are immunocompromised or high risk for severe disease consider wearing a well-fitting mask indoors in public when the community COVID-19 level is high; and,

WHEREAS, the CDC continues to recommend that people with symptoms, a positive test, or exposure to someone with COVID-19 wear a mask; and,

WHEREAS, individuals may choose to wear a mask at any time; and,

WHEREAS, on February 4, 2022, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective February 28, 2022:

Section 1: Definitions.

- a. “Healthcare settings” means places where healthcare is delivered and includes, but is not limited to, acute care facilities, long-term acute-care facilities, inpatient rehabilitation facilities, nursing homes, home healthcare, vehicles where healthcare is delivered (e.g., mobile clinics and ambulances), and outpatient facilities, such as dialysis centers, physician offices, dental offices, ambulatory surgical treatment centers, and others.
- b. “Long-term care facilities” means skilled and intermediate long-term care facilities licensed under the Nursing Home Care Act, the ID/DD Community Care Act of the MC/DD Act; Specialized Mental Health Rehabilitation Facilities; assisted living facilities; and supportive living facilities.

Section 2: Face Covering Requirements.

EXECUTIVE ORDER

- a. Sections 1(a) and 2(a) of Executive Order 2021-18 and Section 1 of Executive Order 2021-22 are hereby rescinded.
- b. All long-term care facilities in Illinois must continue to follow guidance issued by the CDC and IDPH regarding the use of face coverings in congregate facilities for those who are over the age of two and able to medically tolerate a face covering.
- c. All individuals, regardless of vaccination status, shall continue to be required to wear a face covering (1) where federally required; (2) on planes, buses, trains and other forms of public transportation and in transportation hubs such as airports and train and bus stations; (3) in congregate facilities such as correctional facilities and homeless shelters; and (4) in healthcare settings. This provision does not apply to buses or vans operated by public or private school systems, including buses or vans operated by early care and education/child care programs.
- d. Nothing in this Executive Order prohibits an individual from choosing to wear a face covering or a public or private entity from choosing to require face coverings in certain settings.
- e. Nothing in this Executive Order impacts the applicability of a collective bargaining agreement regarding face coverings.

Section 3: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor February 28, 2022

Filed by the Secretary of State February 28, 2022

ILLINOIS ADMINISTRATIVE CODE

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