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**January 02, 2004 Volume 28, Issue 1**

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1) **Heading of the Part:** State Administration of the Federal Community Development Block Grant Program for Small Cities

2) **Code Citation:** 47 Ill. Adm. Code 110

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940 and 605-95] and authorized by title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.).

5) **A Complete Description of the Subjects and Issues Involved:** The proposed rulemaking clarifies and updates the rules governing the Department’s administration of the Community Development Assistance Program (CDAP). This rulemaking has been necessitated by the need to facilitate a wide application of CDAP funds together with
NOTICE OF PROPOSED AMENDMENTS

more flexible instruments to improve the capacity and motivation to pool public and private resources in support of economic development projects. In addition, the amendments clarify and/or update program operation issues such as grant language, use of program funds, use of financial intermediaries, and program definitions.

6) Will these proposed amendments replace an emergency rulemaking currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments containing incorporations by reference? No

10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805]

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Erin Davis  
Department of Commerce and Economic Opportunity  
620 E. Adams Street  
Springfield, Illinois 62701  
(217) 782-6074

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: These amendments clarify and update operations of the programs necessitated by changes in policy and enabling legislation and have no material effect on the entities.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration and reporting of approved grants.

C) Types of professional skills necessary for compliance: Grantees would already possess the skills necessary for compliance.
NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the need for the rulemaking at the time the agenda was published.

The full text of the Proposed Amendments begins on the next page:
NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section
110.10 Legislative Base
110.20 Purpose and Scope
110.30 Definitions
110.35 Incorporation by Reference
110.40 Federal/State Program Objectives
110.50 Eligible Applicants
110.60 Eligible/Ineligible Projects and Activities
110.70 Grant Application Process
110.80 Funding
110.90 Set-Aside for Emergency Public Facilities Component
110.91 General Economic Development Component
110.92 Competitive Public Facilities Construction and Design Engineering Component
110.93 Competitive Housing Rehabilitation Component
110.94 Competitive Planning Assistance Component
110.95 Competitive Removal of Architectural Barriers Component (Repealed)
110.100 Application Evaluation for Competitive Public Facilities and Competitive Housing Rehabilitation Components (Repealed)
110.101 Application Evaluation for Competitive Planning Assistance Component
110.102 Application Evaluation for Competitive Removal of Architectural Barriers Component (Repealed)
110.103 Application Evaluation for Competitive Public Facilities Construction and Design Engineering Component
110.104 Application Evaluation for Competitive Housing Rehabilitation Component
110.105 Small Business Financing Component (Repealed)
110.106 Demonstration Program: Set-Aside for Emergency Lead-Based Paint Abatement
110.110 Administrative Requirements
110.120 Nondiscrimination
110.130 Complaint Process

SUBPART B: REVOLVING LOAN FUNDS
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Section
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110.220 Definitions
110.230 Recapture Strategy Requirements
110.240 Revolving Fund Administration
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110.340 Department Monitoring
110.350 Evaluation of Performance
110.360 Program Income Subject to the Act

AUTHORITY: Implementing Section 605-940 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-940 and 605-95].


SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

Section 110.10 Legislative Base

a) Federal

1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). This Act established seven block grant
programs, including the State Community Development Block Grant (CDBG) Program. These block grants replace a large number of programs previously administered by the Federal Government. Although the Housing and Community Development Act of 1974 provided since its inception for discretionary block grants to smaller communities, the Omnibus Budget Reconciliation Act of 1981 made a fundamental change to transfer to the States the power and decision making in awarding block grants to small communities.

2) The State Community Development Block Grant Program funds are allocated to the State pursuant to Section 106(d) of Title I of the Housing and Community Development Act of 1974, as amended. The Act authorizes state administration of the program to units of general local governments in nonentitlement areas. Throughout this Part references are made to the provisions of 24 CFR 570. These HUD regulations were published November 9, 1992.

3) While the States must follow the statutory requirements concerning the use of block grant funds, the Secretary of HUD will give maximum feasible deference to a State's interpretation of such requirements consistent with the Secretary's obligation to enforce compliance with the intent of Congress.

4) Pursuant to 24 CFR 91, the State must submit annually to HUD a Consolidated Plan that serves as the planning document of the State and an application under any of the Community Planning and Development formula grants, including CDBG. The Consolidated Plan will include the application deadlines for the competitive funding components for the upcoming program year. A final statement and certifications are required to be submitted before March 31 during each year in which a State elects to administer the Community Development Block Grant funds for its nonentitlement areas.

b) State

1) On August 10, 1981, the Governor designated the Illinois Department of Commerce and Community Affairs, now known as the Illinois Department of Commerce and Economic Opportunity, as the State administrative agency for the Small Cities Community Development Block Grant Program. On March 23, 1982, the Governor officially notified the U.S.
NOTICE OF PROPOSED AMENDMENTS

Department of Housing and Urban Development of the State's election to administer the Small Cities Program for nonentitlement communities within the State.

2) As a part of its application, the State certified to HUD that it:

A) Engages or will engage in planning for community development activities;

B) Provides or will provide technical assistance to units of general local government in connection with community development programs; and

C) Has consulted with local elected officials from among units of general local government located in nonentitlement areas of the State determining the method of distribution of CDBG funds.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.30 Definitions

"Act" shall mean Section 106(d), as amended, of Section 304 of Title III of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (42 USC 5301).

"Application" shall mean a request for program funds including the required forms and attachments.

"Application on Behalf Of" shall mean any application submitted by one eligible applicant requesting funds for one or more other eligible applicants.

"Community" shall mean any eligible applicant.

"Community Development Assistance Program" shall mean the State Community Development Block Grant program administered by the Department, authorized by Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301). "CDAP Low Interest Subordinated Loan" shall mean a loan provided with Community Development Assistance Program funds which takes a collateral position secondary to a first trust mortgage or UCC Filing.

"Department" shall mean Illinois Department of Commerce and Economic
NOTICE OF PROPOSED AMENDMENTS

"Director" shall mean the Director of the Illinois Department of Commerce and Economic Opportunity.

"Economic Development" shall mean job creation/retention and the alleviation of economic distress through the stimulation of private investment and community revitalization.

"Eligible Applicant" shall mean any incorporated municipality, township, or county within the State of Illinois, except those designated as entitlement areas by the U.S. Department of Housing and Urban Development.

"Entitlement City" shall mean a city designated by the Department of Housing and Urban Development to receive an amount of funds which the city is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974.

"Entitlement County" shall mean a county designated by the Department of Housing and Urban Development to receive an amount of funds which the county is entitled to receive under the Entitlement Grant Program, as determined by formula set forth in Section 106 of the Housing and Community Development Act of 1974.

"Financial Assistance" means the provision of funds to an eligible economic development project through the purchase of any note, stock, convertible security, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application thereof; or in royalty or other payments under such a patent or application; or, in general, any interest or instrument commonly known as a "security" or any certificate for receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing, but not including any instrument that contains voting rights in the possession of the Grantee; or other means whereby financial aid is made to or on behalf of an Illinois Company as appropriate to the form of agreement, for working capital, the purchase or lease of machinery and equipment, or the lease or purchase of real property, but does not include refinancing debt.

"Financial Feasibility" shall be determined from documentation from other
NOTICE OF PROPOSED AMENDMENTS

financial servicing institutions (bank commitment letter must state loan terms, amortization schedule, interest rates, and conditions of its participation and the reasons why it cannot finance the entire project), as well as financial statements from the participating firms (3 years) to provide the project's viability and to indicate that the project could not proceed without the infusion of CDAP assistance. Also required will be a cash flow analysis/pro forma statement that projects, at a minimum, the first year's operations with the proposed loan funds. Financial statements for the past 3 years and a cash flow analysis/pro forma statement are not required for public facilities in support of economic development. Annual reports may be submitted in lieu of the financial statements and the cash flow analysis/pro forma statement if the company is publicly owned and traded and the company's historical financial condition is good.

"Financial Intermediary" means a bank, savings bank, credit union, merchant bank, investment bank, trust company, investment trust, pension fund, building and loan association, savings and loan association, insurance company, venture capital company, community development financial institution or other public or private financing institution approved by the Department whose purpose includes financing, promoting, or encouraging economic development.

"Financial Intermediary Agreement" means an agreement or contract between a Grantee and a Financial Intermediary to provide Financial Assistance to or on behalf of a Subgrantee or Recipient for the purposes of this program. A Financial Intermediary Agreement may include, but is not limited to, participation agreements in which the Grantee purchases an undivided interest in a loan, investment, economic development award, line of credit or other form of Financial Assistance made by the Financial Intermediary.

"Full-Time Equivalent Job" shall mean 1950 hours of employment in a 12 month period.

"Grant" shall mean funds received through the Community Development Assistance Program.

"Grant Ceiling" shall mean the maximum amount of funds that an applicant may request in any one application.

"Grant Close Out" shall mean the formal process to document final expenditures, final program results, reconcile final cash payment to the grantee or refund to the grantor and to arrange for the release of liability to the parties of the contract.
"Grantee" shall mean any eligible applicant receiving funds under this program.

"HUD" shall mean the U.S. Department of Housing and Urban Development.

"Illinois Company" shall mean a company that is either doing business in or has committed to do business in Illinois.

"Joint Application" shall mean an application submitted by more than one eligible applicant to complete a single project for the benefit of all those applying.

"Low and Moderate-Income Persons" shall mean those individuals in families where income is 80% or less of the county median family income. For economic development, the latest available HUD Section 8 family income limits will be used.

"Program Income" shall mean income realized from grant-related activities. Grant-related activities are those eligible activities listed in Section 110.60(a) of this Part.

"Project" shall mean an activity or activities funded by the Community Development Assistance Program with Community Development Block Grant funds.

"Public Guaranteed Loan" shall mean a loan guaranteed by a public entity.

"Recaptured Funds" shall mean funds received from grant-related activities after the grant has been closed out with the Department.

"Resource Leveraging" shall mean a financial contribution. Leveraging may include machinery and equipment brought into the State from another state. The purchase price of underutilized land and buildings may be considered as leveraging as long as the land and/or buildings are functionally and geographically related to the proposed project (e.g., building will accommodate proposed activities, property is located within applicant's municipal jurisdiction, property will be utilized in the business operation, expanded space will house new employees). In determining if buildings and land are underutilized, for the purpose of resource leveraging, both the appraised value (i.e., an appraisal of property's market value) and a statement from the owner indicating the period of time which land/buildings have not been in use will be considered. Applicants
may count local funds used to pay for salaries of employees administering the project as resource leveraging. Any expenditure of funds prior to grant award or lines of credit will not be considered leveraging. In addition, existing in-state equipment, buildings, furnishings, and inventory already owned and paid for by the applicant or the entity on whose behalf the applicant is applying prior to grant award will not be counted as leveraging. Contracts for deed without a due and payable clause or which is an apparent substitute for simple rent shall not be counted as resource leveraging.

"Special Set-aside Funds" shall mean a separate allocation to fund projects. The need for funds must arise outside the normal funding cycle and require immediate attention.

"Recipient" shall mean an entity that receives Financial Assistance from a Grantee through recaptured CDAP funds deposited and held in the Grantee's revolving fund (RF).

"Subgrantee" shall mean an entity that receives Financial Assistance from a Grantee through the Community Development Assistance Program.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.60 Eligible/Ineligible Projects and Activities

a) Eligible Projects and Activities – Eligible activities are detailed in 24 CFR 570.482 (2001). Activities assisted by this program may include the following:

1) Economic Development – provision of assistance to private for-profit or not-for-profit businesses for such activities as land acquisition; public facilities and improvements in support of economic development (such as, water, sewer and utility lines); acquisition, construction, rehabilitation of commercial and industrial buildings/facilities; machinery and equipment; furnishings and fixtures; and working capital expenses.

2) Public Facilities and Improvements – acquisition, construction, reconstruction, rehabilitation or installation of public facilities, and improvements e.g., water and sewer facilities, including storm sewers; flood retention and drainage facilities.

3) Housing Rehabilitation and Preservation – provision of assistance in
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support of low to moderate-income housing, including rehabilitation, clearance, demolition, and/or removal of privately-owned buildings and provision of site improvements such as connection of residential structures to water or sewer lines; certain types of housing modernization; temporary relocation assistance; code enforcement; lead-based paint abatement; and structural improvements to privately-owned buildings to remove physical barriers that restrict the mobility and accessibility of elderly and disabled persons in order to comply with the Illinois Accessibility Code (71 Ill. Adm. Code 400), e.g., modifications to entrances and exits, parking improvements, modification of bathroom and kitchen facilities.

4) Planning Assistance – planning activities which focus on the needs of low- and moderate-income persons in the community, including feasibility studies, data gathering, analyses, preparation of plans, and identification of implementing actions.

5) The remaining major eligible cost category under the Community Development Assistance Program is general program planning and administration. This area covers the local government operational costs of implementing a local program. It includes costs involved in preparing the environmental review; preliminary engineering, planning, and design fees for the project; the cost of the local program audit; and other contractual costs for professional services that are associated with the administration of the program. It excludes all pre-program costs, such as payment or reimbursement of application preparation fees, costs associated with conducting a local survey, etc. There is a 10% ceiling placed on general program planning and administration costs for any local program.

b) Ineligible Projects and Activities –

1) Generally, any type of activity not described or referred to in Section 110.60(a) is considered ineligible.

2) The following is a selective list of examples of projects and activities that are generally ineligible: buildings used predominantly for the general conduct of government (e.g., city halls, courthouses, jails, police stations, etc.). This does not exclude historic preservation. General government expenses; political activities; purchase of construction equipment and purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible.
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However, CDAP funds may be used to purchase or to pay depreciation or use allowances for such items when necessary if the administration of activities was assisted with CDAP funds. The costs associated with operating and maintaining public facilities and services are generally ineligible. New housing construction is ineligible, except as provided under the last resort housing provision set forth in 49 CFR 24 (1989), or, when carried out by a Subgrantee pursuant to section 570.204(a)(2) of the Act; income payments for housing or any other purpose (e.g., income maintenance, housing allowances, down payments, mortgage subsidies, etc.). All activities as listed in 24 CFR 570.482 (1992) and Section 105(a) of the Act are eligible.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.70 Grant Application Process

a) Upon request, the Department of Commerce and Economic Opportunity Community Affairs will supply local governments with an application package. Applicants shall complete the package in accordance with the instructions and schedule annually established by the Department. Costs incurred in preparing the applications are not reimbursable.

b) Pursuant to 24 CFR 570.486(5), applicants must provide for two public hearings, each at a different stage of the project to obtain citizen views.

1) A minimum of one public meeting must be held prior to the submission of any application to the Department. This meeting, and its specific time, location, and topics must be published at least seven days in advance in the non-legal section of a newspaper that is in general circulation within the community. Subsequent to the meetings, a resolution of support from the local governing body must be passed that authorizes the local government to apply for funds. If an applicant plans to utilize grants funds as a Financial Assistance mechanism, discussion should be held at the public meeting to determine the planned uses of the recaptured funds.

2) Should an applicant be awarded a grant, the applicant must provide evidence (i.e., newspaper clipping of notice hearing and a summary of comments presented at hearing) that one public hearing was conducted to review program performance under that grant.
DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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c) Applicants must submit a plan for minimizing displacement pursuant to Section 104(d) of the Housing and Community Development Act of 1974, as amended, only if the project will result in the displacement or relocation of residents.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.90 Set-Aside for Emergency Public Facilities Component

Certain types of conditions, such as natural disasters or other unique circumstances e.g., loss of infrastructure due to construction, environmental incidents such as oil spills, ruptured public utility lines, etc., do not lend themselves well to a designated (yearly or quarterly) application cycle. In order to better respond to severe public works problems funds will be made available on an "as needed" basis. There is no application deadline for this set-aside. Awards could be made to communities that are faced with an immediate threat to health and safety. If no situations arise which warrant this type of assistance, the set-aside funds will be reallocated at the end of the program year to the competitive public facilities component.

a) Project Eligibility Criteria – For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51% of those benefiting from the project will be low to moderate-income persons (as defined in Section 110.30 of this Part).

2) At minimum, 25% of project costs will be paid from other non-department funds. Examples of other funding sources may include USDA Rural Development, EPA or local funds. After the project is completed, the grantee may request, in writing, that the 25% minimum leverage requirement be waived. This request must include a reasonable justification, which would include, but not be limited to, instances where the actual total project cost was less than originally estimated, resulting in the return of a relatively small amount of CDAP grant funds in order to meet the 25% minimum. The Department shall review each request on a case-by-case basis.

3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution. The community must
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substantiate that the situation was unforeseen.

4) The project is ready to proceed and expend funds and the project addresses the identified problem.

5) A financial need for grant assistance in order to address the identified problem.

b) Application Review and Approval

1) Funds will be made available on an as needed basis through a noncompetitive process until all funds are obligated.

2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part.

3) Applications shall be reviewed in accordance with Section 110.103 of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.91 General Economic Development Component

The general economic development component is available to assist communities to attract or expand private businesses. The program provides Financial Assistance at or below prevailing rates for comparable private market low interest subordinate loans (at below the current prime rate (when the loan application is received) in the major money centers) to projects that create or retain jobs primarily for low to moderate-income workers. The Financial Assistance terms of comparable private market instruments loan term and amortization schedule shall be flexible and consistent with the economic life of the asset being purchased. Public infrastructure grants may also be made. This assistance can benefit both private "for-profit" and "not-for-profit" organizations. Grantees may administer and service Financial Assistance through various Financial Intermediary Agreements for either Recipients or Subgrantees. Funds will be made available on an as needed basis on a noncompetitive process until all funds are obligated.

a) Project Eligibility Criteria – For a project to be eligible for funding under this component, applicants must document the following:

1) At minimum, 51% of those benefiting from the project will be
NOTICE OF PROPOSED AMENDMENTS

low to moderate-income persons (as defined in Section 110.30 of this Part).

A) The benefit of job creation shall be documented in either one of two ways:

i) Obtaining and keeping on file for verification the Family Income Verification Form which includes an employee's social security number, signature and family income; or

ii) Accepting employment referrals from the Illinois Employment and Training Center.

B) The benefit of the job retention of existing employees shall be documented by completing a Family Income Verification Form for each employee. These forms must be submitted at the time of application.

2) The financial feasibility of the project and how program objectives will be met through proposed activities. Participating businesses must submit supporting financial data.

3) If a start-up project is proposed, a 20% commitment of equity included in the leveraging, unless waived by the Director for good cause shown. Good cause may include, but is not limited to, cases where CDAP funds are used for the construction or rehabilitation of public infrastructure, where the equity requirement would work an unreasonable hardship upon the applicant, where the loan is sought by a minority enterprise, where other conditions of the Financial Assistance loan are so firmly supported that the equity requirement is not necessary or where the need for job creation in the geographical area far exceeds the relative security offered by the 20% equity requirement.

4) For public infrastructure projects in support of economic development, when the improvements are to take place in an area that is residential in character, that the area is comprised of at least 51% low to moderate-income persons.

b) Application Review and Approval
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1) Funds will be made available on an as needed basis throughout the year.

2) Applications shall be prepared and submitted to the Department as specified in Section 110.70 of this Part. Complete applications shall be reviewed and evaluated by Department staff. Applicants shall be notified of deficiencies and given the opportunity to correct such deficiencies through submission of additional documentation.

3) The evaluation of projects shall be conducted to assure compliance with 24 CFR 570.203 (2001) and shall also address the following criteria:

   A) Project Need – Need for and use of program funds should be detailed. This evaluation shall include a review of all sources and uses of funds and an analysis of the Recipient's or Subgrantee's borrower's ability to comply with the terms of the Financial Assistance Agreement and the need for and extent of public funding.

   B) Project Readiness – The applicant must demonstrate project readiness through a description of all activities. This shall include commitment from all lenders and investors, signed and dated.

   C) Financial Evaluation – The company's financial statements for the past three years and two projected statements of financial condition shall be reviewed to determine: liquidity/debt coverage; ability of the company to manage debt; business trends; and projected earnings. This data shall be compared to similar data for companies in the same industry using the "RMA Annual Statement Studies" published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia, PA 19103 (1999-2000), or a comparable source if such industry is not evaluated by this source. Financial statements are not required for public facilities in support of economic development.

   D) Commitment for Job Creation/Retention – Firm written assurances from the company must identify the number of jobs created/retained in a specified period of time and the specific number that shall be low to moderate-income and the methodology to be used to document low to moderate-income benefit. This review shall also include a determination of the numbers of jobs
created/retained in relation to the amount of program funds. The investment per job shall not exceed $15,000 per job.

E) Resource Leveraging – The ratio of other (non-Department) funds to total CDAP funds being invested in the project will be considered. The evaluation threshold is a 2:1 ratio. The CDAP investment shall not exceed a 1:1 ratio.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.92 Competitive Public Facilities Construction and Design Engineering Component

The competitive public facilities component is designed to fund public facilities projects that propose to alleviate a serious threat to public health and safety. Applicants must demonstrate that a serious deficiency exists with an emphasis upon helping persons of low to moderate-income. Applications are due on an annual basis.

1) At minimum, 51% of those benefiting from the project will be low to moderate-income persons (as defined in Section 110.30)

2) At minimum, 25% of project costs will be paid from other non-department funds. Examples of other funding sources may include USDA Rural Development, EPA, or local funds. After the project is completed, the grantee may request, in writing, that the 25% minimum leverage requirement be waived. This request must include a reasonable justification, which would include, but not be limited to, instances where the actual total project cost was less than originally estimated, resulting in the return of a relatively small amount of CDAP grant funds in order to meet the 25% minimum. The Department shall review each request on a case-by-case basis.

3) A serious and urgent threat to the health and safety of community residents exists, i.e., a serious deficiency exists in a community public facility (or that the community lacks the facility entirely), and problems clearly attributable to the deficiency have occurred such as serious illness, disease outbreak, or serious environmental pollution.
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4) The project is ready to proceed and expend funds and the project addresses the identified problem.

b) Application Review and Approval

1) Applications will be accepted once a year on a due date established at the beginning of the program year pursuant to Section 110.10(a)(4) of this Part.

2) Applications will be prepared and submitted to the Department as specified in Section 110.70 of this Part.

3) Applications will be reviewed in accordance with Section 110.103 of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.110 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

a) Compensation. The method of compensation shall be in accordance with the applicable State laws relative to such compensation by which the Department is governed. Payments to the Grantee are subject to the receipt of electronic requests for fund transfers or expenditure summaries. The first payment for program initiation may be an advance and should be the amount necessary to meet the first month's non-administrative cost needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the non-administrative expenditures to date as well as the cash needs of the Grantee for the next 30 days. Administrative costs may be drawn as described above, or the Grantee may draw down administrative needs in equal, quarterly increments. Each request shall be certified to the effect that the Grantee has performed in conformance with the Grant Agreement and that it is entitled to receive the amount requisitioned.

b) Reporting – An electronic reporting system or an Expenditure Summary and Payment Request form shall be submitted to the Department to request cash.

c) Procurement – Procurement shall be conducted in accordance with 24 CFR 85
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(Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).

d) Records – CDAP records shall be maintained in accordance with 24 CFR 85 of the Illinois Local Records Act [50 ILCS 205] and 24 CFR 570.490 (2001) and are subject to the Freedom of Information Act [5 ILCS 140].

e) Financial Management

1) Grantees shall comply with financial management procedures provided in OMB Circular A-87, "Cost Principles for State and Local Governments", published May 4, 1995, and standards promulgated by the American Institute of Certified Public Accountants (AICPA), Harborside Financial Center, 201 Plaza 3, Jersey City NJ 07311, June 2001, no later editions are incorporated.


f) Bonding and Insurance

1) Bonding:

A1) Grantees shall obtain a fidelity bond for each employee or official with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in an amount at least equal to cover all CDAP funds contained in all bank accounts. The person with signature authority for the CDAP accounts must be bonded for this amount and his or her signature must appear on every check. The total bonding for each employee cannot be counted as a cumulative total. The cost of the fidelity bonds is a CDAP eligible administrative expense, the total amount of the project assets which would be available to the project at any time.

B) Grant Administrators: If the Grant Administrator processes payments on behalf of the Grantee, the Grant Administrator shall...
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obtain a fidelity bond for each employee with access to project assets, accounting records, or checks. The bond (position or blanket) shall be in the minimum amount of $750,000. At least one of the persons with signature authority for the CDAP accounts must be bonded for this amount and his or her signature must appear on every check. The cost of the fidelity bonds is a CDAP eligible administrative expense.

2) Flood Insurance: Grantees shall comply with the flood insurance purchase requirements of Section 102(e) of the Flood Disaster Protection Act of 1973 (42 USC 4001).

g) Expenditure of Project Funds – No project costs may be incurred prior to authorization, and release of funds will not occur without a fully executed grant award document. Costs may be incurred as follows:

1) CDAP administrative costs may be incurred as of the date of the grant award letter;

2) Non-CDAP project costs (leverage funds) and CDAP-funded Design Engineering costs may be incurred only after receiving a grant award letter and meeting environmental review requirements; and

3) CDAP-funded projects costs may be incurred only after all of the above conditions have been satisfied and all specific grant conditions have been met.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART B: REVOLVING LOAN FUNDS

Section 110.210 Purpose

a) The Department is responsible for the administration and management of the CDAP. For the purpose of this program, the Department establishes grants with eligible units of local government throughout the State pursuant to Subpart A of this Part. Proceeds from those grants may be used to extend Financial Assistance loans to private for-profit or not-for-profit entities.

b) In accordance with Title I of the Housing and Community Development Act of
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1974 (Act) (42 U.S.C.A 5301), the Department may permit Grantees to retain the principal and interest payments, including principal and interest, that may be generated from Financial Assistance these loans made through the CDAP as long as those funds are deposited into a local revolving loan fund (RF) for economic development and the Grantee has an approved recapture strategy (RF Plan or Recapture Strategy Plan).

c) The primary objective of CDAP-funded Revolving Funds (RF)s is to enable Grantees to carry out local economic development activities in a way that will expand economic opportunity, principally for low and moderate-income persons. Each RF project shall result in private sector job creation or retention. At least 51% of such jobs shall be filled or retained by persons of low and moderate-income.

d) The purpose of this Subpart is to provide rules governing and regulations relative to the administration of local RFs funded through the CDAP.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.220 Definitions

"Administration" shall mean managing or servicing the management of the day to day operations of CDAP-funded revolving funds. A Financial Intermediary may perform the day to day servicing functions of the Financial Assistance, as provided for in the Financial Intermediary Agreement.

"Closed CDAP Grant" shall mean a grant for which the Department has issued a "Grantee Evaluation Report" (GER) final determination letter.

"Grantee Evaluation Report" shall mean a report summarizing grantee compliance with program objectives governing the grantee's CDAP grant. The GER shall provide:

a description of citizen participation;

a description of activities completed;

an analysis of benefit to low and moderate-income persons;

an analysis of benefit to minorities, handicapped and female heads of
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"Low and Moderate-Income Persons" shall mean those individuals in a family whose income is less than 80% of the median income of the area (for non-metropolitan areas the non-metropolitan median income or county income shall apply, whichever is higher).

"Program Income", as it pertains to a Revolving Fund (RF), shall mean gross income earned by the Grantee or its Recipient subrecipient directly generated from either the use of CDAP funds and/or RF (grants or program income). Program income includes, but is not limited to, the following:

- payments, which may include of principal and interest, derived from Financial Assistance Agreements on loans made using CDAP funds;
- interest earned on CDAP funds held in a revolving fund account;
- payments, which may include of principal and interest, derived from Financial Assistance Agreements on loans made using existing Revolving Funds RLF funds.

"Revolving Fund" (RF) shall mean a separate fund (with a set of sub accounts that are independent of CDAP or other program accounts) established for the purpose of carrying out specific Financial Assistance activities which, in turn, generate Program Income to be deposited into the RF fund for use in carrying out such activities consistent with the RF approved Recapture Strategy as defined in this Subpart.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.230 Recapture Strategy Requirements

As a condition of approval for releasing CDAP funds, each Grantee undertaking a RRLF program for local economic development shall submit for Department approval an RRLF Plan, also known as a "Recapture Strategy" Strategy", pursuant to Section 110.210 (b) of this Subpart. This plan shall describe the policies and procedures governing the RRLF and provide sufficient information to assure the Department that the RRLF shall be administered in conformance with this Subpart. The elements listed below shall be included in the RRLF Plan:
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a) RFRLF Goals and Objectives: A clear set of goals and objectives for the RFRLF shall be developed. These goals and objectives shall serve as a basis for the development of an organizational strategy and operating plan.

b) RFRLF Strategy: A strategy shall be developed that describes how the RFRLF will achieve the stated goals and objectives. This strategy shall include:

1) A description of the eligible uses of the funds.

2) A description of the geographic area within which the funds will be utilized.

3) A description of the RF'sRLF's targeting strategy (e.g., retention of traditional industrial base firms, start-up firms, minority and women-owned businesses). The RF'sRLF's business targeting strategy shall tie closely with its economic development goals and objectives.

4) A description of how the applications will be generated from potential Recipients, including how minority-owned businesses will be reached.

c) RFRLF Management Plan: A system for effectively managing the RFRLF shall be developed. This system shall:

1) Describe the Financial Assistance loan decision-making process, including any advisory bodies or Financial Assistance loan review committees.

2) Identify how the RFRLF will be staffed. The lending staff shall have expertise in financial analysis and packaging.

3) Describe how the Financial Assistance Agreement loans will be serviced and monitored to hold the Recipient borrower accountable for receiving public benefit.

4) If the Grantee elects to utilize one or more Financial Intermediary Agreements, it shall describe how Financial Intermediaries may be used to accomplish the purposes of this Section.

d) Assurances: A RF Recapture StrategyRLF recapture strategy shall be developed
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that which includes the following assurances:

1) No more than 10% of the annual Program Income of revenue to the RFRLF shall be used for administration of the RFRLF funds and such costs shall be documented.

2) Assistance provided with RFRLF funds shall result in at least a 51 percent benefit to low and moderate-income persons and such benefit shall be documented.

3) On a semi-annual basis, the Grantee shall submit a RF status report to the Department. The grantee shall agree to report semi-annually to the Department regarding the status of the RLF.

4) All changes to the Recapture Strategy shall be submitted to the Department for approval prior to their implementation.

5) The Grantee agrees to pursue all legal remedies to recover delinquent loans and/or enforce compliance with the terms of any Financial Assistance Agreement. Legal actions shall be those authorized by federal and State law, including civil debt collection actions. The grantee shall agree to pursue legal remedy to recover delinquent loans. Legal actions shall include that authorized by federal and State law, including, but not limited to, efforts to collect and pursue the interests of the RLF through bankruptcy court.

6) The Grantee shall assure that one job will be created or retained for every $15,000 of Financial Assistance provided.

7) A minimum leverage ratio of $1 non-CDAP funds to $1 CDAP Revolving Funds must be obtained for each project. Revolving Funds may not comprise more than 50% of the financing for any project.

8) The Grantee shall assure that any and all environmental reviews will be completed for each project funded and it will assure that prevailing wages are paid, if applicable.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.240 Revolving Fund Administration
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a) RFsRLFs shall have an administrative structure sufficient to carry out responsibilities for the day-to-day operations of the RFL.

b) If the RFL administrator is not the unit of local government, a written agreement shall be executed between the Grantee and its RFL administrator. This agreement shall remain in effect during the entire term of the Financial Assistance Agreement. If the Grantee invests in a project with a Financial Intermediary, and the Financial Intermediary serves as the administrator, the terms governing this administration shall be included in the Financial Intermediary Agreement. The minimum provisions that shall be included in either the agreement or Financial Intermediary Agreement shall include the following:

1) a statement of work (with a work description and a budget; i.e., a breakdown of all fees and costs);
2) requirements for the maintenance of records and reports;
3) requirements for the management of the RFL;
4) applicability of other program requirements;
5) provisions for an annual audit of the RFL funds;
6) provisions for suspension and termination of the agreement; and
7) policy regarding reversion of assets at the termination of the agreement.

c) Final authority for approving any Financial Assistance made through the RFL shall remain with the chief elected official of the unit of local government, unless formally delegated by resolution and outlined in a formal agreement pursuant to subsection (b) above.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.250 Use of Revolving Funds

a) Revolving Funds may be used to finance:
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1) **Financial Assistance Loans** that shall result in job creation or retention for for-profit or not-for-profit businesses

   A) for fixed assets including land, buildings, machinery and equipment, including new construction or renovation of existing facilities;

   B) to provide working capital;

   C) to provide loan guarantees and interest supplements through the use of Program Income for RFL loans;

2) Grants to the **Grantee** units of local government for public infrastructure improvement projects when the activities will directly result in the creation and/or retention of jobs by a specifically identified for-profit or not-for-profit business which satisfies the requirements of Section 110.280 of this Subpart. The unit of local government must obtain a Participation Agreement with the benefiting business outlining the job creation and/or retention requirements as a result of this public infrastructure;

3) Activities not listed in this subsection require written approval from the Department prior to final local approval; and

4) **Revolving Funds** RLF funds may be used for CDBG-eligible activities with prior written approval from the Department, provided that the unit of local government spends the fund in its entirety and the fund ceases to be used for the purpose of business loans.

b) **Revolving Funds** RLF funds shall not be used to:

1) refinance existing private debts;

2) finance the relocation of an industry or business from one area of the State to another (exceptions require prior written approval from the Department and shall be made in those instances in which a business can demonstrate that it can no longer operate in its existing location and that jobs would be lost to the State if financing is not received);

3) finance any activities for speculative activities (i.e., commercial/retail
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development without lease agreements) or purposes;

4) conduct general marketing activities; or

5) prepare a CDAP application.

c) Forgiveness of Forgivable loans or other Financial Assistance are prohibited.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 110.260 Requirements for Revolving FundRLF Projects

a) Each RFRLE project shall create or retain at least one job for every $15,000 of RLF investment of CDAP funds.

b) Job creation attributable to CDAP Revolving Funds shall take place within twelve months after the disbursement of funds.

c) For each RFRLE project that results in job creation, documentation shall be obtained and maintained in the local files, pursuant to Section 110.91(a)(1)(A)(i) and (ii) of Subpart A, which verifies that at least 51% of these new employees benefiting from the project are low and moderate-income persons.

d) For each RFRLE project that results in the retention of jobs, documentation in the form of employee income certifications shall be maintained in the local files, pursuant to Section 110.91(a)(1)(B) of Subpart A, which verifies that a minimum of 51% of the jobs retained are held by low and moderate-income persons at the time the Financial Assistance loan is made.

e) A minimum leverage ratio of $1 non-CDAP funds: to $1 CDAP Revolving FundsRLF funds shall be obtained for each RFRLE project. Revolving FundsRLF funds shall not comprise more than 50% of the financing for any project.

f) All RFRLE projects shall be conducted within the geographical jurisdiction specified in the approved RLF Plan.

g) All businesses receiving or benefiting from Revolving FundsRLF funds shall satisfy the requirements of Section 110.91(b)(3)(A), (B) and (C) of Subpart A.
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h) Each project shall meet the eligibility requirements of Section 105 of the Act.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 110.270 Administrative Costs

a) Eligible administrative costs include, but are not limited to, salaries, supplies, utilities, Financial Intermediary Agreement costs or similar expenses necessary for managing or servicing the RFRLE portfolio and implementing the RFRLE project. All administrative costs paid with RFRLE funds shall be exclusively for RFRLE activities.

b) Administrative costs may be paid from the Grantee's own funds or from the RFRLE.

c) Administrative costs paid from RFSRLFs shall not exceed 10% of the income received each calendar year (e.g., loan repayments, interest earned on Revolving FundsRLF funds).

d) Administrative costs shall be documented (e.g., timesheets, invoices, etc.).

e) Administrative costs charged to the RFRLE shall not be used for general marketing activities or for the costs of preparing an application for a new CDAP grant from the Department.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 110.280 Revolving FundRLF Fundability Analysis

Each RLF shall have a standard RFR Financial AssistanceRLF loan application. The RFRLE administrator shall conduct a review and maintain documentation for each RFRLE application to support that minimum program requirements have been satisfied pursuant to Sections 110.250 and 110.260 of this Subpart and that fundability is consistent with the following:

a) Financial Feasibility Evaluation – The RFR applicant shall submit supporting financial data which at a minimum shall include the following information:

1) A brief history of the business and past employment growth.

2) Market Information on the business' products or services and identification
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of existing and potential major customers and competitors.

3) Three years historical financial statements which consist of: a balance sheet, profit and loss statement and a reconciliation of net worth. This information shall cover three years, as well as the most recent 90 days. Accountant's notes or detailed notes, in those instances in which the statement is not audited, shall be included with the statement.

4) Prior three years of tax statements for those small businesses with no formal financial statements.

5) Personal financial statement of each principal (sole proprietor, partner, officer, stockholder) owning 20 percent or greater share of the outstanding stock or interest in the business, as well as a brief personal history statement for each.

6) Projected earnings report which includes a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. Base assumptions shall also be included.

7) Business plan and/or market feasibility information which addresses business products or services and identifies existing and potential major customers and competitors.

8) Financial statements of the general partners, if a business is a limited partnership. If a business is a corporate general partner, the personal and corporate financial statements of the general partner shall be submitted.

9) A list of major equipment or classes of equipment to be acquired. For acquisition of new machinery and equipment, reliable vendor cost estimates shall be provided. For used machinery and equipment acquisition, an appraisal shall be provided which demonstrates that the fair market value is in line with the purchase price.

10) A detailed explanation of the need for and specific use of working capital. If used for inventory, a list with supporting cost estimates shall be provided.

11) A list of all sources of leveraging documented by written letters of commitment. Loans from financial institutions used as leverage shall
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indicate approval as well as the loan amount, the specified term and rate, collateral, and conditions attendant to the loan. Equity contributions shall be documented through signed letters from the benefiting business.

12) Documentation of the legal status of the borrower and authorization to enter into the loan, e.g., Articles of Incorporation, Secretary's Certificate, Certificate of Good Standing, etc.

13) A letter verifying the number of jobs to be created and/or retained, including the number to be filled by low and moderate-income persons and the specific time period over which this will occur.

b) Determination of Need – Documentation shall be maintained by the RFRF administrator to verify that the RFRF application review procedures include criteria to determine if Revolving FundsRLF funds are necessary. Such criteria shall consist of the following elements:

1) Evaluation of Project Costs – All costs associated with the project shall be verified prior to making a funding determination and establishing a funding level. Third party cost estimates shall be obtained to document all project costs. If a Grantee does not use third-party quotations to verify cost elements, then the Grantee shall conduct its own cost analysis using appropriate cost estimating manuals or services.

2) Verification of Other Funding Sources – At a minimum, the loan applicant shall show evidence, in the form of a bank commitment letter, of the level of financing that a bank will commit. This review shall also include an analysis of the private equity available to be committed to the project. All sources of funding shall be firmly committed in writing and maintained in the loan file. All units of local government with existing RFLFs shall utilize all available Revolving FundsRLF funds prior to requesting funds through CDAP.

3) The Grantee shall review the applications to ensure that, to the extent practicable, CDBG funds will not be used to substantially reduce the amount of non-RF non-RLF financial support for the activity. To reach this determination, the Grantee shall conduct a financial analysis of the project, including review of the appropriate projections of revenue, expenses, debt service and return on equity investments. The extent of the review shall be appropriate for the size and complexity of the project and
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use industry standards for similar projects, taking into account the unique factors of the project such as risk and location.

4) Return of Equity Investment—To the extent practicable, the RLF-assisted activity shall not provide more than a reasonable return on investment to the owner of the assisted project.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.290 Revolving Fund Financial Assistance RLF Loan Closings

Each Grantee shall establish a Financial Assistance loan closing process for its RLF that shall govern the negotiation and signing of the loan agreement and disbursement of the loan proceeds. This process finalizes the terms, conditions and covenants of the Financial Assistance loan.

a) The Grantee shall establish a standardized Financial Assistance loan closing agenda or checklist which specifies legal and other programmatic documents required in connection with the Financial Assistance Agreement (e.g., documents and attachments which support collateral, amortization schedule, budget, project description, promissory note, finalization of hiring commitments and all outside financing sources per Section 110.280(b) of this Subpart).

b) The RFRLE administrator shall obtain and review a letter from the Recipient's legal counsel which states that the business is in compliance with all federal and State laws, as applicable, and that the company has no hidden liabilities or encumbrances.

c) Financial Assistance documents may include the following:

1) A standardized loan document, including a loan agreement, promissory note and security agreement shall be developed which shall be a binding enforceable document.

2) A standardized Financial Assistance document shall be developed for each type of assistance utilized by the Grantee.

d) Documentation shall be maintained in each Financial Assistance loan file demonstrating that compliance with all terms and conditions contained in the Financial Assistance Agreement have been met which demonstrates that the RLF
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A loan security interest is perfected (e.g., personal and corporate guarantees, U.C.C. filings, mortgages) and those filings shall be updated, as necessary.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.300 Security

a) All RFRLF loans from Grantees units of local government to its Recipients businesses shall be secured with a mortgage, security agreement, promissory note, financing statement or other assignment of rights of the assets of assisted Recipients firms.

b) In the event it is necessary or desirable to take actions to protect or further the interests of the RFRLF, the Grantee shall take timely actions to sell, collect, liquidate or otherwise recover loans, or guarantees or other forms of Financial Assistance extended by the RFRLF in accordance with the legal rights of the Grantee and its administrator, other participants lenders and the Recipient RLF borrower.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.310 Disbursement of Revolving RLF Funds

RFRLF administrators shall keep records showing that the invoices or other evidence of the actual costs of the Recipient's borrower's expenses were verified prior to the disbursement of RFRLF funds. Grantees shall also assure that their disbursements are only for items approved under the agreement with the borrower. No RFRLF drawdown may occur until the closing date has occurred and documentation exists to release RFRLF funds to the Recipient business. The Grantee may disburse funds to a Financial Intermediary that will close the Financial Assistance Agreement with the Recipient for appropriate disbursement upon or after closing.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 110.320 Revolving Fund RLF Loan Monitoring

The purpose of loan monitoring is to assist Recipients businesses so they can successfully generate jobs for low and moderate-income persons and to safeguard the capital utilized loaned out to assure availability of funds for future Financial Assistance projects. This shall be accomplished through periodic and regular reviews and contact with Recipient business.
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a) A repayment schedule, **where appropriate**, shall be prepared for each Financial Assistance project loan and shall be provided to the Recipient borrower at the time of loan closing. Procedures shall be established for notifying the Recipient borrower in advance of each payment date and following up on delinquent payments. A sufficient loan monitoring system shall provide for:

1) regular reporting;
2) scheduled telephone contact;
3) site visits;
4) regular financial assistance loan committee review of Financial Assistance loan status;
5) systematic reports and files; and
6) loan collection procedures.

b) Each RF Grantee RLF grantee or administrator shall maintain a monitoring file for each Financial Assistance Agreement loan that includes the repayment schedule with repayment dates, if applicable, and amounts noted, a log of telephone calls with the date and items discussed, copies of correspondence with the Recipient borrower and progress reports.

c) The RF Grantee RLF grantee or administrator shall designate an individual to prepare and distribute a monthly loan status report, listing all outstanding Financial Assistance Agreements loans and the individual payment status of each agreement loan in a format that shall include the Recipient's name, Financial Assistance borrower, loan amount, date of loan agreement, payment due date, if applicable to the form of Financial Assistance, and the terms of the Financial Assistance Agreement rate and term of the loan. This status report shall also indicate whether Recipient's payments, if applicable, are current or delinquent (i.e., late by 30 days, 60 days, etc.). The borrower's payment status shall also be included; i.e., current or late by 30 days, 60 days, etc.

d) The Grantee and the Financial Intermediary shall incorporate into the Financial Intermediary Agreement their respective responsibilities for monitoring the Recipient and it shall also establish the Financial Intermediary's reporting requirements to the Grantee.
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(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 110.330 Recordkeeping and Reporting

a) Grantees shall maintain all records of financial, programmatic and compliance activities. All documents that are associated with a Financial Assistance review process shall be maintained on file by the Grantee.

b) All Grantees shall submit semi-annual status reports to the Department. The January-June report shall be due no later than July 31 of each calendar year; the July-December report shall be due no later than January 31 of each calendar year. Failure to submit semi-annual status reports could result in delayed reimbursement of other active CDAP payments to the Grantee or rejection of pending CDAP grant applications. Status reports shall include the following information:

1) Date submitted;

2) Name, title and telephone number of the persons preparing the report;

3) Report period;

4) Name of the unit of local government;

5) Name of county;

6) Name of assigned Department compliance review staff;

7) For each Department-funded CDAP Financial Assistance Agreement, the following:
   A) Agreement number;
   B) Date of Financial Assistance Agreement;
   C) Initial loan amount;
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D) Total amount to be recaptured, broken out by principal, and interest and other forms of payment;

E) Total amount recaptured to date, broken out by principal, and interest and other forms of payment;

F) Loan status (i.e., current (yes/no) or closed);

G) If payments scheduled under a Financial Assistance Agreement are not current, date of last payment;

H) A list of CDAP Financial Assistance Agreements loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

8) For each loan made from Revolving Funds out of the RLF, the records shall include the following:

A) Date of agreement;

B) Name of Recipient company;

C) Initial loan amount;

D) Total amount to be recaptured, broken out by principal, and interest and other forms of payment;

E) Total amount recaptured to date, broken out by principal, and interest and other forms of payment;

F) Loan status (i.e., current (yes/no) or closed);

G) Number of jobs created/retained per loan;

H) Number of jobs created/retained per loan for low and moderate-income persons;

I) Source and amount of other financing;

J) If payments scheduled under a Financial Assistance Agreement
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...are loans not current, date of last payment;

K) A list of RF Financial Assistance Agreements or LFs loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

9) Totals for information listed in subsections (b)(7)(E), (b)(8)(C) and (b)(8)(E) shall be included in the following computation: Total CDAP loan principal recaptured + total CDAP loan interest recaptured minus total amount of Financial Assistance provided for the RF revolving loans made plus total RF recaptured amounts less principal from revolving loans plus total recaptured interest from revolving loans minus eligible infrastructure expenditures less minus eligible administrative expenses plus interest earned on deposits. This formula allows the Grantee to determine the total amount in his or her RFRLF. This figure shall match the balance shown on the Grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the semi-annual report and submitted to the Department;

10) A copy of the amortization, royalty payment, and other Program Income schedules that relate to each Financial Assistance Agreement loan; and,

11) Signature of the chief elected official for the unit of local government certifying that the information contained in the report is true and correct and is supported by documentation on file at their office.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.340 Department Monitoring

a) The Grantee shall be responsible for operating the RFRLF in accordance with the terms of his or her CDAP grant agreements and his or her RFRLF Plan.

b) The Grantee shall permit any agent authorized by the Department, upon presentation of credentials, to have full access to and the right to examine any documents, papers, and records of the Grantee and the RFRLF relating to transactions of the RFRLF.
c) The Department shall monitor RFRLE programs using on-site visits, semi-annual status reports submitted by the Grantee, disbursement transactions and other contacts with the Grantee as necessary.

d) Department monitoring procedures shall concentrate on Financial Assistance evaluation and decision-making as well as servicing and monitoring of RF agreements. The Grantee shall remain responsible for the actions, compliance and recordkeeping of its administrator. Grantee communities are responsible for establishing a system to monitor the performance of their RFRLE administrator.

e) Pursuant to its obligations under the Act, this Part, and the applicable grant agreements, the Department will conduct a program of RFRLE visitations for the purpose of providing technical assistance and monitoring the operations of the local RF Grantees. As a result of those visits, the Department may take any of the following actions, by way of sanctions against inappropriate local RFRLE activities or against the grantee jurisdiction:

1) issue "Findings" outlining deficiencies in the RFRLE operations and requiring that they be corrected within a specified time;

2) the Findings may mandate the return to the RFRLE account, from non-Block Grant sources, amounts disbursed for ineligible activities;

3) require for a specified period of time (including permanently) that an RFRLE seek prior written approval from the Department for any specified activity. Specified activities may be limited, for instance, to include only new Financial Assistance Agreements made, or may include all RFRLE activities. This sanction may include the requirement that all application materials for new Financial Assistance be forwarded for review to the Department;

4) the Grantee may be deemed to be unable to continue operations of a local RFRLE program, in which case the Department may take any of the following actions:

   A) revocation of local authority to operate a CDBG RFRLE;

   B) the Department may instruct the Grantee to continue to
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collect loan payments of existing Financial Assistance Agreements and service the current portfolio. However, no additional Financial Assistance Agreements would be allowed to be made from the portfolio. Instead, on a yearly basis the balance available in the account would be returned to the Department.

C) the Grantee may be instructed to turn over the cash balance and loans in the RFRLF to the Department Illinois Department of Commerce and Community Affairs.

f) The Grantee or RFRLF administrator shall conduct at least one on-site monitoring visit of each RF Financial Assistance RecipientRLF loan recipient to verify job creation and retention, low and moderate-income benefit, documentation of expenditures, and compliance with the other terms and conditions of the Financial Assistance Agreementloan agreement before closing out a project and shall maintain documentation of the visit.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.350 Evaluation of Performance

a) The Department shall review the RFRLF to determine if the Grantee has administered and carried out its RFRLF activities in compliance with the requirements and criteria outlined in Subpart B, with emphasis upon:

1) The requirements of Section 110.230 that there be an approved updated Recapture Strategyrecapture strategy.

2) The requirements of Sections 110.250 and 110.270 regarding the eligible uses of Revolving FundsRLF funds and administrative costs.

3) The requirements of Section 110.260, specifically Sections 110.260(c) and 110.270(d), that outlines the basic RFRLF requirements stating that, especially Sections 110.260(c) and 110.270(d) that, for each Financial Assistance Agreementloan, not less than 51% of the jobs created or retained shall benefit low and moderate-income persons.

4) The development of and adherence to sound administrative principles and procedures pursuant to the requirements of Sections 110.240, 110.280 and
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110.290.

5) The requirements of Sections 110.300, 110.310, and 110.320 of the RFRLF implement solid lending practices and strict loan follow-up procedures. This shall be evidenced by a Financial Assistance Agreement compliance worksheet rate of default (i.e., loans more than 90 days in arrears) acceptable to the Department, which includes information pertaining to and based upon the number of Financial Assistance Agreements made through the RFRLF, the number of non-performing Financial Assistance Agreements defaulting, the underlying justification for the Financial Assistance loan(s) (Section 110.280) and the documentation on file regarding loan follow-up, including legal action.

6) The Grantee's past performance and past willingness to act on Department recommendations resulting from its periodic monitoring visits pursuant to Section 110.340.

b) With the receipt of any new economic development grant awarded under Subpart A of this Part, the Department shall evaluate the performance of an existing RFRLF using the criteria found in subsection (a) of this Section as a condition of retaining future loan repayments.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 110.360 Program Income Subject to the Act

a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a Grantee to retain and that is realized while the Grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.

b) Program income retained by the Grantee and generated from a grant award prior to October 28, 1992 is not subject to the Act and 24 CFR 570 under the following conditions:

1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and

2) All concurrent CDAP grants are closed.
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c) Program income retained by the Grantee, and generated from a grant awarded after October 28, 1992 is subject to the Act and 24 CFR 570.

d) If the Grantee's CDAP grant records are insufficient to determine when Program Income was earned in relation to close-out of the Grantee's CDAP projects, those RFLF funds shall be considered subject to the Act.

e) Regardless of when the program income is earned, the RFLF shall always be subject to the requirements of the approved Recapture Strategy and each beneficiary of funds through the RFLF shall benefit at least 51% low and moderate-income persons.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)
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1) **Heading of the Part:** Money Pool Agreements

2) **Code Citation:** 83 Ill. Adm. Code 340

3) **Section Numbers:**
   - 340.10 New Section
   - 340.20 New Section
   - 340.30 New Section
   - 340.40 New Section
   - 340.50 New Section
   - 340.60 New Section

4) **Statutory Authority:** Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101]

5) **A Complete Description of the Subjects and Issues Involved:** “Money pool agreement” refers to any affiliated interest agreement that provides a mechanism for borrowing or lending monies among affiliated parties. Money pool agreements are established to coordinate and provide for the short-term cash requirements of the participating parties. The proposed rules are designed protect the interests of those regulated entities and their customers. The proposed rules will establish the minimum requirements for short-term loans between utilities and affiliates, will regulate the investment of money pool funds, and will establish reporting requirements.

6) **Will these rulemaking replace emergency rules currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed rules contain incorporations by reference?** No

9) **Are there any other proposed rules pending on this Part?** No

10) **Statement of Statewide Policy Objective:** These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:**
NOTICE OF PROPOSED RULES

Comments should be filed, within 45 days after the date of this issue of the Illinois Register in Docket 02-0581, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Filing requirements

C) Types of professional skills necessary for compliance: Managerial skills

13) Regulatory Agenda on which this rulemaking was summarized: July 2003.

The full text of the Proposed Rules begins on the next page:
ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER B: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 340
MONEY POOL AGREEMENTS

Section 340.10  Applicability

a) This Part shall apply to public utilities as defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105] and incumbent local exchange carriers that provide noncompetitive services as defined in Section 13-202.5 of the Act [220 ILCS 5/13-202.5], but shall exclude local exchange telecommunications carriers with no more than 35,000 subscriber access lines pursuant to Section 13-504(d) of the Act [220 ILCS 5/13-504(d)].

b) This Part shall apply to any agreement that provides a mechanism for borrowing or lending monies among affiliates, except:

1) Routine bank transactions as defined in 83 Ill. Adm. Code 105.10;

2) Cash management and treasury services whereby funds are not transferred, loaned or advanced;
3) Loans between affiliates and utilities that have original terms to maturity greater than one year; and

4) Incumbent local exchange carriers are not subject to the requirements of Section 340.30 pursuant to Section 13-601 of the Act [220 ILCS 5/13-601].

c) All affiliated interest agreements that are subject to the requirements of this Part must be filed with the Illinois Commerce Commission (Commission) for approval pursuant to Sections 7-101 or 7-102 of the Act [220 ILCS 7-101 and 7-102]. This Part shall not limit the Commission from imposing conditions on its approval of a money pool agreement as it may deem necessary to safeguard the public interest.

Section 340.20 Definitions

“Affiliate” has the same meaning as the phrase “affiliated interests” as defined in Section 7-101(2)(ii) [220 ILCS 5/7-101(2)(ii)].

“Cash management” means aggregating customer receipts and paying all vendors and other operating requirements.

“Credit rating agency” means Standard & Poor's or its successor, Moody’s Investors Service or its successor, or Fitch Ratings or its successor.

“Financial Institution” means a bank, savings and loan, savings bank, credit union, insurance company, or other institution that collects funds from the public to place in financial assets such as stocks, bonds, money market instruments, bank deposits or loans.

“High-grade credit issuer” means a company that has the following credit ratings from at least two of the following three major credit rating agencies and a higher, equivalent or no credit rating from the third credit rating agency: A- or above by Standard & Poor’s or its successor; A3 or above by Moody’s Investors Service or its successor; or A- or above by Fitch Ratings or its successor.

“High-grade committed credit facility” means credit lines that permit the person to draw funds from financial institutions that are high-grade credit issuers.
“Issuance costs” means any interest, premiums, discounts, commissions, or fees paid in connection with any loans to a party to the money pool agreement.

“Large utility” means a utility that has $50,000,000 or more in total capitalization as reported in the annual report the utility files with the Chief Clerk of the Commission.

“Medium-grade credit issuer” means a company that has the following issuer credit ratings from at least two of the following three major credit rating agencies and a higher, equivalent or no credit rating from the third credit rating agency: BBB or above by Standard & Poor’s or its successor; Baa2 or above by Moody’s Investors Service or its successor; or BBB or above by Fitch Ratings or its successor.

“Medium-term note” means a note with a maturity of greater than one but no more than ten years.

“Money pool agreement” means any agreement that provides a mechanism for borrowing or lending monies among affiliates repayable on demand or for original terms to maturity of 365 days or less, but excluding routine bank transactions as defined in 83 Ill. Adm. Code 105.10.

“Parent company” means every company owning or holding, directly or indirectly, 10% or more of the voting capital stock of a utility or every company in any chain of successive ownership of 10% or more of voting capital stock.

“Service company” means a mutual or subsidiary service company approved by the Securities and Exchange Commission pursuant to 17 CFR 250.88 or a company providing services to utilities pursuant to an agreement that has been approved by the Commission under Sections 7-101 or 7-102 of the Act.

“Short-term” means one year or less.

“Small utility” means a utility that has less than $50,000,000 in total capitalization as reported in the annual report the utility files with the Chief Clerk of the Commission.

“Surplus funds” means funds that are not needed for the immediate short-term cash requirements of the utility.
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“Total capitalization” means the sum of short-term debt, long-term debt, preferred stock and common equity for the entire company.

“Utility” means both public utilities as defined in Section 3-105 of the Act and incumbent local exchange carriers that provide noncompetitive services as defined in Section 13-202.5 of the Act, but excluding local exchange telecommunications carriers with no more than 35,000 subscriber access lines pursuant to Section 13-504(d) of the Act.

Section 340.30 Minimum Requirements for Short-Term Loans from Affiliates to Utilities

Incumbent local exchange carriers shall not be subject to the requirements of this Section pursuant to Section 13-601 of the Act. Utilities may borrow funds on a day-to-day basis from affiliates subject to the following restrictions:

a) The money pool agreement shall set forth a form of promissory note to be used for loans to the utility or shall itself set out the terms of the loans. All short-term loans may be prepaid by the utility without premium or penalty.

b) No utility shall borrow through or from an affiliate if the utility determines that it can borrow at lower cost directly from banks or other financial institutions or through the sale of its own commercial paper.

c) Interest. The interest rate on borrowings made by the utility from the affiliate shall not exceed the affiliate’s actual interest cost, including issuance costs, for the funds obtained or used to provide the funds borrowed by the utility.

Section 340.40 Minimum Requirements for Short-Term Loans from Utilities to Affiliates

a) A utility may borrow from outside the money pool agreement in order to make loans to an affiliate that is a public utility under applicable State law. A utility may not borrow from outside the money pool agreement in order to make loans to non-utility affiliates, except for loans to service companies and subsidiaries of the utility.

b) An affiliate shall be eligible for borrowing from the utility if the affiliate meets one of the following seven requirements:

1) The affiliate maintains the following commercial paper ratings from at least two of the following three major credit rating agencies and a higher,
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equivalent, or no credit rating from the third credit rating agency: A-1 or above from Standard & Poor’s or its successor; P-1 or above from Moody’s Investors Service or its successor; and F-1 or above from Fitch Ratings or its successor;

2) The aggregate amount of outstanding short-term indebtedness of the affiliate, including amounts to be borrowed from the utility, excluding amounts drawn on the committed credit facility, does not exceed the unused balance of funds available to the affiliate under high-grade committed credit facilities at any time plus the amount of funds the affiliate invests in the short-term securities described in Section 340.50(a)(1) and (2);

3) The affiliate is a high-grade credit issuer;

4) The aggregate amount of funds the affiliate borrows is guaranteed by an affiliate of the utility that meets the requirements set forth in subsection (b)(1);

5) The aggregate amount of funds the affiliate borrows is guaranteed by an affiliate with a high-grade committed credit facility that meets the requirements set forth in subsection (b)(2);

6) The affiliate is a utility; or

7) The affiliate provides the utility cash management services through a Commission-approved agreement and the utility does not issue bonds, notes or other forms of indebtedness to persons or entities that are not affiliates of the utility; and

A) The utility is a small utility; or

B) The utility demonstrates that any benefits from relying on an affiliate to provide all the utility’s capital exceed the risks associated with a decrease in the utility’s financial independence provided that the affiliate is a medium-grade credit issuer.

c) The affiliate receiving the loan shall repay the principal amount of the loan, together with all accrued interest, on demand of the utility.
d) The utility may lend funds to an affiliate only if the utility cannot earn a higher rate of return on investments of similar risk in the open market, or the utility will earn no less than the rate the utility would have earned on investments in existing short-term investment accounts maintained by the utility during the period in question.

e) Interest. Each affiliate receiving a loan shall accrue interest monthly on the unpaid principal amount of the loan from the date of such loan until the principal amount shall be paid in full.

f) Event of default. If an affiliate shall generally not pay its debts as the debts become due, or shall admit in writing its inability to pay its debts generally, or shall make a general assignment for the benefit of creditors, or any proceeding shall be instituted by or against an affiliate seeking to adjudicate it as bankrupt or insolvent, then the unpaid principal amount of any loans to such affiliate and all accrued interest shall become immediately due and payable to the utility.

g) A utility shall neither lend additional funds nor extend the term of existing loans to any affiliate that no longer meets any of the eligibility criteria of subsection (b). An affiliate that exceeds its borrowing limit shall have 90 days to repay sufficient principal and accrued interest to bring that affiliate back into compliance with subsection (b) or, alternatively, to repay all outstanding loans from the utility and accrued interest.

h) When petitioning for approval of an affiliate to borrow from the utility under one of the eligibility requirements of subsection (b), a utility shall provide the following as part of its petition:

1) A utility seeking to meet the eligibility requirements of subsection (b)(1) shall provide reports from the two or, if available, three credit rating agencies presenting the commercial paper ratings for all affiliates that will borrow from the utility;

2) A utility seeking to meet the eligibility requirements of subsection (b)(2) shall provide:

   A) Documentation from the financial institutions evidencing the line of credit available to the affiliate and the unused balance of funds available to each affiliate that will borrow from the utility; and
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B) The credit ratings from the two or, if available, three credit rating agencies for all of the financial institutions that are extending credit lines to the affiliates;

3) A utility seeking to meet the eligibility requirements of subsection (b)(3) shall provide reports from the two or, if available, three credit rating agencies presenting the credit ratings for all affiliates that will borrow from the utility;

4) A utility seeking to meet the eligibility requirements of subsection (b)(4) shall provide:

A) A copy of the guarantee; and

B) Reports from the two or, if available, three credit rating agencies presenting commercial paper ratings for the affiliate of the utility that will guarantee repayment of funds borrowed from the utility;

5) A utility seeking to meet the eligibility requirements of subsection (b)(5) shall provide:

A) A copy of the guarantee;

B) Documentation from the financial institutions evidencing the line of credit available to the affiliate and the unused balance of funds available to the affiliate that will guarantee repayment of funds borrowed from the utility; and

C) The credit ratings from the two or, if available, three credit rating agencies for all of the financial institutions that are extending credit lines to the affiliate;

6) A utility seeking to meet the eligibility requirements of subsection (b)(6) shall provide certification from the chief accounting officer of the affiliate utility that the affiliate is authorized to operate as a utility;

7) A utility seeking to meet the eligibility requirements of subsection (b)(7) shall provide:
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A) The docket number of the Commission proceeding in which the cash management agreement was approved;

B) A copy of the agreement; and

C) Either:

   i) Certification from the chief accounting officer of the utility that the utility is a small utility, including the total capitalization of the utility as reported in the last annual report filed with the Chief Clerk of the Commission; or

   ii) Reports from the two or if available three credit rating agencies presenting the credit ratings for all affiliates that will borrow from the utility.

The information required herein does not bind the Commission to a decision based solely on the data provided pursuant to this subsection.

Section 340.50 Investment of Money Pool Funds

a) Investment of money pool funds not lent to affiliates that meet the eligibility requirements of Section 340.40(b) shall be restricted to one or more of the following short-term investments:

   1) Interest-bearing accounts with banks;

   2) Obligations issued or guaranteed by the U.S. government or its agencies and instrumentalities, including obligations under repurchase agreements;

   3) Obligations issued or guaranteed by any state or political subdivision, provided that these obligations are rated not less than A by Standard & Poor’s or its successor, Moody’s Investors Service or its successor, or Fitch Ratings or its successor;

   4) Commercial paper rated not less than A-1 by Standard & Poor’s or its successor, P-1 by Moody’s Investors Service or its successor, or F-1 by Fitch Ratings or its successor;

   5) Money market funds;
6) Bank certificates of deposit and bankers acceptances;

7) Eurodollar certificates of deposits or time deposits;

8) Medium-term notes, variable rate demand notes and variable rate preferred stock rated A- or above by Standard & Poor’s or its successor; A3 or above by Moody’s Investors Service or its successor; or A- or above by Fitch Ratings or its successor;

9) Short-term securities rated AA or above by Standard & Poor’s or its successor, Aa or above by Moody’s Investors Service or its successor, or AA or above by Fitch Ratings or its successor; and

10) Short-term securities issued or guaranteed by an entity rated AA or above by Standard & Poor’s or its successor, Aa or above by Moody’s Investors Service or its successor, or AA or above by Fitch Ratings or its successor; or

11) Repurchase agreements with financial institutions rated AA or above by Standard & Poor’s or its successor, Aa or above by Moody’s Investors Service or its successor, or AA or above by Fitch Ratings or its successor with a minimum of 102% over collateralization.

b) Where money pool funds of a utility are commingled with funds of one or more affiliates under an approved money pool agreement, interest income and other investment income earned on the pool of funds shall be allocated to the participants that provided funds for the money pool in proportion to the aggregate balance of the pool of funds that each such participant contributed.

Section 340.60 Required Filings and Procedures

a) This Section does not apply to small utilities.

b) All filings required by this Section shall be signed and verified under oath by an executive officer having knowledge of the facts and filed with the Office of the Chief Clerk of the Commission in duplicate with a copy provided to the Manager of the Finance Department. Each filing shall state on its face the Docket number of the proceeding authorizing the utility’s participation in the money pool agreement.
c) Documentation of transactions. Utilities are required to file a quarterly report documenting all daily deposits, borrowings, interest income, and interest expense relating to transactions with affiliates. The first report shall be filed within 30 days after the end of the applicable calendar or fiscal quarter in which the order authorizing the agreement is entered or 60 days after the effective date of this Part for filings made pursuant to an agreement entered into before the effective date of this Part. Thereafter, reports shall be filed covering the transactions during each successive calendar or fiscal quarter, each report to be filed within 30 days after the end of each quarter. Such written documentation shall include the following:

1) Utilities subject to the requirements of Section 340.30 shall provide the daily balances of loans outstanding from an affiliate to the utility for each day of the calendar or fiscal quarter.

2) Utilities subject to the requirements of Section 340.40 shall provide:

   A) The daily net balances of transactions that increase the loan balances;

   B) The daily net balances of transactions that decrease the loan balances;

   C) Total accrued interest for the applicable quarter;

   D) The applicable interest rate for each day of the quarter;

   E) The maturity date of each loan and any renewal dates;

   F) The qualification of affiliates to borrow from a utility pursuant to Section 340.40(b);

   G) For borrowers meeting the requirements of Section 340.40(b)(2) or (b)(5), the report shall provide detailed statements documenting the unused amount of the borrower’s or its guarantors’ high-grade committed credit facility, the amount of funds invested in the securities described in Sections 340.50(a)(1) and (2), the balance of funds invested in each of the investments available under Section 340.50(a), exclusive of the amount invested in the securities described in Sections 340.50(a)(1) and (2), and the total
amount the utility loaned to affiliates as of the end of the applicable quarter; and

H) For borrowers meeting the requirements of Section 340.40(b)(1), (b)(3) or (b)(4), the report shall provide the credit ratings of the applicable affiliates.

d) The utility shall file a report listing all of the affiliates with which it can participate in the money pool agreement. An update of the report shall be filed as a part of the quarterly report described in subsection (b). An additional update shall be filed within ten days after an affiliate that has a direct borrowing relationship with the utility is added to the money pool agreement. The updated reports shall contain a list of all companies involved and indicate which companies have been added and the date those companies entered into the money pool agreement.

e) Any credit rating downgrades to any affiliate that has a direct borrowing relationship with the utility by a credit ratings agency, which results in such affiliate no longer being a high-grade credit issuer, shall be reported to the utility and the Manager of the Commission’s Finance Department within ten days after any such downgrade. Each filing shall state on its face the Docket number of the proceeding authorizing the utility’s participation in the money pool agreement.

f) Confidential treatment of filings made pursuant to this Section.

1) For filings made pursuant to a proceeding authorizing the utility’s participation in the money pool agreement in which the petition was filed after the effective date of this Part, the filing entity shall include in its petition a request for confidential treatment for any documents for which it desires confidential treatment after the filing of the documents.

2) For filings made pursuant to a money pool agreement entered into before the effective date of this Part, a filing utility seeking confidential treatment of these documents shall file a petition pursuant to 83 Ill. Adm. Code 200.
DEPARTMENT OF CORRECTIONS

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1) **Heading of the Part:** County Jail Standards

2) **Code Citation:** 20 Ill. Adm. Code 701

3) **Section Numbers:**
   - 701.5 Amend
   - 701.10 Amend
   - 701.40 Amend
   - 701.60 Amend
   - 701.70 Amend
   - 701.80 Amend
   - 701.90 Amend

4) **Statutory Authority:** Implementing and authorized by Section 3-15-2 and 3-15-3 of the Unified Code of Corrections [730 ILCS 5/3-15-2 and 5/3-15-3].

5) **A Complete Description of the Subjects and Issues Involved:** In accordance with Public Act 92-469, the proposed amendments address mental health issues in an effort to ensure adequate and humane care of individuals who are mentally ill or developmentally disabled in county jails. Input was solicited from a committee comprised of the Illinois Sheriffs Association, sheriffs, mental health professionals, and Department of Corrections officials. Based on their input, the standards have been updated and clarified. Additionally 701.80 was clarified to ensure that architectural plans meet the Department of Corrections' standards.

6) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other proposed rulemakings pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand any State mandate.

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

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Beth Kiel, Policy and Directive Unit
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
Phone: (217) 522-2666 ext. 6511

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small principalities 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

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agenda because: The need for this rulemaking was not anticipated at the time the agenda was published.

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

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER f: COUNTY STANDARDS

PART 701
COUNTY JAIL STANDARDS

Section
701.5 Definitions
701.10 Administration
701.20 Personnel
701.30 Records
701.40 Admission Procedures
701.50 Orientation
701.60 Release Procedures
701.70 Classification and Separation
701.80 Housing
701.90 Medical and Mental Health Care
701.100 Clothing, Personal Hygiene, Grooming
701.110 Food Services
701.120 Sanitation
701.130 Supervision
701.140 Security
701.150 Safety
701.160 Discipline
701.170 Employment of Detainees
701.180 Mail Procedures
701.190 Telephone
701.200 Visiting
701.210 Social Service Programs
701.220 Education
701.230 Library
701.240 Religious Services
701.250 Commissary
701.260 Recreation and Leisure Time
701.270 Juvenile Detention
701.280 Temporary Detention Standards
701.290 Standards for Detention of Youths Prosecuted Under the Criminal Code of 1961

AUTHORITY: Implementing and authorized by Section 3-15-2 and 3-15-3 of the Unified Code
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of Corrections [730 ILCS 5/3-15-2 and 5/3-15-3].


Section 701.5 Definitions

"Department" means the Illinois Department of Corrections.

"Jail and Detention Standards Unit" means the unit within the Division of Support Services of the Department of Corrections that is authorized to monitor compliance with the County Jail Standards.

"Mental Health Professionals" means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, an individual who has a master's degree in social work and clinical training, or an individual with a bachelor's degree and five years supervised experience in mental health or human services who functions under the direction of a licensed clinical professional.

"Unit" means the Jail and Detention Standards Unit.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.10 Administration

a) Staff Training

1) All full-time jail officers shall be trained as provided by the Police Training Act [50 ILCS 705/8.1]. All personnel assigned jail duties shall be made familiar with these standards. Such training shall include first aid, CPR, and identification of signs and management of detainees with a mental illness or a developmental disability, identification of signs and management of mentally impaired detainees and first aid and CPR training.
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2) Jail officers and other personnel assigned to jail duty must be trained in security measures and handling special incidents such as assaults, disturbances, fires, natural disasters, evacuation procedures, escapes, emergency medical response, communications, crime scene protection, and suicide prevention.

3) Jail officers and other personnel assigned to jail duty shall be trained annually by mental health professionals on suicide prevention and mental health issues.

4) Written documentation of staff training shall be maintained.

b) Written Procedures

A current written manual of policies and regulations for the operation of the jail shall be established by the jail administrator and furnished to each employee. Written procedures for fires, riots, escapes, hostage situations, major disturbances, use of chemical agents, medical emergencies including suicide prevention and crisis intervention, bomb threats, severe weather, and natural disasters shall be a part of this manual.

c) Post Description

Comprehensive duty descriptions for each jail operational position shall be in writing and furnished to each employee performing the function.

d) Records

The sheriff or jail administrator shall assure that all records required by law or this Part are maintained and available for examination by staff of the Jail and Detention Standards Unit.

e) Discrimination and Harassment

The jail administrator shall prohibit unlawful discrimination and harassment of employees, detainees, and any other persons within the jail on the basis of race, gender, age, religion, national origin, and disability, among other matters.

f) A code of conduct shall be established which defines behavioral and ethical standards and shall be provided in writing to all staff, volunteers, and contractual
employees.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.40 Admission Procedures

a) Posting of Rights

A Notice of Rights, available from the Jail and Detention Standards Unit, and jail rules and regulations shall be conspicuously posted in all receiving rooms and in common areas to provide maximum accessibility to detainees.

b) Frisk Search

Detainees shall be given an immediate frisk search.

c) Legal Confinement Authority

The jail officer accepting persons for confinement must determine that each is being confined under proper legal authority.

d) Identity

1) The identity of the person being admitted must be verified as the person named in the commitment documents. Documents must become a part of the detainee's record.

2) Each detainee must be photographed and fingerprinted and these records shall be maintained in accordance with the Criminal Identification Act [20 ILCS 2630/5] and the Juvenile Court Act of 1987 [705 ILCS 405].

e) Injuries

Any seriously injured, seriously ill, or unconscious person must not be admitted to the jail until a medical examination has been conducted by a licensed physician, except when a properly staffed medical facility staffed by a physician or physician's assistant is a part of the jail.

f) Strip Search
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1) A strip search shall be performed in an area that ensures privacy and dignity of the individual. The individual shall not be exposed to the view of others who are not specifically involved in the process.

2) Strip searches shall be conducted by a person of the same sex.

3) All personal clothing shall be carefully searched for contraband.

4) The probing of body cavities may not be done except where there is reasonable suspicion of contraband. Intrusive searches may only be conducted:

   A) By a medically trained person who is not a detainee, for example, a physician, physician's assistant, registered nurse, licensed practical nurse, or paramedic; and

   B) In a private location under sanitary conditions.

g) Personal Property

1) Each item of personal property taken from the detainee shall be listed and described in the presence of the detainee.

2) A receipt shall be issued which shall include the signatures of the admitting officer and the detainee. The original receipt shall be filed in the detainee's personal record file and the duplicate shall be given to the detainee.

3) All personal property of the detainee shall be securely stored until the detainee is released, discharged, or transferred or the detainee approves, in writing, the release of such property to a designated person or its disposal. The jail shall have a policy for the disposal of abandoned property.

4) Personal property released to a third party must have the detainee's authorizing signature and a signature of the receiving individual.

h) Telephone Calls

1) Detained persons shall be permitted to make a reasonable number of completed telephone calls, both local and long distance, to an attorney of
their choice and to a family member. Such calls should be afforded to the detainee as soon as practicable, generally within one hour after arrival.

2) The expense for making a telephone call, if any, shall be borne by the detainee or the individual called.

3) When a family member is not available, a friend may be called.

4) The date and time of telephone calls made during the admission process shall be recorded.

i) Physical and Mental Health Assessments

1) The admitting officer shall observe the detainee for any obvious injuries or illnesses requiring immediate emergency medical care, rashes, unusual cough, high temperature, body pests, and general mental status. The officer shall determine by questioning whether the detainee:

   A) Has any medical condition that requires medical attention, such as dependence on drugs or alcohol, diabetes, epilepsy, allergies, asthma, heart condition, etc.;

   B) Has any mental health or developmental disabilities; had past treatment for mental disorders;

   C) Has any suicidal tendencies as determined by the use of an approved screening instrument or history of medical illness;

   D) Is on medication; and

   E) If female, is pregnant.

2) Mental health screenings shall include either an assessment by a mental health professional or an examination using an approved instrument for assessing mental health.

3) When a detainee shows signs of or reports unusual physical or mental distress, he or she shall be referred to health care personnel as soon as possible.
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A) Detainees exhibiting psychiatric symptoms such as acute psychotic features, mood disturbances, or detainees who have a known psychiatric history shall be evaluated by a mental health professional.

B) Mental health professionals shall place detainees exhibiting suicidal behavior or ideations in an appropriate level of care that ensures their safety and stability.

j) Medication

1) Any medication in the possession of a detainee at admission shall be withheld until verification of its proper use is obtained and documented. This verification shall be made as soon as possible, but within the time interval specified for administration of the medication on the prescription container.

2) Medications shall be administered as prescribed and procedures shall be in place for the emergency involuntary or voluntary administration of medications including psychotropic medications.

k) Booking and Personal Record Information

1) A record or records for each detainee shall be established at the time of admission and shall be maintained throughout the period of confinement. Expungement of booking and personal record information shall be made in accordance with Section 5 of the Criminal Identification Act [20 ILCS 2630/5].

2) Such record shall include:

A) The detainee's name and social security number.

B) Aliases and nicknames used by the detainee.

C) The detainee's address.

D) Marital status of the detainee.

E) The detainee's age and date of birth.
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F) The name of the person to notify in case of an emergency, including the individual's address and telephone number.

G) Physical description and characteristic marks of the detainee.

H) The detainee's occupation.

I) Education level attained by the detainee.

J) The detainee's religion or religious preference.

K) The holding offense.

L) The date and time of admission and authority to detain.

M) The name and title of officers presenting and receiving the detainee.

N) The name and telephone number of the detainee's attorney.

O) Previous arrest record and convictions of the detainee.

P) The medical record of:

i) The detainee's health and physical condition: at the time of admission; during confinement, including treatment and medication administered; and at the time of discharge; and

ii) The detainee's medical and hospitalization insurance carrier and policy numbers.

Q) Itemized record of the detainee's cash and other valuables, expenditures, and receipts while in custody.

R) The dates of temporary absences from the jail, the authority to be absent, and the destination.

S) A record of visitor's names and the dates of visits.
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T) A record of detainee misconduct and subsequent discipline administered.

U) The case disposition, judge, and court.

l) Lice and Other Body Pests

Treatment, directed by the facility physician, shall be initiated immediately when body pests are detected.

m) Showers

All detainees must shower or bathe when admitted.

n) Cell Assignment

1) The detainee shall be assigned to suitable quarters.

2) Jail staff shall be responsible for cell assignment and shall consider, among other matters:

   A) The status of a new detainee, for example, pre or post-trial detention, etc.;

   B) The detainee's sex, health, age, type of offense charged, and prior record if known;

   C) Whether there are any accomplices or material witnesses already within the jail from whom the detainee should be separated; and

   D) Classification and separation criteria outlined in Section 701.70.

o) Items of Issue

1) Detainees shall be issued clean bedding, a towel, necessary clothing, and soap.

   A) Bedding shall consist of at least a mattress cover, flame retardant mattress, and covering appropriate to the season of the year.
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B) The towel shall be made of cloth and be bath size.

2) Detainees shall be permitted to purchase a toothbrush and dentifrice from the commissary unless furnished by the jail staff. If the detainee is without funds in his or her possession, he or she shall be issued such items by jail staff.

3) Detainees shall be held accountable for all jail property issued to them.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.60 Release Procedures

a) Identification

1) Positive detainee identification shall be made by the releasing officer before discharge, transfer, or release is effected.

2) When a detainee is discharged or is released to the custody of another, a record shall be made of the date, time, and the authority.

b) Physical Inspection

Prior to final release or discharge, each detainee shall receive a physical inspection by a person of the same sex, where possible, and a record shall be made of any wounds or injuries.

c) Contraband

Detainees being discharged, released, or transferred shall be searched by a person of the same sex to prevent detainees from taking property that which does not belong to them or other contraband as defined in Section 31A-1.1 of the Criminal Code of 1961 [720 ILCS 5/31A-1.1].

d) Personal Property

All personal property and funds inventoried at the time of admission or added during the period of confinement and not transferred to a third party or expended during confinement, other than those legally confiscated, shall be returned to the detainee upon release.
1) Items shall be carefully inventoried, or otherwise accounted for, with the releasing officer and the detainee signing the inventory form.

2) A copy of the itemized and signed receipt shall be maintained by the jail as a permanent record.

3) Personal property of the detainee being transferred to another facility shall be inventoried and items to be transferred with the detainee shall be documented and turned over to the transporting officer in the presence of the detainee. Personal property allowed by the receiving facility shall be transferred with the detainee. Items not transferred shall be disposed of by the transferring facility in accordance with its procedures, for example, having a relative pick up items, mailing items to a person designated by the detainee.

e) Discharge of Mentally Ill Detainees

1) When a mentally ill detainee is released, he or she shall be given a listing of community mental health resource addresses and telephone numbers and provided with the opportunity to receive a copy of the jail's mental health, medical, and medication records.

2) Linkage and after care may include a referral to a mental health provider, a prescription for medications, or a 2 week supply of prescribed medications.

f) Transfers to Illinois Department of Corrections

Pursuant to Sections 3-8-1, 3-10-1 and 5-4-1 of the Unified Code of Corrections [730 ILCS 5/3-8-1, 3-10-1, and 5-4-1] and Section 5-33 of the Juvenile Court Act [705 ILCS 405/5-33], when a detainee is delivered to the custody of the Department, the following information must be included with the items delivered:

1) The mittimus or judgement order which must include the offender's name, indictment or petition number, sentence or disposition, offense, judge's name and signature, date of sentence, any court findings concerning offender status (such as, Habitual Juvenile Offender, Violent Juvenile Offender, Guilty but Mentally Ill, Sex Offender, or Truth in Sentencing), dates for time served and, where applicable, whether the sentences are to
be served concurrently or consecutively. In the case of a youth committed as a delinquent, a certified copy of the court order appointing the Juvenile Division legal custodian is also required.

2) Any statement by the court on the basis for imposing the sentence.

3) Any presentence reports.

4) The number of days, if any, which the detainee has been in custody and for which he or she is entitled to credit against the sentence. Certification of jail credit time shall include any time served in the custody of the Illinois Department of Mental Health and Developmental Disabilities, and time served while on probation or periodic imprisonment.

5) A record of the committed person's time and his or her behavior and conduct while in custody of the county. Any action on the part of the committed person, including but not limited to an escape attempt, participation in a riot, assault, battery, intimidation, sexual behavior, arson, or suicide attempt which might affect security status and a record of medical treatment, if any, should be included in the record.

6) State's attorney's statement of facts. If the statement is unavailable at the time of delivery, the statement shall be transmitted within ten days of receipt by the clerk of the court.

7) Any medical or mental health records or summaries.

8) Name of municipality where the arrest of the detainee and the commission of the offense occurred, if such municipality has a population of more than 25,000 persons.

9) All additional matters which the court directs the clerk to transmit.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.70 Classification and Separation

a) Classification Information

Each facility shall have written guidelines for the classification of detainees
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that which specify criteria and procedures for determining and changing the status, assignment, or security of a detainee. To determine each detainee's degree of security, housing, programs, and assignments, the following items of information, to the extent available, shall be considered, among other matters:

1) Sex.
2) Age.
3) Offense.
4) Status; that is, pretrial, awaiting sentence, or sentenced.
5) Past criminal history, including known prior institutional history.
6) Probation or parole status.
7) Medical condition and treatment needs.
8) Mental and emotional condition and needs.
9) History of substance abuse.
10) Homosexuality.
11) Academic and vocational needs.
12) Special services and program needs.
13) Detainee's attitudes regarding him or herself and his or her future.
14) Gang activity.
15) Physical size and stature.

b) Separation by Category

1) Sex

Male and female detainees, supervised under both the direct and indirect
supervision options (see Section 701.130), must be housed separately by sight and sound.

2) Age

Juvenile and adult detainees, supervised under both the direct and indirect supervision options, must be housed separately by sight and sound.

3) Witnesses

Persons being detained as witnesses, supervised under both the direct and indirect supervision options, shall be separated from detainees charged with an offense.

4) Non-criminal

A) Non-criminal offenders such as traffic violators, nonsupport cases, and persons charged with civil contempt who are supervised under the direct supervision option shall be kept separate by cell or detention room from persons charged with criminal offenses.

B) When possible, non-criminal offenders such as traffic violators, non-support cases, and persons charged with civil contempt who are supervised under the indirect supervision option shall be kept separate by detention room cluster or cell block from persons charged with criminal offenses.

C) When possible, misdemeanants and felons should be housed separately, except where the detainee's prior history warrants similar housing.

5) Charged and Convicted Offenders

A) Charged offenders who are supervised under the direct supervision option shall be separated from convicted offenders by cell or detention room.

B) Charged offenders who are supervised under the indirect supervision option shall be separated from convicted offenders by detention room cluster or cell block.
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6) Mentally Ill, Developmentally Disabled, or Emotionally Disturbed or Impaired

A) Detainees who are mentally ill, developmentally disabled, and emotionally disturbed or impaired shall be housed or tiered and maintained under supervision as recommended by a mental health professional.

B) Action shall be taken to transfer detainees who have been determined by mental health professionals to be severely mentally ill, developmentally disabled, or emotionally disturbed to an appropriate facility. Suspected disturbed or impaired persons shall be immediately examined by a mental health professional, and action shall be taken to transfer them to an appropriate facility. A mental health professional means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has a master's degree in social work and clinical training.

c) Classification Review

Review of the committed person's security and assignment classification shall be conducted periodically, but at least every 60 days.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.80 Housing

a) Cell and Detention Room Space

1) At least 50 square feet of floor space shall be provided in each cell with a minimum ceiling height of eight feet.

2) At least 64 square feet of floor space shall be provided for each detention room with a minimum ceiling height of eight feet.

3) With regard to existing facilities, the Department of Corrections will not initiate legal action against a county if the only physical noncompliance relates to square footage of the individual cell or detention room.
b) Cell or Detention Room Occupancy

All existing cells and detention rooms should be designated for a maximum of double occupancy (two inmates per cell or detention room).

c) Cell or Detention Room Equipment

Each cell or room shall be equipped with:

1) A rigidly constructed metal bed, with a solid or perforated metal bottom, securely anchored to the floor or wall or a concrete sleeping surface; a flame-retardant mattress with no inner springs; staph-check mattress covering; and bed covers suitable to the season. A sleeping surface constructed of concrete may only be used if the construction design is approved in advance by the Department of Corrections. In determining whether to approve design of concrete beds, the Department will consider, among other matters, the architectural design, whether the concrete is solid, whether beds would be constructed in a manner which would not affect heating of the cell, whether the height and measurements are similar to a standard jail bed, and whether the location of the bed would restrict detainee movement.

2) A washbasin with piped hot and cold water.

3) A prison type toilet.

4) Illumination sufficient to assure comfortable reading at desk level (at least 20 foot-candles illumination at a height of three feet above the floor). Light fixtures shall be tamper proof.

d) Dormitory Space

1) A dormitory is defined as a multiple occupancy room designed to hold more than two inmates who are screened prior to admission for suitability to group living.

2) Floor space for dormitories shall be determined by the number of detainees each individual dormitory is designated to house.

A) At least 50 square feet of floor space shall be provided per
e) Dormitory Occupancy

1) The measures outlined in Section 701.70 (Classification, Separation, Segregation) shall be followed prior to placement in a dormitory.

2) Dormitories are to be utilized exclusively for persons who are suitable for group living. It is suggested that the most likely candidates for dormitory style living are work releasees, weekenders, trusties, and sentenced misdemeanants (after intensive screening).

f) Dormitory Room Equipment

Each dormitory shall be equipped with:

1) A bed for each detainee made of rigidly constructed metal, with a solid or perforated metal bottom; the bed shall be securely anchored to the floor or wall.

2) A washbasin with piped hot and cold water for every eight occupants. A supply of disposable drinking cups shall be provided if the washbasin is not drinking fountain equipped.

3) A prison type toilet for every eight occupants.

4) A shower with piped hot and cold water for every eight occupants.

5) Illumination sufficient to assure comfortable reading at desk level (at least 20 foot-candles at a height of three feet above the floor). Light fixtures shall be tamper proof.

6) Securely anchored metal tables as well as chairs or benches. Tables and chairs do not have to be securely anchored in direct supervision units provided that alternatives would not affect the safety and security of the facility or individuals. Adequate seating shall be provided for detainees.
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   g) Accessibility

   Cells or detention rooms shall conform to current building and accessibility codes. This standard is waived for existing structures.

   h) Day Room

   Day rooms provide a place for meals to be eaten outside individual cells or detention rooms and for other approved activities.

   1) For existing structures, a day room area containing no less than 35 square feet must be provided in conjunction with each cell block or detention room cluster. For new structures or major renovations of existing cell blocks or detention room clusters, a day room area containing no less than 35 square feet per cell or detention room must be provided in conjunction with each cell block or detention room cluster.

   2) Each day room shall be equipped with securely anchored metal tables as well as chairs or benches. Tables and chairs do not have to be securely anchored in direct supervision units provided that alternatives would not affect the safety and security of the facility or individuals. Adequate seating shall be provided for detainees.

   i) Showers

   Showers shall be provided in each cell block area.

   j) Mirror

   Cells and detention rooms shall contain a metal mirror anchored securely to the wall.

   k) Ventilation

   Detention areas shall be comfortably heated and cooled according to the season with a system designed to eliminate disagreeable odors and to routinely provide temperatures within the normal comfort zone.

   l) Compliance
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1) All requirements of a physical nature shall be complied with by the jails. However, if the Department of Corrections has previously given written approval for final architectural plans for new construction or remodeling, new standards of a physical nature will not be enforced.

2) Those noncompliances relating to physical conditions which adversely affect the treatment of detainees with respect to their health and safety may be considered for further action under the provisions of Section 3-15-2(b) of the Unified Code of Corrections [730 ILCS 5/3-15-2(b)].

m) Variances

1) Variances connected with physical requirements may be granted by the Director of the Department of Corrections for existing facilities for a specific period of time. Variance expiration dates will be determined at the time granted. Variance requests of an administrative nature will not be granted. In determining whether to grant a variance, the Department will consider, among other factors, the nature of the standard, previous noncompliance, the cost, the population, the alternative means of complying with the intent of the standard, the length of time requested for the variance, the consequences if the variance is not granted, and the safety and security of the facility or individuals.

2) The variance request must be in writing, signed by the sheriff, and pertain to a specific standard. The request must describe the reasons for the variance; the period of time for the variance; any hardship the facility might experience by complying with the standard; plans to be implemented to eventually comply with the particular standard; and a statement that the variance would not adversely affect the health and safety of detainees or security of the jail.

3) The approval or denial of a variance request will be returned by letter to the requesting governmental agency.

4) The Director of the Department of Corrections, at his or her discretion, may grant a renewal of the variance provided documentation is received from the governing body that indicates a good faith effort on its part to effect necessary actions to comply with the standard in question.

n) Architectural Plans
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New construction and remodeling plans of detention facilities must be submitted to the Department for review and approval to ensure the physical plant conforms to the Department's construction standards.

1) The architect's preliminary drawings and final plans and specifications shall be submitted.

2) Plans showing the proposed building location must be submitted to the Illinois Department of Natural Resources, to determine compliance with the Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706) and Construction Activities in Special Flood Hazard Areas (Executive Order 79-4, effective June 1, 1979).

3) Subsections (c)(1), (3), and (4), subsection (f)(6), and subsection (h)(2) of this Section may be waived for those facilities exercising the Direct Supervision Option, as described in Section 701.70(e), provided that alternatives would not affect the safety and security of the facility or individuals.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 701.90  Medical and Mental Health Care

a) Medical and Mental Health Services

All jails shall provide a competent medical authority to ensure that the following documented medical and mental health services are available:

1) Collection and diagnosis of complaints.

2) Treatment of ailments.

3) Prescription of medications and special diets.

4) Arrangements for hospitalization.

5) Liaison with community medical facilities and resources.

6) Environmental health inspections.
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7) Supervision of special treatment programs, as for alcohol and other drug dependent detainees.

8) Administration of medications.

9) Maintenance and confidentiality of accurate medical and mental health records.

10) Maintenance of detailed records of medical supplies, particularly of narcotics, barbiturates, amphetamines, and other dangerous drugs.

b) Physician, Mental Health, and Dental Services

1) A medical doctor shall be available to attend the medical and mental health needs of detainees. Arrangements shall be made for provision of emergency dental care as determined necessary by a dentist or a medical physician.

A) Arrangements shall be made for provisions of emergency dental care as determined necessary by a dentist or a physician.

B) Professional mental health services may be secured through linkage agreements with local and regional providers or independent contracts. Linkage agreements and credentials of independent contractors shall be documented.

2) General medical physician services may be provided by:

A) Staff physicians;

B) Contractual services; or

C) A nearby hospital.

c) Admission Examination

1) All persons admitted to confinement shall undergo a physical assessment as prescribed in Section 701.40(i).
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2) Newly admitted persons suspected of having any type of communicable disease shall be isolated and an immediate referral shall be made to the jail physician for possible transfer to a medical facility unless the admitting facility can safely and effectively segregate and maintain a medically prescribed course of treatment.

3) All detainees confined shall be given a medical screening by a medical doctor, a registered nurse, a licensed practical nurse, or a physician assistant within 14 days after confinement and as required by a medical doctor thereafter.

d) Sick Call

1) A schedule shall be established for daily sick call.

2) The names of those detainees reporting to sick call shall be recorded in the medical log.

3) Detainees with emergency complaints shall receive attention as quickly as possible, regardless of the sick call schedule.

4) Non-medical jail staff may issue any form of over-the-counter medication, providing the attending physician gives prior written approval to the facility for such issue and the issue is made at the request of the detainee.

e) Written Record or Log

A written record shall be maintained, as part of the detainee's personal file, of all treatment and medication prescribed, including the date and hour such treatment and medication is administered. A written record shall be maintained of over-the-counter medication, for example, aspirin, cough medicine, etc., issued by jail staff. A written record shall be kept of all detainee's special diets.

f) Medical Security

1) Security of medical supplies shall be maintained at all times. Drugs, including over-the-counter medication, and other abusable medical supplies shall be secured and accessible only to designated staff.

2) When a physician or other medical personnel attends patients at the
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facility, a jail officer shall be present to maintain order, prevent theft of medication, equipment, or supplies, and to assure an orderly process.

3) Detainees shall receive one dose of medication at a time and shall be required to ingest medication in the presence of a medical staff member or jail officer.

4) Detainees shall not be assigned to work with or have access to medical supplies, patients, records, or medications.

g) First Aid Training

At least one member of the jail staff on each shift shall have completed a recognized course of first aid training, including cardiopulmonary resuscitation (CPR).

h) Mental Health Training

Annually, mental health professionals shall provide training to all jail officers and other personnel assigned to jail duty on suicide prevention and mental health issues.

1) Suicide prevention training shall include the nature and symptoms of suicide; the specifics of identification of suicidal individuals through the recognition of verbal and behavioral cues, situational stressors, evaluation of detainee coping skills, and other signs of potential risk; monitoring; evaluation; stabilization; and referral of suicidal individuals.

2) Mental health training shall include the nature of mental illness; symptoms; specifics of identification of mentally ill individuals through the recognition of verbal and behavioral cues symptoms of mental illness, situational stressors, evaluation of detainee coping skills, and other signs of potential risk; monitoring; evaluation; stabilization; and referral of the mentally ill detainee.

i) First Aid Supplies

Those facilities not having a dispensary shall maintain a stock of first aid supplies for the treatment of cuts, bruises, sprains, and other minor injuries.
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1) Supplied air to a room should be a continuous and constant volume. Variable air volume devices should be locked open. Air flow should be measured and balanced to original building specifications. The air supplied must be a minimum of six air changes per hour.

2) Air returns shall be permanently sealed.

3) All air from the room shall be exhausted to the exterior of the building. Exhaust air volume in a room must always be greater than the supplied air volume. Several rooms may be exhausted from one exhaust fan.

A) Where feasible, the exhaust fan outlet at the exterior of the building shall be situated to prevent room air from being discharged near inhabited areas, building air intakes, and exterior zones of stagnant or trapped air.

B) Where the above is not feasible, room air should be directly exhausted through a high efficiency particulate air (HEPA) filtration system. If a HEPA system is utilized, the system shall be installed and filters shall be replaced as recommended by the system manufacturer.

4) An air pressure switch or sail switch should be placed in the exhaust air duct. This switch should illuminate a red light at an occupied station when air flow in the duct is disrupted. A sign should be placed next to the red light instructing individuals to call the maintenance department immediately when the red light is illuminated. Facilities using a window exhaust fan or through wall unit shall install a similar indicator light showing loss of power.

5) A differential air pressure gauge should be used to monitor each isolation room. The gauge has two ports. The gauge shall be piped per the manufacturer's instructions. One port shall be piped to the isolation room. The other shall be piped to the hallway outside that room. The gauges shall be placed in a location where they are convenient to read, but are
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also protected from vandalism and damage. They may require a cover or other protective device. The staff shall be responsible for monitoring these gauges to ensure differential pressure is being maintained.

6) Operable windows must be closed permanently or made inoperable.

7) The corridor door to the isolation room must have a door closer installed. The corridor door must not be allowed to remain in the open position when the room is occupied.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Certification

2) **Code Citation:** 23 Ill. Adm. Code 25

3) **Section Numbers:** | **Proposed Action:**
--- | ---
25.11 | Amendment
25.20 | Amendment
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25.850 Amendment
25.900 Amendment
25.920 Amendment
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25. Appendix C Amendment
25. Appendix D Repeal
25. Appendix E New Section

4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6

5) A Complete Description of the Subjects and Issues Involved: This rulemaking encompasses a number of aspects of certification policy. Salient among these are the proposed new requirements for issuing and endorsing teaching certificates. These reflect a new structure of endorsements; the need for endorsements to be congruent with the requirements for highly qualified teachers under federal legislation; and the transition to a standards-based system of credentials. Comparable updates and clarifications are being made in the portions of the rules that describe requirements for the school service personnel certificate and the administrative certificate. New Section 25.365 (Director of Special Education) does not represent new policy; it contains material that is being
moved from its current location in Part 29 of the State Board’s rules (Standards for Administrative Certification) for organization reasons.

The proposed amendments also respond to three pieces of legislation enacted in 2003.

- P.A. 93-112 established requirements for speech-language pathologists to receive the school service personnel certificate. These are reflected in new Section 25.252.

- P.A. 93-125 liberalized the previous requirement that school counselors hold or be qualified to hold a teaching certificate. An individual may now qualify as a school counselor either by holding teaching qualifications or by meeting “such other requirements as the State Board of Education and the State Teacher Certification Board may by rule establish”. Provisions for non-teacher candidates are found in new Sections 25.225 and 25.227.

- P.A. 93-332 discusses the acceptance of life experience as part of the qualifications for paraprofessionals. Section 25.510 responds to this new Act as well as delineating requirements for paraprofessionals in programs affected by federal Title I. Material regarding the use of other noncertificated individuals is reorganized.

In addition, several technical and procedural changes are being made in the rules for accreditation of educational units and approval of higher education programs that prepare educators; numerous outdated rules are being repealed. The rules for the Illinois Teaching Excellence Program are being amended to deal with cases of insufficient appropriation. A new Section 25.464 is being added to account for districts’ inability to fill vacant positions with fully qualified staff. Potential conflicts of interest in procedures for certificate renewal are addressed. Finally, several clarifications are made in the requirements for moving from the initial to the standard certificate.

6) Will these proposed amendments replace emergency amendments currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No
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10) **Statement of Statewide Policy Objective:** This rulemaking will not create or enlarge a state mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may be submitted within 60 days after the publication of this notice to:

   Sally Vogl  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street  
   Springfield, Illinois 62777  
   (217) 782-5270

   Comments may also be submitted via e-mail, addressed to:

   rules@isbe.net

12) **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

13) **Regulatory Agenda on which this rulemaking was summarized:** July 2003

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 b: PERSONNEL

PART 25
CERTIFICATION

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APPENDIX B Certificates Available Effective February 15, 2000
APPENDIX C Exchange of Certificates
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APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

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SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments
prior to February 15, 2000, shall continue to be acceptable for those assignments, unless Section 25.100(k) of this Part applies.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States, unless a candidate elects to receive an initial certificate to afford himself or herself time to complete the requirements of Subpart K of this Part.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years’ teaching experience on a valid certificate and may either count his or her teaching time outside Illinois or elect to wait until he or she has accumulated four years' teaching on the Illinois initial certificate.

3) Certificates will be endorsed in accordance with the provisions of Section 25.425 of this Part according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part, or in Section 25.22, 25.32, 25.42, or 25.82 of this Part, as applicable.

d) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.
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1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examinations required at that time and meeting all other requirements then in force for that certificate. However, if an individual assumes employment on an administrative or school service personnel certificate before completing four years of teaching, the twelve-year period shall toll (i.e., the twelve-year "clock" shall be stopped) during that period of employment.

3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate. No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (d)(3).

4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.

e) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.35 of this Part. Once an individual has received a standard teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool−age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.

f) "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.
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g) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

h) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

i) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards (NBPTS) shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate. The State Board shall make available the list of NBPTS certifications for which Illinois master credentials are available and shall update that list as the NBPTS expands its areas of certification.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 25.20  Requirements for the Elementary Certificate

This Section is replaced by Section 25.22 of this Part.

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the elementary certificate (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
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b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in
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23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)


a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the elementary certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code [105 ILCS 5/21-2a]) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed 32 semester hours in elementary education or a major in the field, as identified by the accredited institution on the individual’s official transcript.

c) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience except as may be required under Section 25.37 of this Part.

d) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience except as may be required under Section 25.37 of this Part.
Section 25.30 Requirements for the Secondary Certificate

This Section is replaced by Section 25.32 of this Part.

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the secondary certificate (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Educational psychology, including human growth and development 2

B) Methods and techniques of teaching on the secondary level or in a teaching field 2

C) History and/or philosophy of education 2

D) Coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the
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learning disabled (Section 21-2a of the School Code [105 ILCS 5/21-2a])

E) Pre-student teaching clinical experiences equivalent to 100 clock hours

F) Student teaching (grades 6-12) 5

G) Electives to total 16 semester hours 5

b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required.

e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject-matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the secondary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Amended at 28 Ill. Reg. _____, effective ____________)


a) Each applicant shall either:
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1) have completed an approved Illinois teacher preparation program for the secondary certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching field experience except as may be required under Section 25.37 of this Part.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience except as may be required under Section 25.37 of this Part.

d) A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual’s official transcript, shall be required.

e) Each applicant shall be required to pass the tests required for the certificate as specified in Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective ____________)

Section 25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies
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The provisions of this Section shall apply until replaced by Section 25.37 of this Part when an individual who already holds one or more Illinois teaching certificates wishes to receive an additional certificate pursuant to Section 21-11.2 of the School Code.

a) The applicant shall submit to the State Board of Education, through the office of a regional superintendent of schools:

1) a completed application form;

2) an official transcript of any college credits not already on file with the Certification Board;

3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and

4) the application fee required by Section 21-12 of the School Code.

b) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:

1) compare the applicant's deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part) or that addresses the content area, as applicable; and

2) advise the applicant as to the coursework needed to remedy the deficiency.

c) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the applicable tests in keeping with Sections 25.427 and 25.720 of this Part.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.37 Acquisition of Subsequent Teaching Certificates (2004)
The provisions of this Section shall apply when an individual who already holds one or more Illinois early childhood, elementary, secondary, or special teaching certificates wishes to receive an additional teaching certificate of one of those types pursuant to Section 21-11.2 of the School Code.

a) The candidate shall submit his or her official transcripts and evidence of teaching experience to an Illinois institution of higher education operating a program approved pursuant to Subpart C of this Part that prepares candidates for the certificate sought.

b) The institution may, at its discretion, compare the coursework and clinical experiences already completed by the applicant to the standards for the certificate sought and, based on this comparison, may identify for the candidate a “focused program” consisting of coursework and experiences that he or she must complete in order to meet those standards.

1) In formulating such a program, the institution shall ensure that the candidate has broad and deep knowledge of the subject matter, develops the knowledge and skills that are needed to work with students in the age and grade ranges encompassed by the certificate sought, and is knowledgeable about pedagogical approaches that are suitable for that age group.

2) The institution may revise an individual’s focused program to include additional or fewer components as it may deem appropriate based upon the results of internal performance assessments that form part of the unit assessment system (see Section 25.140 of this Part) or other assessments that are directly related to the standards for the certificate sought.

3) An institution that uniformly requires all candidates seeking subsequent teaching certificates or subsequent teaching certificates of a particular type under this Section to complete certain coursework or field experiences, or to complete a full program without acknowledgment of prior courses or experiences, shall publish and make available a written statement to this effect, describing those requirements.

c) A candidate who completes a focused program shall be considered as having completed the institution’s approved program for the certificate sought and shall be eligible to be recommended for certification by entitlement, signifying that the candidate has met all applicable standards.
Section 25.40  Requirements for the Special Certificate

This Section is replaced by Section 25.42 of this Part.

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the special certificate (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a special or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Educational Psychology, including Human Growth and Development

B) Methods and Techniques of Teaching in the area of specialization

C) History and/or Philosophy of Education

D) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of Specialization

E) Coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code)
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[105 ILCS 5/21-2a])

F) Student Teaching in Area of Specialization and at the grade level of the certificate

G) Electives to Total 16 Semester Hours (may include additional coursework in the areas enumerated in this subsection (a)(3) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials)

b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required.

e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the special certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.42 Requirements for the Special Certificate (2004)

a) Each applicant shall either:
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1) have completed an approved Illinois teacher preparation program for the special certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a special or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching field experience except as may be required under Section 25.37 of this Part.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience except as may be required under Section 25.37 of this Part.

d) A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual’s official transcript, shall be required.

e) Each applicant shall be required to pass the tests required for the certificate as specified in Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective _____________)

Section 25.80 Requirements for the Early Childhood Certificate
This Section is replaced by Section 25.82 of this Part.

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the early childhood certificate (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Child growth and development with emphasis on the young child 3

B) History and philosophy of early childhood education 3

C) Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child’s understanding of art, music, literature, reading instruction, mathematics, natural and social science 4

D) Methods of teaching reading, with emphasis on the young child 2

E) Techniques and methodologies of teaching language arts, mathematics, science and social studies at the primary level 4
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level

F) The development and acquisition of language in young children 2

G) Child, family and community relationships 3

H) Coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code)

I) Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students

J) Student teaching 5

K) Electives in professional education 3

b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the early childhood certificate, which shall be based upon the standards set forth in 23 Ill.
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Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 25.82 Requirements for the Early Childhood Certificate (2004)

a) Each applicant shall either:

1) have completed an approved Illinois teacher preparation program for the early childhood certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching field experience except as may be required under Section 25.37 of this Part.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience except as may be required under Section 25.37 of this Part.

d) Each applicant shall have completed 32 semester hours in early childhood education or a major in the field, as identified by the accredited institution on the individual’s official transcript.
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e) Each applicant shall be required to pass the tests required for the certificate as specified in Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. ______, effective ____________)

Section 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

(Repealed)

a) Principles and Definitions 1) No one college course may be counted in full toward more than one teaching area. The credit for a course may be divided between two or more areas. 2) An area or subject in which teachers are not commonly provided regular employment in public high schools of Illinois will be accepted as a teaching area (either major or minor) if it can be shown by the applicant to be taught as a subject in at least one Illinois public high school. The term "applicant" means either the individual who is seeking a certificate or the institution which may be recommending him. 3) A major for teacher certification purposes consists of at least 32 semester hours and must prepare the individual to teach at least one of the subjects included in the major. If the current requirements of the State Board of Education do not mention the subject, then the requirements for a similar area will be applied. 4) A minor for teacher certification purposes must prepare the individual to teach at least one of the subjects included in the field. If the current requirements of the State Board of Education do not mention the subject, then the requirements for a similar area will be applied. 5) One major and one minor, or three minors, as defined in this statement, are required for an Illinois High School Certificate. 6) The following teaching areas: language arts, biological sciences, physical sciences, social science, physical education, and foreign language, or their subdivisions, may be used to meet both the major or minor requirements for a certificate. Credit applicable for a major or minor cannot be counted for both. b) Teaching Fields A teaching minor shall be defined as a university-sanctioned major or minor provided that neither shall be less than 24 semester hours. This in no way conflicts with the current major field requirement for certification of 32 semester hours. This definition of subject area is contingent upon resuming the practice of endorsing subject fields on certificates and coordinating Recognition and Supervision requirements for teaching area preparation with certification standards. 1) A Language Arts major, composed of 26 semester hours and 6 semester hours in Rhetoric and/or Composition, must have 16 semester hour minors (with one exception)* in: A) Speech B) Journalism C) Dramatics *D) English (20 semester hours) Language Arts must serve as a 16 semester hour minor with one of the
above subjects, (b)(1)(A) through (D), as a major of at least 32 semester hours. A Speech major or minor must include courses in Dramatics. A Dramatics major or minor must include courses in Speech. Any Rhetoric and/or Composition course not counted for the major must be counted for the minor. 2) A Biological Science major, composed of 32 semester hours, must have 16-semester-hour minors in: A)Botany B)Zoology C)Physiology D)Biology Biological Science must serve as a 16-semester-hour minor with one of the above subjects, (b)(2)(A) through (D), as a major of at least 32 semester hours. 3) A Physical Science major, composed of 32-semester-hour majors, must have 16-semester-hour minors in: A)Astronomy B)Chemistry C)Physics D)Geology E)Physical Geography Physical Science must serve as a 16-semester-hour minor with one of the above subjects, (b)(3)(A) through (E), as a major of at least 32 semester hours. 4) A Social Science major, composed of 32 semester hours, must have 16-semester-hour minors in: A)History B)Economics C)Political Science D)Sociology E)Political Geography Social Science must serve as a 16-semester-hour minor with one of the above subjects, (b)(4)(A) through (E), as a major of at least 32 semester hours. 5) A Physical Education major, composed of 32 semester hours, must have 16-semester-hour minors in: A)Health B)Safety and Driver Education C)Recreation D)Dance Physical Education must serve as a 16-semester-hour minor with one of the above subjects, (b)(5)(A) through (D), as a major of at least 32 semester hours. 6) A Foreign Language major, composed of 32 semester hours in one language, must have a 20-semester-hour minor in a different Foreign Language. One semester hour must be allowed for each unit of high school Foreign Language not to exceed four semester hours. If such credit is accepted by an institution of higher learning, and is noted on the official transcript, the amount of credit accepted by the institution will be accepted for teacher certification. Such credit must be in the same Foreign Language as used for a major and/or minor. 7) Minors: A) 16-Semester-Hour Minors i) Library Science ii) Safety and Driver Education B) 20-Semester-Hour Minors i) Art ii) Business Education iii) Foreign Language (subject to subsection (b)(6) of this Section) iv) Health Education v) Instructional Materials vi) Mathematics* vii) Music viii) Physical Education ix) Psychology *One semester hour may be allowed for each unit of high school Mathematics not to exceed four semester hours. If such credit is accepted by an institution of higher learning, and is noted on the official transcript, the amount of credit accepted by the institution will be accepted for teacher certification. C) 24-Semester-Hour Minors i) Agriculture ii) English, Speech, Dramatics, or Journalism (including 6 semester hours in Rhetoric and/or Composition) if used with a major not classified as English Language Arts iii) Family and Consumer Sciences iv) Industrial Technology Education v) Biological Science, Botany, Zoology and Physiology if used with a major not classified as Biological Science vi) Physical Science, Astronomy, Chemistry, Geology, Physical Geography, and Physics if used with a major not classified as Physical Science vii) Social Science, History, Economics, Geography, Political Science, and Sociology if used with a major not classified as Social Science viii) General
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Science including at least 8 semester hours Physical and 8 semester hours Biological

e) Definition of "Professional Courses" The department in which a course is offered in a
given institution shall not be the determining factor in deciding whether the course is a
professional education course. The question is whether this course is commonly offered
by other departments, schools or colleges of education.

(Source: Repealed at 28 Ill. Reg. _____, effective ____________)

Section 25.99 Endorsing Teaching Certificates

This Section is replaced by Section 25.100 of this Part. Elementary and secondary teaching
certificates will be endorsed with the subject areas a person is qualified to teach upon
demonstration that the coursework presented for examination meets the requirements set forth in
23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition
and Supervision).

a) Coursework presented for endorsement shall be counted toward a specific subject
qualification if the course content meets the standards established for the subject
as listed in Subpart G of 23 Ill. Adm. Code 1.

b) Coursework presented for endorsement will be counted in each subject area to
which it applies.

c) Applicants for certificates presenting a 32 semester hour major field of
specialization, for which qualifications are not specified in Subpart G of 23 Ill.
Adm. Code 1, shall have the certificate endorsed with that major field of
specialization.

d) Applicants for certification who have completed approved programs or who
qualify for certification by transcript evaluation shall be evaluated for all
endorsement areas and issued a certificate with all endorsements for which they
qualify in accordance with subsections (a) and (b) of this Section.

e) Individuals seeking to endorse previously issued certificates or obtain additional
endorsements may apply for such endorsements, on forms provided by the State
Board of Education, in accordance with the provisions of Section 21-12 of the
School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional
Superintendent of Schools and accompanied by a $30 nonrefundable fee
made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Applicants may remove their deficiencies and qualify for endorsements on their original fee, provided that they qualify within one year after the date of the deficiency statement. Subsequent requests for the same endorsement(s) shall be accompanied with another fee.

f) An individual who chooses to "split" a special or special preschool - age 21 certificate and receive both an elementary and a secondary certificate instead, as provided in Section 21-4 of the School Code [105 ILCS 5/21-4] and Appendix C to this Part, may qualify for endorsement in "self-contained general education" on the elementary certificate by presenting evidence of having completed the coursework described in 23 Ill. Adm. Code 1.710 (Minimum Requirements for Elementary Teachers). Such an individual shall also be required to pass the subject matter knowledge test for elementary education and, if he or she has not already passed the test of basic skills and received a certificate based on it, that test as well.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.100  Endorsing Teaching Certificates (2004)

Beginning July 1, 2004, the structure of endorsements available on Illinois certificates will be changed. Appendix E to this Part provides a list of the endorsements that will become available at that time, other than the endorsements in special education that are the subject of federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al. Appendix E shows for each new endorsement the related endorsements that were previously issued and will be discontinued or replaced.

a) Subject-area “designations” shall be required in conjunction with some endorsements, as shown in Appendix E to this Part. Except in the case of foreign language, a certificate-holder shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the designation or designations received in conjunction with that endorsement. However, a
certificate-holder may teach only first-year courses in a subject for which he or she does not hold the specific designation. For example, a secondary science teacher with a biology designation may teach only first-year physics or chemistry. Advanced Placement courses shall be considered advanced. They may not be treated as first-year courses and shall require the relevant designations.

b) Endorsement(s) at Time of Issuance

Pursuant to Section 21-1b of the School Code [105 ILCS 5/21-1b], all certificates initially issued under this Article…shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach.

1) For each application for certification received on or before September 30, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for any additional subject in which the candidate completed the required coursework.

2) Except as provided in subsection (g) of this Section, for each application received on or after October 1, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for:

   A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual’s official transcript, and been recommended for the endorsement by an institution that operates an approved program in the content area; and

   B) any additional area in which the individual has passed the applicable content-area test and presents verification by an institution with an approved program in the content area indicating that the individual has completed at least 24 semester hours of college coursework offered by that institution that addressed the content-area standards applicable to the endorsement and included pedagogy relevant to the content area; and
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C) any additional area in which the individual has passed the applicable content-area test and presents evidence of having accumulated 32 semester hours of college credit along with course descriptions demonstrating that, taken together, the coursework completed addressed the breadth and depth of the applicable content-area standards; and

D) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section; and

E) any additional area in which the applicant has met the requirements of Section 25.425(a) of this Part.

3) An individual who passes a test of subject matter knowledge prior to July 1, 2004, and applies for the related certificate no later than five years after the date on which the test was taken shall receive an endorsement valid only for the specific subjects covered under the prior system, unless the institution that offered the program completed by the candidate certifies to the State Board of Education that the candidate completed a program that met the applicable standards set forth at 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields). (An endorsement under the new structure will be issued to an individual who either passes the applicable new content-area test or completes a program based upon the applicable standards for the content area.)

e) Pursuant to Section 21-4 of the School Code [105 ILCS 5/21-4], an individual who is eligible to receive a special certificate may elect to receive both an elementary and a secondary certificate, each endorsed as the special or special preschool – age 21 certificate would have been endorsed. An individual who elects to hold a special certificate may add endorsements to it by submitting an application pursuant to Section 21-12 of the School Code and demonstrating that he or she has met the applicable requirements of subsection (f)(3) of this Section.

d) Endorsements issued under the system used prior to July 1, 2004, shall continue to be valid only for the specific subjects covered. An individual who wishes to teach other subjects in the same field shall be required to apply for the relevant new endorsement in keeping with Section 21-12 of the School Code and meet the applicable requirements of this Section.
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e) Each endorsement or designation indicated by an asterisk in Appendix E to this Part has no corresponding content-area test. The provisions of this subsection (e) shall apply to the issuance of these endorsements and designations.

1) For an applicant who is receiving an Illinois teaching certificate, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular designation.

2) An applicant prepared out of state, or an applicant who is already certified in Illinois and is seeking to add a new endorsement or designation in one of these subjects, other than an endorsement in safety and driver education, shall:

   A) present verification from an institution with an approved teacher preparation program that he or she is prepared in the area covered by the endorsement or designation sought; or

   B) present evidence of completion of nine semester hours of coursework in the area covered by the endorsement or designation sought; or

   C) present evidence of at least one year’s teaching experience on a valid certificate in the area covered by the endorsement or designation sought.

3) An applicant prepared out of state or an applicant who is already certified in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth at 23 Ill. Adm. Code 1.730(q).

f) Addition of Endorsements to Previously Issued Certificates

Individuals seeking to endorse previously issued certificates shall apply for such endorsements, using a format specified by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].
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1) An applicant who qualifies for an endorsement shall receive a new copy of the original certificate with the endorsement and date of the endorsement affixed.

2) For applications received through September 30, 2004, deficiency statements shall be issued when an applicant does not qualify for the requested endorsements and shall be honored by the State Board of Education for a period of one year from the date of issue. Applicants will receive the endorsements if they remove the identified deficiencies within one year after the date of the deficiency statement. Subsequent applications for the same endorsements shall be accompanied by another fee and shall be subject to any new requirements.

3) Except as provided in subjections (g), (h), (i), and (j) of this Section, for applications received on or after October 1, 2004, an endorsement will be issued to each applicant who:

A) has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual’s official transcript, and has been recommended for the endorsement by an institution that operates an approved program in the content area; or

B) has passed the applicable content-area test and presents verification by an institution with an approved program in the content area indicating that the individual has completed at least 24 semester hours of college coursework offered by that institution that addressed the content-area standards applicable to the endorsement and included pedagogy relevant to the content area; or

C) has passed the applicable content-area test and presents evidence of having accumulated 32 semester hours of college credit along with course descriptions demonstrating that, taken together, the coursework completed addressed the range of the applicable content-area standards; or

D) has met the applicable requirements of subsection (e) of this Section.
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**g)** Special provisions shall apply to the addition of endorsements in self-contained general education. An individual who holds a secondary, special K-12, or special preschool – age 21 certificate, or an individual who holds an elementary certificate endorsed in some other field by virtue of having “split” a special or special preschool – age 21 certificate, may qualify for the endorsement in self-contained general education on that certificate only by completing an approved program for the elementary certificate in accordance with Section 25.37 of this Part and passing the elementary/middle grades test. Since fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement, an individual with a secondary certificate may choose whether to receive the elementary certificate or to add the endorsement to his or her existing certificate, thereby restricting his or her capacity for assignment to the grade levels encompassed by that certificate.

**h)** Special provisions shall apply to the issuance of endorsements in the sciences and social sciences.

1) An individual seeking to add an endorsement and a designation in either of these fields who does not already hold that endorsement with one of its other available designations shall be required to complete an approved program incorporating a major in the content area and to pass the applicable content-area test. (For this purpose only, an individual who holds a science or social science endorsement issued under the system in effect prior to July 1, 2004, shall be treated as holding the new endorsement with one of its available designations.)

2) The requirement stated in subsection (h)(1) of this Section shall apply not only when a certificate is originally issued but also when an individual seeks to add his or her first endorsement in one of these fields.

3) An individual may receive a subsequent designation in the same field if he or she has:

   A) passed the applicable content-area test; or

   B) completed a major in the content area of the designation.

4) An individual who completes his or her preparation program on or before June 30, 2005, shall have the option of receiving an endorsement in the sciences or social sciences under the structure that was in effect prior to
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July 1, 2004, by meeting the coursework requirements for that endorsement as they were then in effect, provided that he or she applies for the endorsement on or before June 30, 2005. An endorsement received under this subsection (h)(4) shall be valid only for the specific subjects covered under the earlier system.

i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists.

1) Reading Teacher

The reading teacher’s endorsement shall require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this endorsement when he or she presents evidence of having completed the required teaching experience and:

A) having completed a major in reading in a program that is approved for reading teacher or reading specialist pursuant to Subpart C of this Part and includes a practicum (see subsection (i)(3) of this Section); and having passed the applicable content-area test; or

B) having completed 18 semester hours of college coursework prior to July 1, 2005, or 24 semester hours beginning July 1, 2005, including a practicum, at an institution that offers an approved reading teacher’s or reading specialist’s program and verifies that the courses completed addressed the content-area standards set forth at 23 Ill. Adm. Code 27.110 and/or 27.120 and included relevant pedagogy; and having passed the applicable content-area test; or

C) having completed 24 semester hours of college coursework in reading prior to July 1, 2005, or 32 semester hours beginning July 1, 2005, including a practicum, that, taken together, addressed the range of the applicable content-area standards, as documented by course descriptions; and having passed the applicable content-area test.

2) Reading Specialist
The reading specialist’s endorsement shall require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this endorsement when he or she presents evidence of having completed the required teaching experience and:

A) having completed a K-12 reading specialist’s program approved pursuant to Subpart C of this Part that includes a practicum (see subsection (i)(3) of this Section) and leads to the issuance of a master’s or higher degree;

B) having been recommended for the endorsement by the institution offering the program; and

C) having passed the content-area test for reading specialist.

3) Practicum

The practicum required pursuant to this subsection (i) shall conform to the definition in Section 25.610 of this Part and shall be required to occur after the individual’s passage of the content-area test for reading teacher or reading specialist, as applicable.

4) An individual who meets the requirements of this subsection (i) shall receive a special K-12 certificate with an endorsement for reading teacher or reading specialist, as applicable.

i) Special provisions shall apply to the addition of endorsements and designations in foreign languages.

1) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual’s official transcript, and has been recommended for the endorsement by an institution that operates an approved foreign language program.

2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has passed the applicable content-area test and presents verification by an institution with an
approved foreign language program indicating that the individual has completed 20 semester hours of college coursework offered by that institution in the language that addressed the content-area standards applicable to foreign language and included pedagogy relevant to the teaching of foreign language. The 20 semester hours may be calculated by including semester hours of study that were waived by the institution offering the coursework based on the individual’s prior learning, provided that the individual presents verification issued by the institution to this effect (i.e., a statement on the official transcript or a letter signed by the certification officer identifying the number of hours involved).

3) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has passed the applicable content-area test and presents evidence of having accumulated 32 semester hours of college credit along with course descriptions demonstrating that, taken together, the coursework completed addressed the range of the content-area standards for foreign language.

4) Sections 25.85 and 25.86 set forth additional provisions for certification in foreign languages under specified circumstances.

k) Each individual who is first assigned to teach a particular subject on or after July 1, 2004, based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1, Subpart G, but who has not met the requirements of this Section for an endorsement in that subject area shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester.

(Source: Added at 28 Ill. Reg. ______, effective ____________)

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

Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs

In order for an Illinois institution of higher education to offer one or more programs that prepare professional educators, that institution must be recognized, and the educational unit responsible
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for such program(s) must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Specific preparation programs offered by recognized institutions must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board. When authorized by the State Superintendent, written materials required pursuant to this Subpart C may be submitted in electronic form.

a) An institution shall be recognized if it:

1) is approved as a degree-granting institution by the Illinois Board of Higher Education, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];

2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and

3) conducts or proposes to conduct at least one approved program that will prepare professional educators.

b) An educational unit shall be accredited if the institution meets the standards enumerated in "Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education" (2002), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).

c) A preparation program shall be approved if it meets the applicable content standards established by the State Board of Education and the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or 23 Ill. Adm. Code 29.100 (Illinois Professional School Leader Standards), as applicable, except as provided in Section 25.135 of this Part. Each institution shall make available to its students a list of the courses within each of its approved programs that the institution recommends as the coursework that should be completed for an additional endorsement as provided in Section 25.100(f)(3)(B) of this Part.

d) The accreditation of an educational unit and the approval of its programs shall be subject to review every five years until completion of its first review in light of the standards incorporated by subsection (b) of this Section. Accreditation
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Review shall be conducted as provided in Sections 25.125 and 25.127 of this Part and decisions regarding continued accreditation and approval shall be made as provided in those Sections, except as provided in Section 25.130, 25.135, or 25.136 of this Part. Once an institution has completed an Accreditation Review under the standards referenced in subsection (b) of this Section and fulfilled any requirements imposed under Section 25.125(j) of this Part, its Accreditation Reviews shall be scheduled at seven-year intervals.

e) Each between October 1 and November 30 of each year, each accredited educational unit shall annually submit to the State Superintendent of Education, in a format defined by the State Superintendent and according to a timeline announced at least six months in advance:

1) An annual report that describes any significant changes in the unit or its program(s), updates any information previously provided as needed, and provides other information requested by the State Superintendent of Education; and/or documents how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as not met or met with areas of weakness; and

2) As relevant to the institution, a report on all programs provided by the institution that have been approved as an alternate route to certification under Section 25.67 of this Part; and

3) Institutional data that describe the results of unit and program assessments and the actions taken or planned to address identified areas of concern.

f) If relevant to the institution, the report required under subsection (e) of this Section shall include a description of how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as "not met" or "met with areas of weakness". However, for institutions that have been assigned "Continuing Accreditation with Conditions" or "Probation", this description shall not be required in those years in which the institution is required to submit a special report or is subject to a focused or full visit as discussed in Section 25.127 of this Part. The State Teacher Certification Board shall be notified at its February meeting of any institution that has failed to submit a report.
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required by subsection (e) of this Section.

No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers' pass rates on the examinations required for initial certification pursuant to this Part and other information required by Title II of the Higher Education Act [20 USCA 1027]. Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, guidance counselors, and prospective employers of the institution's program completers.

(Source: Amended at 28 Ill. Reg. _______, effective __________)

Section 25.125  Accreditation Review of the Educational Unit

The requirements of this Section shall apply to Accreditation Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall occur between March 1 and May 31 and between September 1 and November 30 and shall be scheduled for the mutual convenience of the affected institution and the review team.

a) No later than February 1 (for a spring review) or September 1 (for a fall review) of the year before the year when its Accreditation Review will be held, the institution shall submit to the State Superintendent of Education five copies of each of the two reports specified in this subsection (a). However, in the case of an institution that is also seeking initial accreditation from NCATE, these reports shall be submitted six months earlier than otherwise required by this subsection (a).

1) The institution shall submit a report providing an overview of the unit's conceptual frameworks(s), which shall include a description of each framework, its development, and any changes that have been made since the institution's previous Accreditation Review. The discussion of the framework(s) shall address each of the "structural elements" found in the standards referred to in Section 25.115(b) of this Part.

2) The institution shall submit a composite report describing how the unit's teacher preparation programs address the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and how the unit's preparation programs for school administrators address the Illinois Professional School Leader Standards set forth at 23 Ill. Adm. Code
b) A panel established by the State Superintendent shall review the overview of the unit's conceptual framework(s) no more than 30 days after the overview is submitted. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its conceptual framework(s) is adequate or that certain structural elements were not adequately addressed and will undergo additional scrutiny by the review team during the visit described in subsection (e) of this Section.

c) No later than 60 days before its review visit, the institution shall submit to the State Superintendent the number of copies specified in light of the review team's size, and to NCATE (if applicable) the number of copies required by NCATE, of a report presented in a format prescribed by the State Board of Education and incorporating:

1) an overview of the institution;

2) an overview of the unit's conceptual framework(s);

3) evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part; and

4) evidence that it is meeting the standards established by the State Board of Education (see 23 Ill. Adm. Code 24, Standards for All Illinois Teachers, and 23 Ill. Adm. Code 29, Standards for Administrative Certification, as applicable).

d) A review team shall be empanelled to conduct an on-site review to verify the information provided by the institution as required by subsection (c) of this Section. The review team shall be constituted as provided in subsection (d)(1) or (d)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.

1) Institutions Seeking State Accreditation Only

From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review and shall appoint the team's chair. A staff member of the State Board of Education shall serve as a consultant to
ensure that applicable standards, procedures, rules, and statutes are addressed.

2) Institutions Also Seeking to Achieve or Retain NCATE Accreditation

From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall select members to serve on a joint review team with representatives of NCATE's Board of Examiners to conduct the on-site review. The review team shall be co-chaired by a member appointed by the State Superintendent and a member of NCATE's Board of Examiners. A staff member of the State Board of Education shall serve as a consultant to ensure that applicable standards, procedures, rules, and statutes are addressed.

e) The review team shall visit the institution and verify the degree to which the educational unit and its programs meet the standards referred to in Section 25.115(b) of this Part.

f) The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual framework(s), summarizing data on the performance of candidates and graduates, and taking into account the recommendations arising from the review of program reports as outlined in Section 25.127 of this Part. This draft report shall be provided to the institution within 30 business days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair or co-chairs shall review the institution's suggested revisions and make appropriate corrections in consultation with the State Board staff member who is serving pursuant to subsection (d) of this Section. The final report shall be submitted to the institution within 30 days after the State Board's receipt of the institution's suggested corrections.

g) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings that meets the following requirements:

1) The rejoinder must indicate the grounds for disagreement with one or more of the team's findings and include documentation to support the institution's position.

2) All documentation must describe conditions that existed at the time of the
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on-site review. (Changes made by the unit after the visit will not be considered.)

3) All documentation must relate directly to the standards and procedures that applied at the time of the on-site visit.

h) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, a response to that rejoinder provided by the team's chair or co-chairs, and the results of the review of the program report(s), as well as any other relevant documentation that was available to the review team.

i) After consideration of the information submitted pursuant to subsection (h) of this Section, the Certification Board shall convey to the State Board of Education a recommendation regarding the accreditation of the educational unit as appropriate to the circumstances, in keeping with the provisions of subsection (j) of this Section. The Certification Board shall also convey recommendations regarding approval of the unit's individual programs (see Section 25.127 of this Part).

j) The possible outcomes of Accreditation Review shall align with those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.

1) If the educational unit has met all the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education continue the accreditation of the educational unit (which may include the identification of areas of weakness), thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement.

2) If the educational unit has failed to meet one or more of the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with conditions, thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement. An institution to which accreditation with conditions has been assigned shall, within 30 days after receipt of the State Board's decision, provide
written notification to the candidates enrolled in the unit's programs to this effect.

A) If the State Teacher Certification Board believes that the unit can make adjustments so as to satisfy the conditions expressed within six months, the Board shall recommend that the State Board of Education request submission of documentation that addresses the unmet standard(s) as well as any other weaknesses within that time. However, the affected unit may choose to undergo a focused visit pursuant to subsections (j)(2)(C) and (D) of this Section instead.

B) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet standard(s) and any additional area(s) of weakness within two years after the semester when the conditions were issued.

C) If documentation is submitted pursuant to subsection (j)(2)(A) of this Section, the State Board of Education shall either continue the institution's accreditation, if the conditions expressed have been satisfied, or require a focused visit addressing the unmet standard(s) and any additional area(s) of weakness, which shall occur within one year after the semester in which the documentation was submitted. i) Each focused visit shall be conducted by a team established by the State Superintendent of Education and trained in the review process. ii) The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied. iii) After reviewing the team's report, the State Teacher Certification Board shall recommend that the State Board of Education continue or revoke the unit's accreditation.

C) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet standard(s) and any additional area(s) of weakness within two years after the semester when the
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conditions were issued.

D) Each focused visit shall be conducted by a team established by the State Superintendent of Education and trained in the review process. The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied.

E) After reviewing the team's report, the State Teacher Certification Board shall recommend that the State Board of Education continue or revoke the unit's accreditation.

F) A unit to which continued accreditation is granted as a result of a six-month report or a focused visit shall next be due for Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).

3) If the educational unit has failed to meet one or more of the applicable standards and exhibits weaknesses that may limit its candidates' ability to meet the standards for certification, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with probation. An institution to which accreditation with probation has been assigned shall, within 30 days after receipt of the State Board's decision, provide written notification to the candidates enrolled in the unit's programs to this effect. If accreditation with probation is assigned, the unit must schedule an on-site visit within two years after the semester in which the decision was rendered. As part of this visit, the unit must address all the standards in effect at the time of the review that resulted in probation.

A) An on-site review required pursuant to this subsection (j)(3) shall be subject to the requirements of subsections (a) through (g) of this Section.

B) Following the on-site review, the State Teacher Certification Board shall review the team's report and, based on its assessment of the degree to which the unit has achieved compliance with the applicable standards, shall recommend to the State Board of Education that it either continue or revoke the institution's recognition and the educational unit's accreditation.
A unit whose accreditation has been continued pursuant to this subsection (j)(3) shall next be subject to Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).

The provisions of subsection (j) of this Section notwithstanding, an institution not accredited by NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE's initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Accreditation Review, an Accreditation Review shall be conducted as described in this Section, and the schedule for subsequent Accreditation Reviews shall be altered accordingly.)

Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Revocation of recognition and accreditation shall be subject to the provisions of Section 25.165(b) of this Part.

If NCATE requires a focused visit and the State Board Education does not, a State Board staff member shall serve as a non-voting observer during the on-site review and report to the State Teacher Certification Board and the State Board of Education as appropriate.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.127  Review of Individual Programs

a) No later than February 1 (for a spring review) or September 15 (for a fall review) of the year before the year when its Accreditation Review will be held, the institution shall submit five copies of either a full or an interim report for each of its programs, including any alternative program established pursuant to Section 21-5b, 21-5c, or 21-5d of the School Code. These reports shall be submitted either to the State Superintendent or to NCATE, as provided in subsection (e) of this Section.

1) A full report is due for a program if:

A) a report for the program has never been reviewed before as part of the State program approval process;
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B) the program was not reviewed by a content-area review panel in the course of the institution's immediately preceding Accreditation Review;

C) the program's content has been altered or changes have been made in the way in which the program addresses the relevant content-area standards established by the State Board of Education;

D) the data reported by the institution on its recent institutional report cards required pursuant to Title II of the Higher Education Act reveal declining levels of performance by the institution's candidates; or

E) the content standards for the program have been changed and the change was effective no fewer than 18 months prior to the date for the Accreditation Review.

2) An interim report is due for a program if the program was found to meet the applicable standards as part of the institution's most recent Accreditation Review.

b) Each full program report shall be submitted in a format prescribed by the State Board of Education and shall contain:

1) an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program and a description of how they relate to the conceptual framework(s) of the educational unit;

2) a description of the course of study, including field experiences, student teaching, and internships for candidates;

3) a description of how the program meets either:

A) the applicable content-area standards established by the State Board of Education, or

B) the national standards applied by the relevant specialty professional association, if the report is to be reviewed by such an association pursuant to subsection (d) of this Section;
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4) a description of the assessment system used to evaluate candidates in relation to applicable standards at the time of entry into the program, prior to beginning field experience, at the conclusion of student teaching, and upon program completion, as well as a summary of assessment results that includes all the following that are available and an explanation of any element not available:

A) candidates' results on the certification tests required pursuant to this Part,

B) data on the performance of program completers in the first year of teaching practice,

C) results of assessments of candidates' student teaching or internships, and

D) any other data that support the institution's analysis of its candidates' teaching knowledge, skill, and performance;

5) the program's faculty and its organizational location within the professional education unit; and

6) the number of program completers over the most recent three years.

c) Each interim report shall be submitted in a format prescribed by the State Board of Education and shall contain:

1) a description of substantive changes, evaluations, and improvements in the program since the institution's most recent Accreditation Review;

2) a description of how each weakness identified in the most recent program review has been addressed; and

3) data on the performance of candidates and graduates of the program, summarized and cross-referenced to the applicable standards.

d) The State Board of Education shall recognize "Specialized Professional Associations" ("SPAs") that are affiliated with NCATE for purposes of program review in accordance with the provisions of this subsection (d).
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1) Each program conducted by an Illinois institution that is accredited by NCATE will be reviewed by a panel convened under the auspices of the relevant SPA if such a SPA exists and is recognized by the State Board of Education (see subsection (l) of this Section).

2) The State Board of Education shall review the content-area standards of each SPA and determine the degree to which those standards are aligned with the comparable standards established by the State Board. The State Board shall identify any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA and shall require supplementary evidence from the institution regarding these standards (see subsection (f) of this Section).

3) Any other certification program conducted by an institution accredited by NCATE, any addendum to a program report submitted pursuant to subsection (f) of this Section, and each program conducted by an institution not accredited by NCATE will be reviewed by a panel convened by the State Superintendent of Education. The members of each panel shall be chosen from a pool of individuals with expertise in the respective content area and shall have been trained in the program review process.

e) The State Board of Education shall notify each institution no later than two years prior to its scheduled Accreditation Review as to which of its program reports are to be submitted to the State Superintendent and which, if any, are to be directed to NCATE. The State Board of Education will not include in its review of an institution's programs any new program that is approved for operation after the date for submission of the institution's program reports.

f) Each institution shall submit the reports required pursuant to this Section to NCATE if they are to be reviewed by SPAs and to the State Superintendent of Education if they are to be reviewed by a panel convened by the Superintendent.

g) As part of the notification provided under subsection (e) of this Section, the State Board shall identify for each affected institution any applicable Illinois content-area standards that are not addressed by the standards applied by the relevant SPA. For each affected program, the institution shall submit to the State Superintendent a concurrent addendum to the program report, which shall be submitted in a format prescribed by the State Board and shall describe how the program meets the State standards in question.
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h) No later than 30 days after the State Superintendent or NCATE receives a program report, the responsible staff shall notify the affected institution as to whether the report is complete. An institution may provide additional material to complete a program report within 30 days after receiving a notification to the effect that it is incomplete.

i) No later than June 15 (for a spring visit) or February 1 (for a fall visit), each review panel shall submit a preliminary critique for each program reviewed, either to NCATE or to the State Superintendent of Education, as applicable. Each preliminary critique shall indicate any standards the panel believes are not met by a particular program and shall provide the panel's rationale for that determination. Each preliminary critique shall be forwarded to the affected institution no later than June 30 or February 15, as applicable.

j) No later than September 15 or April 15, as applicable, an institution may submit evidence that its program meets the applicable standards, in the form of a response rejoinder to a panel's preliminary critique. Each response rejoinder shall be submitted either to NCATE or to the State Superintendent, as applicable, and shall be forwarded to the responsible panel no later than September 30 or April 30, as applicable.

k) No later than January 15 or September 1, as applicable, each panel shall complete its reconsideration of each affected program and submit a final critique, either to NCATE or to the State Superintendent, as applicable.

l) NCATE and the State Superintendent shall ensure that each final critique is received by the affected institution no later than 60 days prior to the scheduled date of the institution's review visit.

m) Each institution whose programs have been reviewed by a SPA shall provide or make available to the State Board of Education all reports sent by the institution to the SPA and by the SPA to the institution. The State Board shall keep this information as part of the institution's permanent file.

n) An institution may notify the State Superintendent if it does not receive required materials from NCATE or a SPA within the timelines set forth in this Section. The State Board of Education shall withdraw its recognition of any SPA that has failed to comply with the timelines set forth in this Section in more than 20 percent of the reviews it has conducted and fails to supply the State
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Superintendent with evidence that it has sufficient resources available to resume meeting applicable deadlines in time for the next program review cycle.

o) As part of the accreditation process described in Section 25.125 of this Part, the State Teacher Certification Board shall convey to the State Board of Education a recommendation regarding each preparation program offered by the affected educational unit.

1) The Certification Board may recommend approval of programs that meet the applicable content standards; or

2) The Certification Board may recommend provisional approval of programs whose program reports are found to exhibit less than full compliance with the applicable content standards. If provisional approval is granted, staff of the State Board of Education may monitor the program's improvement as deemed necessary until submission of the report called for in subsection (p) of this Section and shall report any significant lack of progress to the State Teacher Certification Board, which may recommend that the State Board of Education require an accelerated submission date for that report.

p) No later than 18 months after provisional approval of a program is granted by the State Board of Education, the institution shall submit to the State Superintendent a revised program report, which shall be reviewed as provided in this Section. Staff of the State Board of Education shall thereupon convey to the State Teacher Certification Board the report of the review panel. After consideration of this report, the Certification Board shall convey its recommendation that the State Board of Education:

1) Continue the approval of the affected program, thereby authorizing the institution to continue offering it; or

2) Revoke the program's approval, thereby prohibiting the institution from continuing to offer it.

q) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of its approval shall be subject to the requirements of Section 25.165(b) of this Part.
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(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.200 Relationship Among Credentials in Subpart D

Each school service personnel certificate held by an individual shall bear only one of the endorsements discussed in this Subpart D. Each of these endorsements requires separate certification.

(Source: Added at 28 Ill. Reg. _____, effective ____________)

Section 25.210 Requirements for the Certification of School Social Workers

This Section is replaced by Section 25.215 of this Part.

a) Effective January 1, 1996, the school social work endorsement will be issued only to persons holding a master's or higher degree in social work, including a minimum of 55 graduate-level semester hours of coursework, supervised field experience, and school social work internship, from a graduate school of social work accredited by the Council on Social Work Education.

b) School social workers must hold a school service personnel certificate based on completion of an approved program that provides consideration across the curriculum to racial, cultural, gender, and ethnic diversity, as well as an examination of the social worker's professional code of ethics.

c) Required Content Areas and Courses

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5) Characteristics of Exceptional Children

6) Social Work Practice in the Public Schools, including:
   A) Interventive Methods with Individuals, Families, and Groups, and consultation with school personnel and the school community
   B) School Laws, Rules, and Regulations, and Public Policy Pertaining to School Social Work Practice
   C) Organizational and Administrative Concepts and Processes Related to Schools

d) Supervised Field Experience

School social workers must complete a supervised field experience comprising a minimum of 400 contact hours that are supervised by a field instructor holding a master's or higher degree in social work.

e) School social workers must complete a school social work internship comprising a minimum of 600 contact hours in a school setting.

1) The internship must be supervised by a field instructor holding a master's or higher degree in social work and a school service personnel certificate endorsed for school social work, or equivalent certification.

2) The internship must provide for the development and demonstration of professional skills, including, but not limited to:

   A) Communication, interviewing, and observation skills
   B) Social Developmental, Adaptive Behavior, and Cultural Background assessments
   C) Effective intervention with culturally diverse populations
   D) Home-School-Community liaison
   E) Application of theory to specific practice modalities –
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Crisis Intervention
Prevention and Early Intervention
Consultation
Collaboration and Participation
Multidisciplinary Team Work
Case Management
Individual, Group, and Family Intervention
Community Resource Development
Advocacy

F) Evaluation of Practice

G) Evaluation of Program

(Source: Amended at 28 Ill. Reg. , effective )


a) Each candidate for the school service personnel certificate endorsed for school social work shall hold a master's degree in social work with a specialization in school social work awarded by a graduate school of social work accredited by the Council on Social Work Education.

b) Each candidate shall have completed an Illinois program approved for the preparation of school social workers pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

c) Each candidate shall have completed both a supervised field experience of at least 400 contact hours, supervised by a field instructor holding a master's or higher degree in social work and a school social work internship of at least 600 contact hours in a school setting.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.140.)

e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.
Section 25.220 Requirements for the Certification of Guidance Personnel

The requirements contained in subsections (a) and (b) of this Section shall remain in force through August 31, 1993. Thereafter, the requirements set forth in subsections (c), (d), and (e) of this Section shall take effect until this Section is replaced by Section 25.225 of this Part.

a) Requirements:

1) Guidance specialists must hold or be qualified for a standard teaching certificate.

2) Guidance specialists must hold a master's degree.

3) Guidance specialists must have completed an approved program in guidance from a recognized college or university consisting of 32 semester hours of coursework. An approved program shall include supervised school-based practicum experience. Coursework should be from the eight areas of competency listed below. Appropriate courses in the areas listed in subsections (A), (B), (C), (D), (E) and (F) below are a minimum requirement. Not more than six semester hours shall be acceptable at the undergraduate level.

A) Principles and techniques of guidance.

B) Appraisal techniques.

C) Human growth and development.

D) Principles and practices in counseling.

E) Occupational, educational, personal and social information.

F) Mental hygiene and/or personality dynamics.

G) Organization of guidance services.

H) Research.
b) All Counselors who presently hold a specialist's certificate would be eligible to obtain a School Service Personnel Certificate with a Guidance Specialist endorsement.

c) Guidance specialists must hold or be qualified for a standard teaching certificate.

d) Guidance specialists must hold a master's degree from a recognized teacher education institution.

e) Guidance specialists must hold a school service personnel certificate based on completion of an approved program in guidance from a recognized college or university, consisting of 39 semester hours of coursework at the graduate level. Courses in all of the following content areas are required, and the required credit hours may be earned through completion of titled courses, seminars, or practica covering the areas described.

1) Human Growth and Development (3 Hours)
   Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory, and learning theory.

2) Social and Cultural Foundations (3 Hours)
   Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. Such disciplines as the behavioral sciences, economics, and political science are involved.

3) The Helping Relationship (6 Hours)
   Includes philosophic bases of helping relationships; counseling theory, supervised practice, and application; consultation theory, supervised practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness and self-understanding.

4) Groups – (3 Hours)
   Includes theory and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills. This area also includes supervised practice.
5) Life Style and Career Development (3 Hours)
Includes such areas as vocational choice theory, relationship between career choice and life style, sources of occupational and educational information, computerized guidance services, financial aid, college admissions, approaches to career decision-making processes, and career development exploration techniques.

6) Appraisal of the Individual (3 Hours)
Includes the development of a framework for understanding the individual, including methods of data-gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences. Ethnic, cultural, and gender-related factors are also considered.

7) Research and Evaluation (3 Hours)
Includes such areas as statistics, research design, and the development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, programs, and demonstration proposals, as well as the development and evaluation of program objectives.

8) Professional Orientation (3 Hours)
Includes goals and objectives of professional organizations, code of ethics, legal considerations, standards of preparation, certification, licensing, and role identity of counselors and other school service personnel.

9) Environmental Studies (6 Hours)
Includes the study of the school environment in which the student is planning to work. This area encompasses history, philosophy, trends, purposes, ethics, legal aspects, standards, and roles within the institution. Issues such as chemical dependency, sexuality, and the effects of single-parent homes and blended families must be covered, as well as the needs of special populations, such as bilingual children or children with physical or mental disabilities.

10) Supervised Experiences (6 Hours)
A) Appropriate supervised experiences provide for the integration and application of knowledge and skills gained in didactic study.
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i) Supervised experiences must take place in settings that are compatible with the career goal of becoming a school counselor.

ii) Supervised experiences must include observation and direct work with individuals and groups within an appropriate work setting.

iii) Supervised experiences must provide opportunities for professional relationships with staff members in the work settings.

B) Supervised experiences must include laboratory, practicum, and internship activities with an appropriate, school-aged population.

C) Laboratory experiences, providing both observation and participation in specific activities, must be offered throughout the preparatory program.

D) At least 3 semester hours must be earned in a supervised counseling practicum providing interaction with individuals and groups of an appropriate, school-aged population. The practicum must include a minimum of 100 clock hours, 40 hours of which must involve direct service work with school-aged children.

E) At least 3 semester hours must be earned in a postpracticum internship that provides an actual on-the-job experience in a school setting. The internship must be a sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in the performance of various aspects of the counseling role and is gradually introduced to the full range of responsibilities associated with that role.

i) The internship shall be waived for an applicant who holds a comparable out-of-state school service personnel certificate and has had two years' experience as a school counselor.

ii) For applicants with less than two years of teaching experience, the internship must include a minimum of 600
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clock hours, 240 hours of which must involve direct service with an appropriate clientele.

iii) For applicants with two or more years of teaching experience, the internship must include a minimum of 300 clock hours, 200 of which must involve direct service contact with an appropriate clientele.

iv) "Appropriate clientele" means school-aged children, parents, teachers, and other parties interested in students' welfare.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)


a) Each applicant for the school service personnel certificate endorsed for school counseling shall hold a master’s degree in school counseling awarded by a regionally accredited institution of higher education.

b) Each applicant shall have completed an Illinois program approved for the preparation of school counselors pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

c) Except as provided in subsection (e) of this Section, each applicant shall have completed a structured and supervised internship that is part of an approved program and entails at least 600 hours and lasts no less than one semester, during which the candidate engaged in the performance of various aspects of the counseling role and was gradually introduced to the full range of responsibilities associated with that role.

d) Except as provided in subsections (e) and (f) of this Section, each applicant shall either:

1) hold or be qualified to hold a teaching certificate; or

2) have completed, as part of an approved program, coursework addressing:
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A) the structure, organization and operation of the educational system, with emphasis on P-12 schools;

B) the growth and development of children and youth, and their implications for counseling in schools;

C) the diversity of Illinois students and the laws and programs that have been designed to meet their unique needs; and

D) effective management of the classroom and the learning process.

e) An applicant who holds another state’s certification in school counseling shall not be subject to the requirements of subsection (c) or subsection (d) of this Section if he or she presents evidence of at least two years’ full-time experience as a school counselor.

f) An applicant who has completed an approved program in another state that includes an internship meeting the requirements of subsection (c) of this Section shall not be subject to the requirements of subsection (d) of this Section.

g) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.110.)

h) An applicant who holds a master’s degree in a field of counseling other than school counseling shall be required to complete the equivalent of all current requirements of an approved school counseling preparation program. The Illinois institution offering the program shall review the individual’s educational background and identify any of the standards set forth at 23 Ill. Adm. Code 23.110 or other applicable requirements of this Section that the individual’s preparation has not addressed. Upon successful completion of the coursework and experiences offered by the institution that address the identified standards, the applicant shall be eligible to be recommended for certification by entitlement.

i) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 27 Ill. Reg. _____, effective ____________ )
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Section 25.227  Interim Certification of School Counselor Interns (2004)

a) An individual who wishes to participate in an internship program described in Section 25.225 of this Part and who does not hold a valid teaching certificate shall obtain interim certification as a school counselor intern. Each applicant for this certification shall either:

1) have completed, as part of an approved program, all the coursework described in Section 25.225(d)(2) of this Part; or

2) hold a master’s degree in a field of counseling other than school counseling and be working toward completion of all requirements necessary for certification as a school counselor as described in Section 25.225(h) of this Part.

b) Each applicant shall be in good health and of sound moral character and shall be a citizen of the United States or be legally present in the United States and possess legal authorization for employment.

c) Each applicant shall submit the required fee along with an application to the State Board of Education and a transcript indicating compliance with subsection (a) of this Section.

d) Interim certification as a school counselor intern shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable.

(Source: Added at 28 Ill. Reg. _____, effective _________)

Section 25.230  Requirements for the Certification of School Psychologists

This Section is replaced by Section 25.235 of this Part.

Educational Requirements:

a) Must have graduated with a master's degree or higher degree in psychology or educational psychology with specialization in school psychology, including a minimum of sixty (60) semester hours of coursework, field experiences, and internship at the graduate level. All academic work listed in subsection (b) of this Section is required and may be met through completion of titled courses, seminars, or practica. The requirements designated by asterisks must be met at
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the graduate level, while completion of the other areas is acceptable at either the graduate or the undergraduate level. Graduate credit may also be earned for academic work in related fields such as special education and educational psychology.

b) Content Areas and Courses

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<td>A) Individual Nondiscriminatory</td>
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Intellectual Assessment*

B) Nondiscriminatory Personality Assessment (Personal/Social/Adaptive Behaviors)*

C) Nondiscriminatory Psychoeducational Assessment*

5) Intervention (from 2 of the following)  6
   A) Behavior Management/Modification
   B) Counseling and/or Psychotherapeutic Methods
   C) Consultation

6) Statistics/Measurement/Research  3
   A) Statistical Methods
   B) Research Methods
   C) Psychological Measurement/Tests and Measurement

7) Field Experiences (must include a minimum of 250 clock hours in a school setting and/or child study center)  2
   Practicum*

8) Internship  4

The internship shall be a full school year in duration and include at least 1200 clock hours under the direction of an intern supervisor as defined in Section 25.610 of this Part.
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c) Must have had at least one year of supervised professional psychological experience with children of school age, preferably in a school setting and under the supervision of an individual qualified as a supervising psychologist.

1) Interpretation of Terms

A) "One year" means a school year as defined by Section 10-19 of the School Code [105 ILCS 5/10-19]. Periods of less than three consecutive months may not be included.

B) "Full time" means full time as defined by the board of education in the system in which the individual is employed but in no case less than twenty-five (25) hours per week.

C) "Supervised experience" means full time work, acquired after the satisfactory completion of all academic requirements except thesis and/or internship for the master's degree or higher degree with school children of all ages, including work with exceptional children under the supervision of a school psychologist or other psychologist who would qualify as a school psychologist and who has had a minimum of three years of experience in the psychological assessment of children of school age.

2) Additional Qualifications Required

A) Proficiency in individual psychological examination of children including educational diagnostic techniques, ability to plan and carry out a diagnosis adequate for each particular case; ability to handle staff conferences, interpret data, and write adequate reports; proficiency in counseling and other functions that may be needed to supplement the psychological assessment of children.

B) Ability and willingness to work according to high standards of competence and comply with the code of ethics of recognized professional associations.

C) Good character, good health, citizen of the United States and at least nineteen (19) years of age, in accordance with Section 21-1 of the School Code [105 ILCS 5/21-1].

a) Each candidate for the school service personnel certificate endorsed for school psychology shall hold a master’s degree in psychology or educational psychology with specialization in school psychology.

b) Except as provided in subsection (c) of this Section, each candidate shall have completed an Illinois program approved for the preparation of school psychologists pursuant to Subpart C of this Part and accredited by the National Association of School Psychologists or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

c) Each candidate shall have completed both a supervised field experience of at least 250 hours in a school setting and/or child study center and an internship of at least 1200 contact hours and lasting a full school year under the direction of an intern supervisor.

d) An applicant who has completed a program in another state that is not accredited by the National Association of School Psychologists shall be required to enroll in an approved school psychology preparation program. The Illinois institution offering the program shall review the individual’s educational background and identify any of the standards set forth at 23 Ill. Adm. Code 23.130 that the individual’s preparation has not addressed. Upon successful completion of the coursework offered by the institution that addresses the identified standards, the applicant shall be eligible to be recommended for certification by entitlement.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.130.)

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.
This Section is replaced by Section 25.245 of this Part.

a) Baccalaureate degree.

b) Licensed as a registered professional nurse in Illinois.

c) A total minimum of 30 undergraduate or graduate semester hours selected from the following list. Starred areas are mandatory.

1) Introduction to Public Health Nursing Theory and Practice*

2) Human Growth and Development*

3) Introduction to Community Health Problems*

4) Educational Psychology*

5) Introductory Sociology*

6) Educational Foundations*

7) The Exceptional Child*

8) Nutrition

9) Communicative Skills

10) Social Case Skills

11) Mental Health

12) School Administration

13) Guidance and Counseling

14) Curriculum Design

15) Health Education
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16) Diversified Occupations – Health Careers

17) Child or Adolescent Psychology

d) One year internship under supervision of a fully qualified school nurse or two years of successful experience as a school nurse prior to effective date of this endorsement.

e) Nurses presently holding a Standard Teacher Nurse Consultant Certificate shall, upon application, be issued a School Service Personnel Certificate with a School Nurse endorsement if they are certified prior to the effective date of this endorsement.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.245 Certification of School Nurses (2004)

a) Each candidate for the school service personnel certificate endorsed for school nursing shall hold a bachelor’s degree in nursing.

b) Each candidate shall be licensed as a registered professional nurse in Illinois pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

c) Each candidate shall have completed an Illinois program approved for the preparation of school nurses pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

d) Each candidate shall have completed either a one-year internship under the supervision of a fully qualified school nurse or two years of successful experience as a school nurse.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.120.)

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.
Section 25.252 Certification of Non-Teaching Speech-Language Pathologists

Certain individuals may qualify for a school service personnel certificate with a non-teaching speech-language pathologist’s endorsement, as provided in Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b].

a) Each applicant shall hold one of the licenses identified in Section 14-1.09b(b)(1) of the School Code [105 ILCS 5/14-1.09b(b)(1)].

b) Each applicant shall hold a master’s or doctoral degree earned through completion of a program that meets the requirements of Section 14-1.09b(b)(2) of the School Code [105 ILCS 5/14-1.09b(b)(2)].

c) Each applicant shall meet the requirements of Section 14-1.09b(3) of the School Code [105 ILCS 5/14-1.09b(3)] by:

1) having completed an Illinois program approved pursuant to Subpart C of this Part that leads to certification as a speech-language pathologist; or

2) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(1) of this Section or holding a comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) having completed an Illinois program of preparation in speech-language pathology that was not approved pursuant to Subpart C of this Part but was offered by a regionally accredited institution (see also subsection (d) of this Section); or

4) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(3) of this Section (see also subsection (d) of this Section).

d) For purposes of subsection (c) of this Section, a comparable out-of-state program is one that leads to qualification as either a teaching or a non-teaching speech-language pathologist, and a comparable out-of-state certificate is one authorizing employment in the public schools in either capacity.
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e) Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed prior to July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an Illinois institution that offers a program of preparation for speech-language pathologists that is approved pursuant to Subpart C of this Part.

1) Professional personnel of the institution familiar with its approved program shall review the evidence submitted by the applicant and may request such additional information as may be needed in order to determine whether he or she has completed:

   A) coursework leading to an understanding of the needs of students with various disabilities and an awareness of appropriate procedures for directing learning; and

   B) a supervised field experience involving diagnostic and therapeutic work with school-aged children leading to an understanding of the specific problems, methods, and procedures relevant to serving school-aged children.

2) If the individual has completed coursework and field experience fulfilling the requirements of subsection (e)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which shall be submitted to the State Board of Education along with the individual’s application.

3) If the individual lacks required coursework and/or field experience, the institution shall identify the courses and/or practica it offers that the individual must complete in order to qualify for the certificate. Upon the individual’s successful completion of any such requirements, the institution shall issue a letter of recommendation for the certificate.

f) Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed on or after July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an
Illinois institution that offers a program of preparation for speech-language pathologists that is approved pursuant to Subpart C of this Part.

1) Professional personnel of the institution familiar with its approved program shall analyze the applicant’s preparation and may request such additional information as may be needed to determine whether the individual has achieved an understanding of the aspects of practice addressed in the content-area standards for speech-language pathologists (see the policies of the State Board of Education related to certification in special education under the federal court order of February 27, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.) with respect to:

   i) planning and intervention;
   ii) the learning environment;
   iii) service delivery;
   iv) professional conduct and ethics; and
   v) facilitation and advocacy.

2) If the individual’s preparation has covered the aspects enumerated in subsection (f)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which the individual shall submit to the State Board of Education along with his or her application.

3) If the individual’s preparation has not covered all the aspects enumerated in subsection (f)(1) of this Section, the institution shall identify the coursework and/or field experience that the applicant must complete in order to do so. Upon the individual’s successful completion of any such coursework or field experience, the institution shall issue a letter of recommendation for the certificate.

   g) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.
h) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. ______, effective ____________)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section 25.300 Relationship Among Credentials in Subpart E

Each of the credentials discussed in this Subpart requires separate certification.

(Source: Added at 28 Ill. Reg. ______, effective ____________)

Section 25.311 Administrative Certificate (Repealed)

Except as provided in Section 21-5d of the School Code [105 ILCS 5/21-5d], the Administrative certificate requires:

a) a master's degree awarded by a regionally accredited institution of higher learning;

b) completion of a program approved for one of the endorsements specified in Section 25.322 through 25.355 of this Part at a recognized Illinois teacher education institution and recommendation by that institution; or satisfaction of the conditions specified in Section 25.425 of this Part; and

c) passage of the relevant test of subject matter knowledge as specified in Section 25.710 of this Part.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.333 General Administrative Endorsement

This Section is replaced by Section 25.335 of this Part.

a) This endorsement is required for the following positions: principal, assistant principal, assistant or associate superintendent, and other similar or related positions as indicated in 23 Ill. Adm. Code 1.Appendix B.

b) Minimum Requirements of Graduate-Level Study
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1) Areas of Study

   A) Instructional Leadership 12
       Must include work which provides skills in:
       i) promoting academic achievement;
       ii) implementing school improvement;
       iii) long-range planning;
       iv) program evaluation; and
       v) personnel evaluation.

   B) Management of Public Schools 9
       Must include work which provides skills in:
       i) personnel management;
       ii) school governance;
       iii) school law;
       iv) school finance; and
       v) interpersonal communication.

   C) Schools and Public Policy 4-6
       Must include work which provides skills in:
       i) establishing effective school/community communication and involvement; and
       ii) analysis of political and social context of schools.
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D) Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.

2) Two years of full-time teaching experience or school service personnel experience.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.335 General Administrative Endorsement (2004)

This endorsement is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1. Appendix B. (See also 23 Ill. Adm. Code 29.120.)

a) Each candidate for the general administrative endorsement shall hold a master’s degree awarded by a regionally accredited institution of higher education that encompasses the coursework in educational administration and supervision required by Section 21-7.1(e)(2) of the School Code [105 ILCS 5/21-7.1(e)(2)].

b) Each candidate shall have completed an Illinois program approved for the preparation of administrators pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

c) Each candidate shall have two years’ full-time teaching or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education or meeting comparable out-of-state recognition standards (Section 21-7.1(e)(2) of the School Code).

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.
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e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective ____________)

Section 25.344 Chief School Business Official Endorsement

This Section is replaced by Section 25.345 of this Part.

a) This endorsement is required for chief school business officials.

b) Minimum Requirements of Graduate-Level Study

1) Areas of Study Semester Hours

A) School Business Management 12

Must include work in data processing.

B) School Organization and Administration 3

Must include work in school/community relations, personnel management, and organizational planning and development.

C) School Finance and Fiscal Planning 6

D) Clinical Experiences appropriate to the endorsement or prior experience while holding a certificate of comparable validity.

2) Two years' school business management experience.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)


This endorsement is required for chief school business officials. (See also 23 Ill. Adm. Code 29.110.)
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a) Each candidate for the chief school business official’s endorsement shall hold a master’s degree awarded by a regionally accredited institution of higher education.

b) Each candidate, other than a candidate whose master’s degree was earned in business administration, finance, or accounting (see Section 21-7.1(e)(3) of the School Code [105 ILCS 5/21-7.1(e)(3)]), shall:

1) have completed an Illinois program approved for the preparation of school business officials pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part); and

2) have two years’ administrative experience in school business management (Section 21-7.1(e)(3) of the School Code).

c) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.

d) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective ____________)

Section 25.355 Superintendent Endorsement

This Section is replaced by Section 25.360 of this Part.

a) This endorsement is required for superintendents of school districts.

b) Minimum Requirements of Graduate-Level Study

1) Areas of Study Semester Hours

A) Governance of Public Schools 6

Must include work in intergovernmental
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relationships in education and school/community relationships.

B) Management of Public Schools 6

Must include work in school improvement (i.e., the modification of curriculum and practice based upon research in effective teaching and learning) in addition to that required for the general administrative endorsement.

C) Educational Planning 6

Must include work in organizational development.

D) Additional graduate credit 12

E) Clinical Experiences appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.

2) Two years' school supervisory or administrative experience and possession of the general supervisory or general administrative certificate or comparable out-of-state certificate.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.360 Superintendent (2004)

This endorsement is required of school district superintendents. (See also 23 Ill. Adm. Code 29.130.)

a) Each candidate for the superintendent’s endorsement shall hold a master’s degree awarded by a regionally accredited institution of higher education.

b) Each candidate shall have completed an Illinois program approved for the preparation of superintendents pursuant to Subpart C of this Part or a comparable
c) Each candidate shall have at least two years’ administrative or supervisory experience in schools, on at least a half-time basis, on a general supervisory, general administrative, or all-grade supervisory endorsement on an administrative certificate, or a comparable out-of-state credential. (See Section 21-7.1(e)(4) of the School Code [105 ILCS 5/21-7.1(e)(4)]; the superintendent’s endorsement shall not be issued as an individual’s first endorsement on the administrative certificate unless issued on the basis of a comparable out-of-state credential.)

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.

e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective _____________)

Section 25.365  Director of Special Education

This endorsement shall be required for directors and assistant directors of special education beginning July 1, 2005. This endorsement is available to certain individuals based on qualifications earned on or before June 30, 2005, in accordance with subsection (e) of this Section. All other candidates shall be subject to the requirements of subsections (a) through (d) of this Section. (See also 23 Ill. Adm. Code 29.140.)

a) Each candidate for the director of special education endorsement shall hold a master’s degree awarded by a regionally accredited institution of higher education.

b) Each candidate shall have completed an Illinois program approved for the preparation of directors of special education pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).

c) Each candidate shall have two years’ full-time teaching experience or school service personnel experience in a field other than school nursing in public
schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education or meeting comparable out-of-state recognition standards.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720 of this Part.

e) Certain individuals may receive the director of special education endorsement as specified in this subsection (e).

1) An individual who has received a letter of approval as an administrator of special education from the State Board of Education at any time may receive an endorsement for director of special education by submitting an application for the endorsement accompanied by the applicable fee and a copy of his or her letter of approval.

2) An individual who holds an administrative certificate and the teaching or school service personnel experience required by subsection (c) of this Section but who has never been approved as an administrator of special education may receive endorsement for director of special education at any time by submitting an application for the endorsement accompanied by the applicable fee and evidence of having completed 30 semester hours of coursework, distributed among all the areas listed in subsections (e)(2)(A) through (e)(2)(E) of this Section. These requirements must have been met on or before June 30, 2005.

A) Survey of exceptional children.

B) Special methods courses covering at least three areas of disability.

C) Educational and psychological diagnosis and remedial techniques.

D) Guidance and counseling.

E) Supervision of programs for children with disabilities.
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f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Added at 28 Ill. Reg. _____, effective ____________)

SUBPART F: GENERAL PROVISIONS

Section 25.415 Credit in Junior College (Repealed)

The Teacher Certification Board has ruled that no individual may present for purposes of certification more than nine (9) semester hours of professional education from junior colleges.

(Source: Repealed at 28 Ill. Reg. _____, effective ____________)

Section 25.425 Individuals Prepared in Out-of-State Institutions

An applicant who holds or is eligible to hold another state's teacher, school service personnel, or administrative certificate may be granted a corresponding Illinois certificate if he or she meets all the generally applicable requirements of Article 21 of the School Code (e.g., age, good character, citizenship or legal presence) and the requirements for the certificate sought, as specified in the applicable Sections of this Part upon the following conditions:

a) All statutory requirements and professional education and area of specialization requirements as defined for each certificate in this Part in effect in Illinois at the time application is made and verified through a transcript evaluation of credits, if the individual comes from a state with which reciprocity has not been established pursuant to Section 25.495 of this Part.

b) All non-educational requirements (e.g., age, citizenship or declaration of intent, good character, experience for administrative certification) are met.

c) The institution in which the program and degree the applicant completed was recognized by the state agency in the state in which the institution is located and qualified the person for eligibility for certification in that state, in accordance with Section 25.495 of this Part.

The certificate sought must be comparable to the out-of-state certificate for which the applicant is eligible, and the applicant must have completed a State-approved educator preparation program including a major in a subject area that is relevant to the area of certification. Is comparable to the Illinois certificate for which application is made. A comparable Illinois certificate is that which is most nearly like that of the other state (e.g., a K-6 certificate from another state most nearly approximates the Illinois elementary (K-9) certificate shall be determined on the basis of: 1) the degree to which the grade level of certification in Illinois is most nearly like that of the other state (e.g., a K-6 certificate in another state most
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nearly approximates the Illinois K-9 certificate and therefore would be comparable); and/or 2) the subject area for which a certificate is endorsed or an area of school service or administration in Illinois is most nearly like that of the other state (e.g., a principal's certificate in another state most nearly approximates the Illinois General Administrative endorsement on the Administrative Certificate and therefore would be comparable.)

b) The individual may receive additional endorsements comparable to those affixed to the out-of-state certificate, as determined by the State Board of Education and irrespective of nomenclature, by passing the applicable Illinois content-area tests and presenting evidence of:

1) having completed an approved program in the subject area of the endorsement sought; or

2) having completed at least 24 semester hours of college coursework in the subject area of the endorsement sought; or

3) having been recommended for the endorsement by an institution of higher education at which coursework in the subject area was completed.

c) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection (c) one of the evaluation services listed in subsection (f) of this Section.

1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education secretary of the State Teacher Certification Board a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as a teacher. The services shall also provide a list of the courses completed, with the credits earned equated to semester hours.

2) The transcript provided by the service pursuant to subsection (b)(1)(e)(1) of this Section shall be reviewed to determine whether the individual qualifies for a certificate; if so, he or she shall receive such a certificate with all endorsements indicated by the coursework completed.

3) If the review of the individual's transcript indicates that he or she does not qualify for a certificate, he or she shall receive a notification of the
deficiencies for the certificate.

d) Evaluation services shall be approved to review foreign credentials for purposes of Illinois certification if they demonstrate experience working on behalf of either the National Association of Foreign Student Affairs or the American Association of Collegiate Registrars and Admissions Officers. However, the State Board of Education may discontinue acceptance of evaluations from any service based on evidence of material inconsistencies in reviews. The State Board shall maintain an up-to-date list of all organizations whose reviews are being accepted and shall make this list readily available.

1) Consultancy on International Education (CIE)
   P.O. Box 2792
   Champaign, Illinois 61825-2792
   Telephone 217/359-9602

2) Educational Credential Evaluators, Inc.
   P.O. Box 514070
   Milwaukee, Wisconsin 53202
   Telephone 414/289-3400

3) World Education Services, Inc.
   P.O. Box 11623
   Chicago, Illinois 60611-0623
   Telephone 312/222-0882

4) International Education Research Foundation, Inc.
   P.O. Box 66940
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Los Angeles, California 90066

Telephone 310/390-6276


(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.427 Three-Year Limitation

An evaluation for purposes of issuing a certificate (rather than an additional endorsement on a previously held certificate) will be binding on the State Board of Education for only three (3) years after it is given. At the close of that time, the evaluation and all relevant material will be discarded unless a certificate has been issued. However, should an individual apply for a certificate of a type for which a previously requested evaluation is still pending pursuant to this Section, the earlier application shall be invalidated and the relevant materials discarded immediately.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.430 Institutional Approval (Repealed)

The Illinois State Teacher Certification Board accepts as a policy that it will approve only degree granting institutions with accepted teacher education programs for institutional approval for teacher certification in Illinois. It furthermore will approve as a policy the acceptance of credit hours earned in other institutions recognized by the State Board of Education for fulfilling certification or teaching field requirements provided the total hours are limited in a less than bachelor's degree granting institution to a total of sixty (60) semester hours and that professional education deficiencies earned in these non-approved institutions shall not exceed nine (9) semester hours.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.440 Master of Arts NCATE (Repealed)

The Certification Board accepts a Master of Arts in Teaching Program by accredited NCATE institutions as meeting the requirements for the regular certificate, provided the minimum statutory requirements are met.
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(Source: Repealed at 28 Ill. Reg. _____, effective ____________)

Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (f) of this Section). For purposes of this Section, "outside the regular school term" means during hours when school is not in session or on days when school is not in session.

a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students; and

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education.

b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and
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3) he or she agrees in writing, using a form prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers that consists of:

A) high-quality professional development for new and experienced teachers; and/or

B) assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process. (Section 21-27(2) of the School Code)

c) Requirements for Professional Development and Assistance to NBPTS Candidates

1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional development to new or experienced teachers under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education demonstrating that he or she addressed one or more of the areas of teaching practice enumerated in this subsection (c)(1), consistent with the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and as relevant to the classroom-based needs of the recipient teacher(s):

A) knowledge of content and pedagogy;

B) assessment of students’ learning and provision of timely and effective feedback to them;

C) classroom management strategies;

D) development of instructional goals;

E) design and delivery of instruction;

F) reflection on and analysis of recipient teachers’ practice and their success in assisting students to reach instructional goals.
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2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit a written log of the assistance provided to each recipient on a form supplied by the State Board of Education. This record shall identify the activities performed from among those listed as allowable by the State Board based upon their relationship to specific requirements candidates must meet for NBPTS certification.

d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing elementary or secondary education in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and

3) he or she agrees in writing, using a form prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers in schools on the academic early warning List or in schools in which 50% or more of the students receive free or reduced-price lunches, or both. (Section 21-27(3) of the School Code)

e) Requirements for Mentoring

1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:

   A) as part of and in conformance with a mentoring program formally established by a school district; or
B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher’s involvement, and the amount of time expected to be devoted to each recipient teacher.

2) Mentoring may be provided to recipients either individually or in groups, provided that:

A) the mentor must address one or more of the areas of teaching practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher.

B) the mentor must meet with each recipient teacher at least once in the recipient teacher’s school, unless the recipient receives services as a member of a group, in which case the mentor must meet with each recipient at least twice, provided that these meetings may take place in any schools that meet the requirements of subsection (d)(4) of this Section where members of the group perform their teaching.

3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State Board of Education a written log that:

A) meets the requirements of subsection (c)(1) of this Section; and

B) discusses how the mentoring was related to the academic needs of the recipient teachers’ students.

f) Insufficient Appropriations

When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments will be prioritized.
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1) All annual stipends described in subsection (a) of this Section shall be paid before any other payments are made.

2) The incentive payments described in subsection (d) of this Section shall take precedence over those described in subsection (b) of this Section.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.445 College Credit for High School Mathematics and Language Courses (Repealed)

One semester hour of college credit may be allowed for each unit of high school mathematics and each unit of foreign language not to exceed four (4) semester hours.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.460 Provisional Special and Provisional High School Certificates (Repealed)

A Provisional Special and Provisional High School Certificate may be issued to an applicant who presents evidence of having earned at least a bachelor's degree in a recognized institution of higher learning and who has a regular teaching certificate in another state, and who meets the academic requirements in the teaching field(s) taught in the public schools as established by the State Board of Education.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.464 Short-Term Authorization for Positions Otherwise Unfilled

Subject to the provisions of this Section, a school district, cooperative, or joint agreement may receive short-term approval to employ an individual who does not hold the qualifications required for a vacant position, other than a special education teaching position, when the employing entity has been unable to recruit a fully qualified candidate for that position.

a) The employing entity shall file with the regional superintendent:

1) a description of the vacant position, including the subject area and the grade level;

2) evidence of inability to fill the position with a fully qualified individual, including a list of the candidates who applied, a list of those who were
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interviewed, and the reason each was not interviewed or was not selected, as applicable;

3) a statement that the employing entity has not honorably discharged anyone in the past year who was fully qualified for the position;

4) the name and Social Security number of the individual the entity wishes to employ for the position, as well as a list of the certificate number(s) and type(s) held by that individual;

5) a written assurance that the district will provide the teacher to be employed with mentoring and high-quality professional development each year in the subject area to be taught;

6) a written assurance from an institution of higher education that operates a program approved pursuant to Subpart C of this Part that leads to certification in the subject area to be taught that the individual who will be employed is enrolled in courses that are designed to meet the standards applicable to that subject area; and

7) a statement of intent, signed and dated by the individual who will be employed, stipulating that he or she will complete all requirements for an endorsement in the subject to be taught (see Section 25.100(b)(2) of this Part) by the time the renewal periods available under subsection (d) of this Section have been exhausted.

b) Short-term authorization pursuant to this Section shall be issued only when the individual identified by the employing entity:

1) holds an initial, standard, or master certificate that is valid for the grade level of the proposed assignment;

2) has successfully completed at least nine semester hours of college coursework in the subject area to be taught; and

3) has filed the statement of intent called for in subsection (a)(7) of this Section.

e) When the requirements of this Section have been met, the State Superintendent of Education shall issue to the employing entity a letter granting short-term
authorization for the named individual to teach in the specific position for which the application was made.

1) Such a letter shall constitute an authorization to the employing entity and not a credential issued to the individual. As such it shall not be transferable to any other individual, employing entity, or teaching assignment.

2) Each employing entity that receives an authorization pursuant to this Section shall maintain the State Superintendent’s letter on file and make it available for inspection by representatives of the State Board of Education upon request.

d) Short-term teaching authorization issued pursuant to this Section shall be issued with respect to a specific school year and shall expire on June 30 following the date of issuance. The State Superintendent may renew such approval for a maximum of two additional periods of one year each, provided that in each instance:

1) the employing entity has filed the information called for in subsections (a)(1) through (a)(6) of this Section with respect to the renewal year; and

2) the individual to be employed presents evidence of having completed at least one course in the subject area since the most recent issuance of the authorization.

e) After the end of the second renewal period permitted under subsection (d) of this Section, the individual shall not be eligible to teach in the subject area for which approval was granted unless he or she has received an endorsement for that subject.

(Source: Added at 28 Ill. Reg. ______, effective ____________)

Section 25.465 Credit (Repealed)

Credit may not be counted in both subject matter and professional education.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.470 Meaning of Experience on Administrative Certificates (Repealed)
The experience for the superintendent endorsement on the Administrative Certificate is interpreted to mean at least half-time employment as a supervisor or administrator.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.480 Credit for Certification Purposes (Repealed)

An institution may grant credit for certification purposes only based on an examination to establish proficiency for placement. When such credit is shown on the student's transcript, it may be accepted for teacher certification purposes.

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)

Section 25.493 Part-Time Teaching Interns

a) The entitlement officer of the college or university with a State Teacher Certification Board approved program leading to a master's degree of which a part-time teaching internship is a component, such as the Master of Arts in Teaching (MAT) program, shall submit a list of the students and the districts in which the part-time teaching internship is to occur to the State Superintendent of Education Secretary of the State Teacher Certification Board. Upon verification of the approved program, the Superintendent Secretary of the Board shall transmit a letter to the district superintendent authorizing the school board to employ such interns.

b) The colleges shall verify the student's bachelor's degree as one from a recognized institution of higher learning and shall specify the exact nature of the part-time teaching internship assignment in reporting to the State Superintendent Secretary of the Board.

c) Only those students who are enrolled in programs leading to a master's degree approved by the State Teacher Certification Board of Education shall be eligible for employment as part-time teaching interns, and an individual's part-time teaching must be done in a field for which he or she is being prepared.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.495 Approval of Out-of-State Institutions and Programs (Repealed)
a) The State Board of Education, in consultation with the State Teacher Certification Board, may from time to time enter into reciprocal agreements with other states that entitle candidates who complete approved programs in those states and meet all other applicable Illinois requirements to receive certification in Illinois.

1) In order for its candidates to receive reciprocal consideration from Illinois, another state shall have adopted a system for the approval of teacher preparation programs that includes the following elements:
   A) adoption of state standards for program approval;
   B) a requirement that each provider of teacher preparation programs submit to the responsible state agency evidence that its programs meet or exceed applicable standards; and
   C) evaluation of each approved program, including periodic on-site visits by a program evaluation team, no less frequently than once every seven years.

2) A state to whose candidates Illinois extends reciprocal consideration shall make its standards for the approval of teacher preparation programs available upon request by the Illinois State Board of Education or State Teacher Certification Board.

3) A state to whose candidates Illinois extends reciprocal consideration shall permit representatives of the Illinois State Board of Education or State Teacher Certification Board to observe on-site visits to preparation programs seeking approval.

b) When a candidate from a state with which reciprocity has been established pursuant to subsection (a) of this Section applies for an Illinois certificate, he or she shall be required to submit an official transcript from the approved program (and from the program in which a bachelor's degree was earned, if different from the approved program). Each such individual shall also be required to pass the test(s) required under Section 25.11 (b) of this Part unless he or she holds certification issued by the National Board for Professional Teaching Standards.

c) For purposes of this Section, the term "state" includes the District of Columbia and the protectorates and territories administered by the United States.

(Source: Repealed at 28 Ill. Reg. _______, effective ____________)

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section 25.510 Paraprofessionals; Teacher Aides

a) Definition of Terms
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1) The terms "paraprofessionals" and "teacher aides" shall be used to refer to the noncertificated personnel authorized by Section 10-22.34 of the School Code [105 ILCS 5/10-22.34] to be employed to assist in instruction. The terms "paraprofessional" and "teacher aide" shall be considered synonymous. 2) "Immediate or direct supervision and control" shall refer to the teacher's responsibility for continuous management of the teacher aide's activities. 3) "Instructional judgment" shall refer to the teacher's responsibility for making the determination of a student's scholastic activities. 4) "Continuously aware" shall denote the requirement that the teacher have full knowledge of the teacher aide's activities and shall be able to control or modify them at any time.

b) Utilization of Teacher Aides
1) A Teacher Aide shall be under the direct supervision and control of a fully certificated teacher when assisting with the instruction. Areas of instruction requiring such supervised assistance shall include, though are not necessarily limited to, classrooms, laboratories, shops, playgrounds, organized physical education period, libraries—if utilized as instructional settings, and such other educational settings where instructional judgment requires the supervision of a fully certificated teacher. 2) Teacher Aides shall not be utilized as substitutes for or replacement of certificated teachers, and they shall not have equivalent responsibilities. Certificated teachers shall exercise professional judgment when assigning duties, such duties not to infringe upon the "instructional judgment" reserved for teachers.

c) Approval of Paraprofessionals
1) Service as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that no approval is required for paraprofessionals employed in programs for students with disabilities unless the programs are supported with federal Title I, Part A, funds.

2) Each individual who is required to hold a statement of approval shall submit an application to the State Superintendent of Education, accompanied by evidence that he or she meets the requirements of subsection (c) of this Section. Each individual who wishes to serve as a paraprofessional in a targeted assistance program and is paid with federal funds provided under Title I, Part A, or in a school-wide program that is supported with such funds shall submit an application for approval accompanied by evidence that he or she meets the requirements of
subsection (e) of this Section. Each applicant who qualifies shall be issued a statement of approval, which shall indicate whether it applies to programs supported with federal Title I, Part A, funds, attesting to their satisfactory fulfillment of qualifications, such statement to be issued by the State Teacher Certification Board. 2) No one shall act as a Teacher Aide without a statement of approval. 3) All requirements affecting utilization of noncertificated personnel are waived for candidates participating in clinical experiences as part of a preparation program when the following conditions are met: A) The candidate is an enrolled student at a recognized Illinois teacher education institution; B) The candidate engages in clinical experience as part of an approved teacher education program; and C) Agreements involving public schools as clinical sites incorporate the requirements in Section 10.22.34 of The School Code: i) When noncertificated candidates assist in instruction, they must be under the immediate supervision of a teacher holding a valid certificate and who is directly engaged in teaching the subject matter or conducting other learning activities; and ii) The cooperating teacher must constantly evaluate the candidate's activities and be able to control or modify them.

c) Qualifications for Teacher Aides
Each paraprofessional shall be of good character and shall be a citizen of the United States or legally present and authorized for employment. Each paraprofessional shall be subject to that portion of Section 24-5 of the School Code [105 ILCS 5/24-5] that requires physical fitness and freedom from communicable disease, including annual evidence of freedom from tuberculosis. Each paraprofessional shall hold a high school diploma or its recognized equivalent. To receive approval to serve as a teacher aide, an individual shall either:

1) present evidence of having completed 30 semester hours of college credit at a regionally accredited institution of higher education; or

2) complete a training program for paraprofessionals that has been approved either by the Illinois Community College Board or by the State Board of Education in consultation with the State Teacher Certification Board; or

3) pass the ParaPro test offered by the Educational Testing Service (ETS) with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board; or
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4) pass the Work Keys test offered by ACT with at least the score identified by the State Board of Education in consultation with the State Teacher Certification Board and present verification by the employing district or other entity that:

A) the individual’s classroom performance was observed as part of a formal evaluation that yielded a satisfactory rating; or

B) the individual’s classroom performance was observed prior to employment and the district’s representative has concluded that the individual was effective in performing the assigned duties.

d) In addition to meeting the requirements of subsection (c) of this Section, each paraprofessional employed to assist with instruction in a targeted assistance program and paid with federal funds provided under Title I, Part A, or employed in a school-wide program that is supported with such funds is subject to the additional requirements of Section 1119 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (P.L. 107-110; see also 34 CFR 200.58). No paraprofessional may be assigned to serve in such a capacity after the deadline established in federal law for the group of which he or she is a member unless he or she holds a statement of approval that is specific for this purpose. To qualify for this purpose, an individual shall either have completed two years of study at an institution of higher education, hold an associate’s or higher degree, or successfully complete a formal State or local assessment.

1) Completion of "two years of study at an institution of higher education" means completion of at least 60 semester hours of college coursework at an accredited institution of higher education.

2) "Formal State assessment" means:

A) either of the tests discussed in subsections (c)(3) and (c)(4) of this Section; or

B) possession of a statement of approval issued under subsection (c)(1) or (c)(2) of this Section and presentation to the State Superintendent of Education of evidence that the individual has accumulated 300 Professional Training Points (PTPs).
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i) Work experience as a paraprofessional in a public or nonpublic school shall be credited at the rate of 30 PTPs per year, up to a maximum of 150 PTPs. The required evidence of completion for this experience shall be a letter signed by the chief administrator or other designated official of the employing district, other public entity, or nonpublic school documenting the nature and duration of the individual’s employment.

ii) College coursework shall be credited at the rate of 15 PTPs per semester hour. The required evidence of completion for college coursework shall be official transcripts issued by the institution(s) at which it was completed.

iii) Completion of the Paraprofessional Test Preparation Curriculum developed by the Illinois Community College Board in partnership with the Illinois State Board of Education shall be credited as 15 PTPs. The required evidence for completion of this curriculum shall be a certificate of completion issued to the individual.

iv) Additional training activities shall be credited at the rate of one PTP per hour of the individual’s direct participation, provided that training activities shall be creditable only if they address or enhance the paraprofessional’s ability to assist in the academic content areas of reading/language arts, writing, or mathematics or in reading readiness, writing readiness, or mathematics readiness. The required evidence of completion for each training activity that occurred prior to July 1, 2004, shall include a description of the event, including its subject, date, location, and provider if known; and, if available, a program, outline, or completion form supplied by the provider to indicate the individual’s attendance at the event. The required evidence of completion for each training activity that occurred on or after July 1, 2004, shall include a description of the event, including its subject, date, location, and provider; a program or outline if available; and a completion form supplied by the provider to indicate the individual’s attendance at the event. In all cases the required evidence
shall include a signed statement by the individual indicating the length of his or her participation and verifying that the activity addressed one of the areas required by this subsection (d)(2)(B)(iv).

3) "Formal local assessment" means a local assessment that conforms to the guidelines established in section C-5 of the Draft Non-Regulatory Guidance of November 15, 2002, published on the subject of Title I Paraprofessionals by the United States Department of Education. To secure approval to serve as Teacher Aide either of the following qualifications shall be met: 1) Successful completion of a Teacher Aide training program approved by the State Superintendent of Education, in consultation with the State Teacher Certification Board. Persons may secure approval to serve as Teacher Aides by evidencing successful completion of at least thirty (30) semester hours of college credit in a recognized institution of higher education. 2) A Teacher Aide is subject to that portion of Section 24-5 of The School Code which requires physical fitness and freedom from communicable disease including annual evidence of freedom from tuberculosis.

e) Revocation of Approval

1) When the State Superintendent of Education receives information indicating that an individual who holds approval as a teacher aide or paraprofessional has been designated as a "sex offender" as defined in Section 2 of the Sex Offender Registration Act [730 ILCS 150/2] or as a "child sex offender" as defined in Section 11-9.3 of the Criminal Code of 1961 [720 ILCS 5/11-9.3], or has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5/Art.1], the State Superintendent may revoke an individual’s approval after the individual has had an opportunity for a hearing before the State Teacher Certification Board pursuant to 23 Ill. Adm. Code 480 (Hearings Before the State Teacher Certification Board). The State Superintendent's decision shall be considered an "administrative decision" for purposes of the Administrative Review Law [735 ILCS 5/Art. III].

2) When the State Superintendent of Education receives information indicating that an individual who holds approval as a teacher aide or paraprofessional has been convicted of any sex offense or narcotics offense as defined in Section 21-23a of the School Code [105 ILCS 5/21-
23a] or has been convicted of first degree murder, attempted first degree murder, or a Class X felony, the State Superintendent shall forthwith revoke the individual’s approval. The State Superintendent’s decision shall be considered an "administrative decision" for purposes of the Administrative Review Law. 1) Each school district shall submit a list of all Teacher Aides employed by that district to the State Superintendent of Education each year with the "School District Annual Report and Application for Recognition." 2) Improper use of a Teacher Aide by a school may affect the recognition status of that school. 3) Each school district shall maintain a file for each Teacher Aide, including his/her functions. Included in that file shall be the statement of approval and evidence that an Aide has met the other qualifications established for Teacher Aides.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.520 Other Noncertificated Personnel

Other noncertificated personnel may be utilized by school districts in accordance with Section 10-22.34 and Section 10-22.34a of The School Code.

a) In accordance with Sections 10-22.34 and 10-22.34a of the School Code [10 ILCS 5/10-22.34 and 10-22.34a], noncertificated personnel may be employed or utilized on a volunteer basis, and may be utilized for school activities not directly connected with the academic program of the schools. Such areas of utilization include:

1) Clerical duties, as in an office or library;
2) Chaperones or sponsors;
3) Playgrounds, during free play and not during part of an organized physical education period.

b) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize noncertificated persons who are completing their clinical experiences and/or student teaching.
1) All requirements affecting utilization of noncertificated personnel are waived for candidates participating in clinical experiences as part of a preparation program when the following conditions are met:

A) The candidate is an enrolled student at a recognized Illinois teacher education institution;

B) The candidate engages in clinical experience as part of an approved teacher education program; and

C) Agreements involving public schools as clinical sites incorporate the requirements in Section 10-22.34 of the School Code:
   i) When noncertificated candidates assist in instruction, they must be under the immediate supervision of a teacher holding a valid certificate and who is directly engaged in teaching the subject matter or conducting other learning activities; and
   
   ii) The cooperating teacher must constantly evaluate the candidate's activities and be able to control or modify them.

2) Noncertificated personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that such activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and such teaching is performed in accordance with Section 25.620 of this Part (see Section 10-22.34 of the School Code [105 ILCS 5/10-22.34]).

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

SUBPART H: CLINICAL EXPERIENCES

Section 25.610 Definitions

"Clinical Experiences-". That part of the professional preparation program enabling candidates preparing for certificated roles to acquire practical experience along with theoretical knowledge prior to entering into the full responsibilities of the role for which they are seeking certification. These practical and structured
experiences include pre-student teaching field experiences and student teaching and insure gradual and sequential introduction to, and eventual assumption of, the full range of experiences associated with a certificated role. At appropriate times the candidate shall demonstrate mastery of skills and techniques necessary for effective performance as a beginning practitioner and to enable evaluation by qualified personnel. The sequence of experiences brings the candidate into contact with a variety of populations and educational situations, including public school settings, encountered by practitioners.

"Clinical Practice". Student teaching or internships that provide candidates with an intensive and extensive culminating activity. Candidates are immersed in the learning community and are provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing.

"College Supervisor." That person employed by the institution of higher education to supervise candidates engaged in clinical experiences.

"Cooperating Teacher." That person employed by a school district directly engaged in teaching pupils in a school and who is immediately responsible for a student engaged in clinical experiences.

"Directed Observation." A clinical experience involving observation of practitioners working under the direction of representatives of schools or teacher education institutions. This experience is planned, guided and evaluated by a mentor or supervisor and can occur in a variety of educational settings and situations.

"Field Experiences". A variety of early and ongoing field-based opportunities in which candidates may observe, assist, tutor, instruct, and/or conduct research. Field experiences may occur in off-campus settings such as schools, community centers, or homeless shelters.

"Intern Supervisor." That person employed by a school district directly engaged in school service personnel work in a school building and who is immediately responsible for a school service personnel intern.

"Internship." A sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in performance of various aspects of the role and is gradually introduced to the full range of responsibilities associated with the role. Internships take place in all
types of situations and settings. The use of internship is usually restricted to school service personnel and administrative programs.

"Practicum."
A type of clinical experience characterized by intensive work with students, in a group or one on one, which is carefully designed as part of an approved program; is supervised by a designated representative of the institution offering the program; and provides evidence that the candidate for the endorsement is able to apply the knowledge and skills relevant to that endorsement area. A term equivalent to internship.

"Student Teaching."
A form of internship established by Illinois statute calling for close and competent supervision. It entails preparation for full responsibility in an instructional setting. In the course of the experience, the candidate shall demonstrate mastery of skills and techniques including, but not limited to, planning, organization, evaluation, parent relations and competence in subject matter areas. The experience is carried out under diligent and systematic supervision by college and local school personnel. (Student teaching is referred to as "clinical practice" by NCATE.)

"Supervised Participation."
A wide range of experiences in which the candidate assists or engages in purposeful interaction with students and school personnel under the guidance and evaluation of qualified personnel. These experiences are carried out under continuous supervision by appropriate personnel who can appropriately modify the candidate's behavior.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.848 General Responsibilities of LPDCs

a) Each LPDC shall post the schedule of its meetings.

b) Each LPDC shall comply with the applicable timelines set forth in this Subpart J and shall maintain records demonstrating such compliance.

c) Each LPDC shall acknowledge in writing its receipt of an application for renewal of an individual's certificate(s) if such an acknowledgment is requested by the certificate-holder pursuant to Section 25.830(d) of this Part.
d) Each LPDC shall request from the exclusive representative the appointment of such alternates for its teacher members as may be necessary to ensure that no certificate-holder reviews his or her own plan for continuing professional development, evidence of completion of activities, or application for certificate renewal or the plan, evidence, or application of another individual who supervises or evaluates, or is supervised or evaluated by, him or her. If another LPDC is operating within the same school district, such alternates shall be chosen from among the teacher members of that LPDC.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.850  General Responsibilities of Regional Superintendents

a) Each regional superintendent of schools shall designate an employee who will be responsible for making all forms required pursuant to this Subpart J available to certificate-holders, members of local and regional professional development committees, and others who need to use them. Each regional superintendent of schools shall also designate an employee who will be responsible for tracking the receipt and distribution of the written materials called for in this Subpart J that are submitted to or through the regional office. Nothing shall preclude the same individual from fulfilling both the functions specified in this subsection (a).

b) Each regional superintendent shall determine the number of regional professional development review committees needed in the region.

1) The number of committees that will operate in a region shall be at the regional superintendent's discretion, so long as the committees established are able to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J.

2) Each regional superintendent may distribute responsibility among RPDRCs according to district, building, grade level, type of certificate, subject matter area, or any other factor the regional superintendent deems appropriate.

3) Each regional superintendent shall ensure that sufficient alternate members are available to the region's RPDRC or RPDRCs to ensure that no member reviews any matter raised by an individual for whom he or she is either a supervisor or a subordinate and to avoid other potential conflicts of interest.
STATE BOARD OF EDUCATION

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c) Each regional superintendent shall publicize the way in which certificate-holders can contact the RPDRCs. In each case, the address of the regional superintendent's office shall be identified as the address of the RPDRC. If a schedule for RPDRC meetings is set, the regional superintendent shall publicize that schedule.

d) Each regional superintendent shall provide written information to members of the RPDRCs concerning the method for reimbursement of their expenses, identification of reimbursable items, and rates of reimbursement.

e) Each regional superintendent shall receive, review, respond to, and keep on file the plans of the teachers for which he or she serves as the LPDC (i.e., nonpublic school teachers, teachers in State-operated schools, and substitute and inactive teachers who elect to maintain their certificates as valid and active).

1) A regional superintendent may identify one or more designees to assist him or her in functioning as an LPDC and may further designate individuals or committees to provide him or her with advice and recommendations on related matters.

2) No designee appointed by the regional superintendent to assist in serving as an LPDC may serve on an RPDRC that considers matters related to the same type(s) of certificates.

f) Each regional superintendent shall review all recommendations for certificate renewal or nonrenewal and, using a form supplied by the State Board of Education, shall forward those recommendations to the State Teacher Certification Board along with an indication of his or her concurrence or non-concurrence. The regional superintendent shall forward the documentation specified in Section 25.835(i) of this Part as applicable in each case.

g) If any individual's application indicates that he or she may be or is out of compliance with Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments, the regional superintendent shall separate any such application or applications from those pertaining to certificates that are recommended for renewal and shall forward them to the Secretary of the State Teacher Certification Board whenever he or she forwards the remainder of the materials called for in subsection (f) of this Section, calling the Secretary's attention to the potential noncompliance.
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h) Each regional superintendent shall notify all LPDCs and RPDRCs in his or her region of the State priorities referred to in Section 25.810 of this Part.

i) Based upon information provided by the certificate-holders in his or her region, each regional superintendent shall enter data into the centralized registry indicating the valid and active or valid and exempt status of each certificate for each semester of its validity.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

Section 25.900 Applicability of Requirements in this Subpart

Pursuant to Section 21-2(c) of the School Code [105 ILCS 5/21-2(c)], the requirements of this Subpart K shall apply beginning on July 1, 2003, to each holder of an Illinois initial or initial alternative teaching certificate, or an equivalent certificate issued by another state, who has completed four years of teaching and is seeking a standard teaching certificate. An individual who has fulfilled the requirements of this Subpart K and received one standard certificate as a result shall be deemed to have satisfied the requirements of this Subpart K with respect to any subsequent early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate.

(Source: Amended at 28 Ill. Reg. ______, effective __________)

Section 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)

Completion of at least four semester hours of graduate-level coursework related to the requirements for certification by the NPBTS as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

a) Only coursework offered by an accredited institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit shall qualify for this purpose. (Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)])
b) An eligible entity that offers or plans to offer coursework that will result in candidates’ eligibility for the standard teaching certificate shall submit to the State Superintendent of Education a syllabus, course description, or other material demonstrating that the coursework addresses the five “core propositions” that guide the National Board’s certification initiatives: the need for high and rigorous standards; reliance on performance-based assessments; acknowledgment of the complexity of teaching; the importance of quality assurance and professional accountability; and the potential for influencing change within the educational system.

1) Teachers are committed to students and their learning.
2) Teachers know the subjects they teach and how to teach those subjects to students.
3) Teachers are responsible for managing and monitoring students' learning.
4) Teachers think systematically about their practice and learn from experience.
5) Teachers are members of learning communities.

c) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve coursework for this purpose if the syllabus demonstrates that its successful completion will involve observation, review, and analysis of each participant’s teaching practice in light of applicable standards, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice.

1) These required elements may be provided either by means of the activities described in Section 25.915(c)(1) through (c)(4) of this Part or by using another sequence of activities that is designed to provide beginning teachers with direct feedback from experienced teachers and a structure for reviewing their own teaching in light of this feedback and in light of their students’ performance.

2) The grades issued to participants in the coursework shall reflect the instructor’s assessment of the participants’ performance in reviewing, analyzing, and reflecting on their own practice, rather than the instructor’s assessment of the participants’ performance as teachers.
d) As evidence of completion, the candidate for a standard certificate shall submit to the responsible LPDC a grade report or official transcript issued by the institution or other entity offering the coursework, indicating that the individual passed the course or courses.

e) No course that has not been approved pursuant to subsections (b) and (c) of this Section shall be advertised as leading to eligibility for the standard teaching certificate under this Section.

f) An eligible Illinois entity that offered coursework relevant to this Section prior to July 1, 2003, may apply to the State Superintendent, based on the submission of material meeting the requirements of subsection (b) of this Section, for verification that the coursework met the requirements of this Section so that individuals who have completed it may fulfill the requirements of this Subpart K on that basis. An individual who wishes to use coursework completed in another state to fulfill the requirements of this Section shall submit to the State Superintendent of Education a course description or syllabus. Based upon a comparison of the course’s content with the requirements of this Section and Section 21-2(c)(2)(C) of the School Code, the State Superintendent shall determine whether the out-of-state course is equivalent and notify the candidate as to whether the course will be accepted.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 25.945 Procedural Requirements

a) In order to qualify for a standard teaching certificate, a holder of an initial teaching certificate shall choose one of the methods described in Section 25.905 of this Part. Prior to completing four years of teaching experience, No later than two years after receiving an initial certificate or January 1, 2004, whichever occurs later, he or she shall provide written notification of the method chosen to the local professional development committee (LPDC) established pursuant to Section 25.845 of this Part that is responsible for the type of certificate held or, if applicable, to the regional superintendent who is considered to be the LPDC for holders of standard certificates in similar employment pursuant to Section 25.815(a) of this Part.

b) The responsible LPDC shall respond within 60 days after receiving written notification from an individual as to whether the method he or she has chosen is
acceptable as a means of qualifying for a standard teaching certificate. If the individual has chosen a method not in conformance with Section 21-2(c) of the School Code and this Subpart K, the committee’s response shall inform the individual of the nature of the method’s nonconformance so that he or she may select a method that, upon successful completion, will contribute towards the acquisition of a standard teaching certificate.

c) A person must complete his or her chosen requirement before the expiration of his or her initial teaching certificate and must submit evidence of having done so to the Local Professional Development Committee. [105 ILCS 5/21-2(c)(5)] The required evidence of completion shall be as specified in Sections 25.910, 25.915, 25.920, 25.925, 25.930, 25.935, and 25.940 of this Part, as applicable to the requirement chosen.

d) Within 30 days after receipt of a person's evidence of completion, the LPDC shall forward the evidence of completion to the responsible regional superintendent of schools, along with the LPDC's recommendation, based on that evidence, as to whether the person is eligible to receive a standard teaching certificate. Concurrently, the LPDC shall provide a copy of this recommendation to the affected person. [105 ILCS 5/21-2(c)(5)]

e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall submit to the regional superintendent his or her application for a standard certificate, along with the fee required pursuant to Section 21-12 of the School Code [105 ILCS 5/21-12].

f) The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a standard teaching certificate, including the completion of four years of teaching, shall forward to the State Board of Education a recommendation for issuance or non-issuance. Concurrently, the regional superintendent shall notify the affected person of the recommendation forwarded. [105 ILCS 5/21-2(c)(5)] Using a format prescribed by the State Board of Education, the regional superintendent shall forward his or her recommendation regarding a particular individual, as well as the LPDC’s recommendation, within 30 days after receiving the LPDC’s recommendation regarding that person. The regional superintendent shall be responsible for retaining the evidence of completion submitted with respect to applicants for standard certification in accordance with the requirements of the Local Records Act [50 ILCS 205].
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g) If the regional superintendent’s recommendation with regard to any person is to deny issuance of the standard teaching certificate:

1) the regional superintendent shall state his or her rationale for the recommendation;

2) the individual’s copy of the regional superintendent’s notification shall be sent by certified mail, return receipt requested; and

3) the regional superintendent shall return the application fee with the notification.

h) Upon review of regional superintendents' recommendations, including any rationales provided pursuant to subsection (g)(1) of this Section, and the respective applications for certification, the State Board of Education shall issue standard teaching certificates to those who qualify and shall notify in writing, via certified mail, return receipt requested, persons affected by the denial of standard teaching certificates. [105 ILCS 5/21-2(c)(5)] Each notification shall include a rationale for the State Board’s refusal to issue a standard certificate.

i) Within 14 days after receipt of notice that the State Board of Education has denied him or her a standard teaching certificate based on failure to meet the requirements of this Subpart K, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.

1) Each appeal shall state the reasons why the State Board’s decision should be reversed and shall be sent by certified mail, return receipt requested.

A) Appeals shall be addressed to:

State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois  62777

B) No electronic or facsimile transmissions will be accepted.
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C) Appeals postmarked later than 14 calendar days after receipt of notifications of denial will not be processed.

2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:

A) evidence that he or she has satisfactorily completed one of the options outlined in this Subpart K as a means of qualifying for the standard teaching certificate; and

B) any other relevant documents.

j) Upon receipt of an appeal, the State Teacher Certification Board shall request the record of review from the State Superintendent of Education for consideration at its next available meeting. In reviewing the appeal, the Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:

1) the individual’s application for a standard certificate;
2) the rationale for the State Board’s refusal to issue a standard certificate;
3) the available evidence of completion;
4) the appeal form; and
5) any additional information submitted by the individual to support the appeal.

k) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days’ notice of the date, time, and place of the hearing shall be given to the affected individual.

l) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

m) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding the issuance of a standard certificate by certified mail, return receipt requested, no later than 30 days after reaching a decision.
n) The decision of the State Teacher Certification Board regarding an appeal is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
# Section 25. APPENDIX C  Exchange of Certificates

<table>
<thead>
<tr>
<th>Existing Certificate</th>
<th>Description</th>
<th>Exchanged for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>02 Early Childhood</td>
<td>To Age 6</td>
<td>Standard Early Childhood (0 to 6, excluding K)</td>
</tr>
<tr>
<td>04 Early Childhood</td>
<td>Age 0-Grade 3</td>
<td>Standard Early Childhood (0 to grade 3)</td>
</tr>
<tr>
<td>06 Kindergarten-Primary</td>
<td>K-3</td>
<td>Standard Early Childhood (K-3)</td>
</tr>
<tr>
<td>45 Life Kindergarten</td>
<td>K-3</td>
<td>Standard Early Childhood (K-3)</td>
</tr>
</tbody>
</table>

**Elementary Certificates:**

| 03 Standard Elementary | K-9                  | Standard Elementary                   |
| 42 Life Elementary     | 1-8                  | Standard Elementary                   |

**High School Certificates:**

| 09 Standard High School | 6-12                 | Standard Secondary                    |
| 11 Vocational          | 7-12 Field Endorsed  | Standard Secondary                    |
| 14 Junior College      | 9-14 Field Endorsed  | Standard Secondary                    |
| 47 Life High School    | 6-12                 | Standard Secondary                    |
| 49 Life Junior College | 9-14 Field Endorsed  | Standard Secondary                    |

**Special Certificates:**

| 10 Standard Special    | K-12 Field Endorsed   | Standard Special or both Standard Special or both Standard Elementary and Standard Secondary |
| 17 Special Exceptional Children | K-14 Field Endorsed | Standard Special or both Standard Special or both Standard Elementary and Standard Secondary |
| 48 Life Special        | K-14 Field Endorsed   | Standard Special or both Standard Special or both Standard Elementary and Standard Secondary |
| 50 Life School Librarian | K-14 Library         | Standard Special or both Standard Special or both Standard Elementary and Standard Secondary |
STATE BOARD OF EDUCATION

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Individuals who receive Standard Special, Elementary and/or Secondary certificates will receive on those certificates the same endorsements they currently hold.

Holders of Standard Special Certificates may exchange them for either a Standard Special or both a Standard Elementary and Standard Secondary. If they choose the Standard Elementary and Standard Secondary Certificates, they will receive on those certificates only the endorsements they hold. That is, they will not be qualified to teach self-contained general education classrooms unless they have also completed an approved program for the elementary certificate and have passed the elementary/middle grades content-area test described in Section 25.99(f) of this Part, but will receive on those certificates only the endorsements they hold. (For example, a holder of a special certificate endorsed for a particular subject area may teach only in that subject area, and a holder of a certificate endorsed for serving students with a specific disability may serve only in a classroom serving such students.) They will have the option of adding onto the elementary and secondary certificates any other endorsements for which they qualify.

(Source: Amended at 28 Ill. Reg. _______, effective _____________.)
#### Section 25. APPENDIX D  National Board and Master Certificates *(Repealed)*

<table>
<thead>
<tr>
<th>Certificate Issued by National Board for Professional Teaching Standards</th>
<th>Equivalent Illinois Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early Childhood</td>
<td>Early-Childhood Master</td>
</tr>
<tr>
<td>Middle Childhood</td>
<td>Elementary Master</td>
</tr>
<tr>
<td>Early and Middle Childhood</td>
<td>Early Childhood Master and Elementary Master</td>
</tr>
<tr>
<td>Early Adolescence</td>
<td>Elementary Master or Secondary Master</td>
</tr>
<tr>
<td>Adolescence and Young Adulthood</td>
<td>Secondary Master</td>
</tr>
<tr>
<td>Early Adolescence through Young Adulthood</td>
<td>Elementary Master and Secondary Master</td>
</tr>
<tr>
<td>Early Childhood through Young Adulthood</td>
<td>Special K–12 Master or Special Preschool—Age 21 Master</td>
</tr>
</tbody>
</table>

(Source: Repealed at 28 Ill. Reg. _______, effective _____________.)
**Section 25. APPENDIX E  Endorsement Structure Beginning July 1, 2004**

Section 25.100 of this Part explains the applicability of “designations” where shown as required in the following table. An asterisk next to the name of an endorsement or designation indicates that there is no content-area test for that credential. The relevant provisions of Section 25.100(e) of this Part shall apply in those cases.

<table>
<thead>
<tr>
<th>Endorsements Available as of July 1, 2004</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fundamental Learning Areas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>English Language Arts</strong></td>
<td>None</td>
<td>English</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Journalism</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Language Arts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Speech</td>
</tr>
<tr>
<td><strong>Reading Teacher</strong></td>
<td>None</td>
<td>Reading</td>
</tr>
<tr>
<td><strong>Reading Specialist</strong></td>
<td>None</td>
<td>Reading</td>
</tr>
<tr>
<td><strong>Mathematics</strong></td>
<td>None</td>
<td>Mathematics</td>
</tr>
<tr>
<td><strong>Sciences – Designation Required</strong></td>
<td>Biology</td>
<td>Biological Science</td>
</tr>
<tr>
<td></td>
<td>Chemistry</td>
<td>Botany</td>
</tr>
<tr>
<td></td>
<td>Earth and Space Science</td>
<td>Physiology</td>
</tr>
<tr>
<td></td>
<td>Environmental Science</td>
<td>Zoology</td>
</tr>
<tr>
<td></td>
<td>Physics</td>
<td>Chemistry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aerospace</td>
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<tr>
<td></td>
<td></td>
<td>Astronomy</td>
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<td></td>
<td></td>
<td>Earth Science</td>
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<td></td>
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<td>Geology</td>
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<td></td>
<td></td>
<td>Physical Geography</td>
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<tr>
<td></td>
<td></td>
<td>Biological Science</td>
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<tr>
<td></td>
<td></td>
<td>Physical Science</td>
</tr>
<tr>
<td></td>
<td></td>
<td>General Science</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Physics</td>
</tr>
</tbody>
</table>
### NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Endorsements Available as of July 1, 2004</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Social Sciences – Designation Required</strong></td>
<td>Economics</td>
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<td>U.S. History</td>
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<tr>
<td><strong>Drama/Theatre Arts</strong></td>
<td>None</td>
<td>Theatre and Drama</td>
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<tr>
<td><strong>Music</strong></td>
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<tr>
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<td></td>
<td>Instrumental Music</td>
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<td><strong>Visual Arts</strong></td>
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<td>Chinese</td>
<td>None</td>
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<tr>
<td></td>
<td>French</td>
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<td></td>
<td>Japanese</td>
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<td>Korean</td>
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<td></td>
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<td>Russian</td>
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# NOTICE OF PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Endorsements Available as of July 1, 2004</th>
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<th>Endorsements Previously Issued</th>
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<tbody>
<tr>
<td>Additional Teaching Fields</td>
<td></td>
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<tr>
<td>Agricultural Education</td>
<td>None</td>
<td>Agricultural Business and Management</td>
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<td></td>
<td></td>
<td>Basic Business</td>
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<td>Business Computer Programming</td>
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<td>Business/Marketing/Management</td>
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<tr>
<td></td>
<td></td>
<td>Information Processing</td>
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<td>Information Processing/Secretarial</td>
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<tr>
<td></td>
<td></td>
<td>Marketing</td>
</tr>
<tr>
<td>Family and Consumer Sciences – Designation Required</td>
<td>Apparel and Textiles*</td>
<td>Child and Day Care Services</td>
</tr>
<tr>
<td></td>
<td>Living Environments*</td>
<td>Consumer Education and Resource Management</td>
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<tr>
<td></td>
<td>Nutrition, Wellness, and Hospitality*</td>
<td>Fashion and Clothing Services</td>
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<td>Food and Nutrition Services</td>
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<td>Home Economics</td>
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<td></td>
<td>Institutional and Home Management Services</td>
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<td>Interior Furnishings Services/Living Environments</td>
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<td>Interpersonal, Family Relationships, Parenting</td>
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## Endorsements Available as of July 1, 2004

<table>
<thead>
<tr>
<th>Health Careers</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
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<tbody>
<tr>
<td>None, but licensure in a specific occupation is required</td>
<td>Health Occupations</td>
<td></td>
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<table>
<thead>
<tr>
<th>Technology Education</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>Industrial Technology Education Construction Electronics Graphic Communications Transportation Manufacturing Industrial Technology Public Service Drafting/Design Autobody Repair Heating, Ventilation, and Air Conditioning</td>
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<table>
<thead>
<tr>
<th>Technology Specialist</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
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<tbody>
<tr>
<td>None</td>
<td>Computer Technology Instructional Technology</td>
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<table>
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<tr>
<th>Library Information Specialist</th>
<th>Designations</th>
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<tr>
<td>None</td>
<td>Media</td>
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<table>
<thead>
<tr>
<th>Safety and Driver Education*</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
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<tbody>
<tr>
<td>None</td>
<td>Safety and Driver Education</td>
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<table>
<thead>
<tr>
<th>English as a New Language (ENL) – Designation Optional</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
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</thead>
<tbody>
<tr>
<td>Bilingual Education (language-specific)</td>
<td>Bilingual Education English as a Second Language</td>
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<table>
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<tr>
<th>Middle-Level</th>
<th>Designations</th>
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<tbody>
<tr>
<td>Subject-specific</td>
<td>Middle-Grades</td>
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<tr>
<th>Elementary</th>
<th>Designations</th>
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<tr>
<td>None</td>
<td>Self-Contained General Education</td>
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<tr>
<td>Designations</td>
<td>Endorsements Available as of July 1, 2004</td>
<td>Endorsements Previously Issued</td>
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<td>--------------------------------------</td>
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<tr>
<td>Early Childhood</td>
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<td>Early Childhood Special Education</td>
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<tr>
<td>Administrative</td>
<td>Chief School Business Official</td>
<td>Chief School Business Official</td>
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<tr>
<td>Director of Special Education</td>
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<tr>
<td>General Administrative</td>
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<tr>
<td>Superintendent</td>
<td>Superintendent</td>
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<tr>
<td>School Counselor</td>
<td>Guidance</td>
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<td>School Nurse</td>
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<td>School Psychologist</td>
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<tr>
<td>School Social Worker</td>
<td>School Social Worker</td>
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<tr>
<td>Non-Teaching Speech-Language Pathologist</td>
<td>Non-Teaching Speech-Language Pathologist</td>
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<tr>
<td>Supervisory</td>
<td>None; see Sections 21-4 and 21-25 of the School Code and Section 25.497 of this Part.</td>
<td>Supervisory</td>
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</table>

(Source: Added at 28 Ill. Reg. _____, effective ____________)
STATE BOARD OF EDUCATION

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1) **Heading of the Part**: Standards for Certification in Specific Teaching Fields

2) **Code Citation**: 23 Ill. Adm. Code 27

3) **Section Numbers**: Proposed Action:
   - 27.140 Amendment
   - 27.200 Amendment
   - 27.230 Amendment

4) **Statutory Authority**: 105 ILCS 5/2-3.6, 14C-8, and Art. 21

5) **A Complete Description of the Subjects and Issues Involved**: This rulemaking will accomplish two technical corrections, one in the common core of standards for science (Section 27.140) and the other in the common core of standards for social science (Section 27.200).

   In Section 27.140(j)(2)(A), a performance indicator is being expanded to reflect the original intent of the drafters of these standards.

   Section 27.200(q)(2)(D) requires the competent social science teacher to “describe the effect of globalization of the world economy since 1500 CE.” However, the reference “AD” is used in several places in the history standards set forth in Section 27.230 of these rules. The Joint Committee on Administrative Rules requested the agency to revise Section 27.200(q)(2)(D) for the sake of consistency when an opportunity arose to do so.

   “BCE” and “CE” (which stand for “Before the Common Era” and “Common Era”) are gaining currency, particularly within higher education. The most productive means of ensuring that teachers are aware of both forms of reference is to include them both in the standards.

6) **Will these proposed amendments replace any emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section</th>
<th>Action</th>
<th>IllinoisRegister Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.460</td>
<td>Amendment</td>
<td>27 Ill. Reg.17017, November 7, 2003</td>
</tr>
</tbody>
</table>
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NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

    Sally Vogl
    Agency Rules Coordinator
    Illinois State Board of Education
    100 North First Street
    Springfield, Illinois 62777
    (217) 782-5270

    Comments may also be submitted via e-mail, addressed to:

    rules@isbe.net

12) 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

13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendments begins on the next page:
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 27

STANDARDS FOR CERTIFICATION IN SPECIFIC TEACHING FIELDS

SUBPART A: GENERAL

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>27.10</td>
<td>Purpose and Effective Dates</td>
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</table>

SUBPART B: FUNDAMENTAL LEARNING AREAS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>27.100</td>
<td>English Language Arts</td>
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<tr>
<td>27.110</td>
<td>Reading</td>
</tr>
<tr>
<td>27.120</td>
<td>Reading Specialist</td>
</tr>
<tr>
<td>27.130</td>
<td>Mathematics</td>
</tr>
<tr>
<td>27.140</td>
<td>Science – A Common Core of Standards</td>
</tr>
<tr>
<td>27.150</td>
<td>Biology</td>
</tr>
<tr>
<td>27.160</td>
<td>Chemistry</td>
</tr>
<tr>
<td>27.170</td>
<td>Earth and Space Science</td>
</tr>
<tr>
<td>27.180</td>
<td>Environmental Science</td>
</tr>
<tr>
<td>27.190</td>
<td>Physics</td>
</tr>
<tr>
<td>27.200</td>
<td>Social Science – A Common Core of Standards</td>
</tr>
<tr>
<td>27.210</td>
<td>Economics</td>
</tr>
<tr>
<td>27.220</td>
<td>Geography</td>
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<td>27.230</td>
<td>History</td>
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<td>27.240</td>
<td>Political Science</td>
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<td>27.250</td>
<td>Psychology</td>
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<td>Sociology and Anthropology</td>
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<td>Dance</td>
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<td>Drama/Theatre Arts</td>
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<td>27.320</td>
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<td>Visual Arts</td>
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<tr>
<td>27.340</td>
<td>Foreign Language</td>
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<tr>
<td>27.350</td>
<td>General Curricular Standards for Special Education Teachers</td>
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</table>
SUBPART C: ADDITIONAL TEACHING FIELDS

Section
27.400 Agricultural Education
27.410 Business, Marketing, and Computer Education
27.420 English as a New Language (ENL)
27.430 Family and Consumer Sciences
27.440 Health Careers
27.450 Library Information Specialist
27.460 Technology Education
27.470 Technology Specialist
27.480 Work-Based Learning Teacher/Coordinator

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

SOURCE: Adopted at 26 Ill. Reg. 6293, effective April 22, 2002; amended at 27 Ill. Reg. 18586, effective December 1, 2003; amended at 28 Ill. Reg. _____, effective ____________.

SUBPART B: FUNDAMENTAL LEARNING AREAS

Section 27.140 Science – A Common Core of Standards

All science teachers shall be required to demonstrate competence in the common core of science standards set forth in this Section. In addition, each science teacher shall be required to demonstrate competence in at least one of the science designation areas for which standards are described in Sections 27.150 through 27.190 of this Part: biology, chemistry, earth and space science, environmental science, and/or physics.

a) Science as Inquiry – The competent science teacher understands scientific inquiry and has the ability to conduct scientific inquiry.

1) Knowledge Indicators – The competent science teacher:

A) understands assumptions, processes, purposes, requirements, and tools of scientific inquiry.

B) understands mathematical processes and tools for collecting, managing, and communicating information.
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C) understands different approaches to conducting scientific investigations.

2) Performance Indicators – The competent science teacher:

A) plans and conducts scientific investigations using appropriate tools and technology.

B) applies mathematical and statistical methods to collect, analyze, and communicate results of investigations.

C) displays, illustrates, and defends the results of an investigation.

D) uses evidence and logic in developing proposed explanations that address scientific questions and hypotheses.

b) Technological Design – The competent science teacher understands the concepts, principles and processes of technological design.

1) Knowledge Indicators – The competent science teacher:

A) understands the processes, capabilities, limitations and implications of technology and technological design and redesign.

B) understands technology and technological design as the use of tools throughout human history.

2) Performance Indicators – The competent science teacher:

A) identifies real-world problems or needs to be solved through technological design.

B) addresses a problem situation by identifying a design problem, proposing a design solution, implementing the solution, evaluating the solution, revising the design upon evaluation, and communicating the design and the process.

C) identifies the inquiry process in the investigation of past, current, and potential technological designs.

c) Molecular and Cellular Sciences – The competent science teacher understands
and can apply concepts that explain the cell, the molecular basis of heredity, and biological evolution.

1) Knowledge Indicators – The competent science teacher:

A) understands viral, sub-cellular and cellular structure and function.

B) understands the nature and function of the gene, with emphasis on the molecular basis of inheritance and gene expression.

C) understands the processes of change at the microscopic and macroscopic levels.

2) Performance Indicators – The competent science teacher:

A) describes the processes of the cell cycle and analyzes the transmission of genetic information.

B) demonstrates an understanding of organelles, cells, tissues, organs, and organ systems and their functions.

C) identifies scientific evidence from various sources to demonstrate knowledge of theories about processes of biological evolution.

D) demonstrates the ability to use instruments or to explain functions of the technologies used to study the life sciences at the molecular and cellular level.

d) Organisms and Ecosystems – The competent science teacher understands and can apply concepts that describe how living things interact with each other and with their environment.

1) Knowledge Indicators – The competent science teacher:

A) understands how living and nonliving factors interact with one another and with their environment.

B) understands the strategies and adaptations used by organisms to obtain the basic requirements of life.

C) understands that all environments are comprised of interrelated
dynamic systems.

D) understands the concepts of populations, communities, ecosystems, ecoregions, and the role of biodiversity in living systems.

E) understands that humans are living organisms who uniquely interact with the environment.

2) Performance Indicators – The competent science teacher:

A) develops a model or explanation that shows the relationships within the environment.

B) demonstrates an understanding of how communities, ecosystems, and ecoregions change.

C) demonstrates an understanding of the human as a living organism comparable to other life forms and functions.

D) describes physical, ecological, and behavioral factors that influence homeostasis within an organism and interrelationships among organisms.

E) demonstrates the ability to use instruments or to explain functions of the technologies used to study the life sciences at the organism and ecosystem level.

e) Matter and Energy – The competent science teacher understands the nature and properties of energy in its various forms, and the processes by which energy is exchanged and/or transformed.

1) Knowledge Indicators – The competent science teacher:

A) understands the atomic and nuclear structure of matter and the relationship to chemical and physical properties.

B) understands the principle of conservation as it applies to mass, charge, momentum, and energy.

C) understands the cause and effect of chemical reactions in natural and manufactured systems.
D) understands the characteristics and relationships among thermal, acoustical, radiant, electrical, chemical, mechanical, and nuclear energies.

2) Performance Indicators – The competent science teacher:

A) analyzes the properties of materials in relation to their chemical or physical structures and evaluates uses of the materials based on their properties.

B) explains conservation of mass and energy and explains interactions of energy with matter, including changes in state.

C) uses kinetic theory and the laws of thermodynamics to explain energy transformations.

D) analyzes atomic and nuclear reactions in natural and man-made energy systems.

E) demonstrates the ability to use instruments or to explain functions of the technologies used to study matter and energy.

f) Force and Motion – The competent science teacher understands and applies the concepts that describe force and motion and the principles that explain them.

1) Knowledge Indicators – The competent science teacher:

A) understands the concepts and interrelationships of position, time, velocity, and acceleration.

B) understands the concepts and interrelationships of force (including gravity and friction), inertia, work, power, energy, and momentum.

C) understands the nature and properties of electricity and magnetism.

D) understands the nature and properties of mechanical and electromagnetic waves.

2) Performance Indicators – The competent science teacher:
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A) describes and predicts motions of bodies in inertial and accelerated frames of reference and in one and two dimensions in a physical system with association to the basic theories of force and motion.

B) analyzes and predicts motions and interactions involving forces within the context of conservation of energy and/or momentum.

C) describes the effects of gravitational, electromagnetic, and nuclear forces in real-life situations.

D) analyzes and predicts the behavior of mechanical and electromagnetic waves under varying physical conditions.

E) demonstrates abilities to use instruments or to explain functions of the technologies used to study force and motion.

g) The Earth – The competent science teacher understands the dynamic nature of the Earth and recognizes that its features and structures result from natural processes.

1) Knowledge Indicators – The competent science teacher:

A) understands the structure and composition of the Earth's land, water, and atmospheric systems.

B) understands the transfer of energy within and among Earth's land, water, and atmospheric systems.

C) understands the scope of geologic time and the continuing physical changes of the Earth through time.

D) understands the interrelationships between living organisms and Earth's resources.

2) Performance Indicators – The competent science teacher:

A) analyzes and explains large-scale dynamic forces, events, and processes that affect the Earth's land, water, and atmospheric systems.

B) identifies and explains Earth's processes and cycles and cites examples in real-life situations.
C) evaluates scientific theories about Earth's origin and history and how those theories explain contemporary living systems.

D) identifies and evaluates the uses of Earth's resources.

E) demonstrates abilities to use instruments and/or to explain functions of the technologies used to study the earth sciences.

h) The Universe – The competent science teacher understands and applies concepts that explain the composition, structure of, and changes in the universe and Earth's place in it.

1) Knowledge Indicators – The competent science teacher:

A) understands the properties and dynamic nature of the solar system.

B) understands the properties and dynamics of objects external to the solar system.

C) understands the scientific theories dealing with the origin of the universe.

2) Performance Indicators – The competent science teacher:

A) observes, describes, and explains the relative and apparent motions of objects in the sky.

B) compares and analyzes evidence relating to the origin and physical evolution of the universe.

C) compares the processes involved in the life cycle of objects within the galaxies, including their physical and chemical characteristics.

D) demonstrates the ability to use instruments or to explain functions of the technologies and tools used in the study of the space sciences.

i) Practices of Science – The competent science teacher understands and applies accepted practices and implications of science in contemporary and historical contexts.
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1) Knowledge Indicators – The competent science teacher:

A) understands that the nature of science is a human endeavor characterized as tentative, public, replicable, probabilistic, historic, unique, holistic, and empirical.

B) understands the definitions of hypotheses, predictions, laws, theories, and principles and the historic and contemporary development and testing of them.

C) understands research and reports examples of hypotheses, predictions, laws, theories, and principles and valid and biased thinking.

D) understands the basis for safety practices and regulations in the study of science.

2) Performance Indicators – The competent science teacher:

A) researches and reports examples of creative and critical thinking skills in scientific research and technological innovation.

B) researches and reports examples of predictions, hypotheses, and theories in both valid and biased scientific thinking.

C) researches and reports examples of the development of science through time and the impact of societal values on the nature of science.

D) documents and practices safety rules and shows evidence of their necessity in the investigation of science.

E) demonstrates the ability to use instruments and is able to explain functions of appropriate safety equipment used to ensure and implement safe practices.

j) Science, Technology, and Society – The competent science teacher understands the interaction among science, technology, and society, including historical and contemporary development of major scientific ideas and technological innovations.
1) Knowledge Indicators – The competent science teacher:

A) understands the ways that science and technology affect people's everyday lives, societal values, and systems; the environment; new knowledge; and technologies throughout history.

B) understands the processes and effects of scientific and technological breakthroughs and their effect on other fields of study, careers, and job markets.

2) Performance Indicators – The competent science teacher:

A) evaluates the efficacy of criteria for determining the effects of policies on local, and State, national, and global scientific, environmental, and technological issues.

B) investigates and evaluates the credibility of scientific claims made in the media, during public debates, or in advertising or marketing campaigns.

C) investigates issues by defining and clearly articulating the scientific, technological, and societal connections to be investigated, as well as evaluating the consequences, implications, and potential options for resolution.

k) Unifying Concepts – The competent science teacher understands the major unifying concepts of all sciences (systems, order, and organization; evidence, models, and explanation; constancy, change, and measurement; evolution and equilibrium; form and function), and how these concepts relate to other disciplines, particularly mathematics and the social sciences.

1) Knowledge Indicators – The competent science teacher:

A) understands connections within and among the traditional scientific disciplines.

B) understands the fundamental comparability of the processes shared within and among the traditional scientific disciplines.

C) understands fundamental mathematical language, knowledge, and
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skills.

D) understands fundamental relationships among the sciences and the social sciences.

2) Performance Indicators – The competent science teacher:

A) identifies and describes the application of the unifying concepts in real-life situations.

B) utilizes the unifying concepts from science, as well as concepts from mathematics, the social sciences, and other disciplines in his or her teaching.

C) expresses phenomenological relationships in the language of mathematics, solving simple algebraic equations, using scientific notation, constructing and interpreting graphs and using probabilities.

1) Curriculum in Science – The competent science teacher understands how to develop learning outcomes for science instruction that incorporate State and national frameworks for teaching science and how to select appropriate curriculum materials to meet the standards-based outcomes.

1) Knowledge Indicators – The competent science teacher:

A) understands the local, State and national goals and standards for science education.

B) understands the relationship of science concepts to the developmental level of students in classrooms.

C) understands how to articulate science instruction across units and from year to year.

2) Performance Indicators – The competent science teacher:

A) identifies how an instructional design relates to local, State, and national goals and standards for science.

B) identifies appropriate curricular materials from a variety of sources
and selects those that meet the developmentally appropriate, standards-led instructional outcomes.

C) demonstrates the ability to articulate learning across and among units of instruction, courses in science, and other disciplines.

m) Planning for Instruction in Science – The competent science teacher understands how to plan learning experiences that utilize an appropriate variety of instructional methods and strategies that allow students to develop significant concepts in science and the ability to engage in scientific reasoning.

1) Knowledge Indicators – The competent science teacher:

A) understands how to use materials from the students' environment to help them use inquiry strategies to build concepts.

B) understands the appropriate use of various strategies of direct instruction, concept development, inquiry and problem solving that lead to knowledge and skills in scientific reasoning.

C) understands how concepts are developed in students' minds and how to address misconceptions that students have developed from prior experiences.

2) Performance Indicators – The competent science teacher:

A) plans instruction that allows students to develop understanding of significant concepts and skills in science through hands-on experiences with real materials.

B) plans instruction that incorporates a variety of methods and strategies for learning, including demonstrations, the laboratory, and out-of-class resources.

C) plans instruction utilizing instructional technology, instructional materials, and scientific equipment.

D) plans instructional activities that create opportunities for students to test, modify, and sometimes abandon previous ideas about science.
n) Environment for Learning – The competent science teacher can design and manage safe and supportive learning environments in which all students can engage in scientific inquiry and concept development.

1) Knowledge Indicators – The competent science teacher:
   A) understands liability and negligence, especially as applied to science teaching.
   B) understands procedures for safe and ethical use and care of animals for science instruction.

2) Performance Indicators – The competent science teacher:
   A) designs and assesses learning environments to utilize safe practices to prevent potential problems of liability and negligence regarding the inventory, storage, and disposal of chemicals, resources, and equipment.
   B) develops a set of criteria to measure and assesses the optimum learning environment that promotes scientific inquiry and learning.
   C) develops procedures to adapt learning environments to meet students' special needs.

o) Teaching Science – The competent science teacher understands how to guide and facilitate learning using a variety of methods and strategies that encourage students' development of scientific inquiry skills and concepts.

1) Knowledge Indicators – The competent science teacher:
   A) understands the appropriate use of strategies for questioning, facilitating, and coaching to help students develop significant concepts, problem-solving skills, and scientific habits of mind.
   B) understands the teacher's role in different teaching strategies, including concept development, inquiry, and direct instruction.

2) Performance Indicators – The competent science teacher:
   A) implements activities requiring students to collect data, reflect
upon their findings, make inferences, and link new ideas to preexisting knowledge.

B) conducts instruction that has appropriate structure with flexibility to allow students to engage in productive inquiry as individuals and groups.

C) conducts instruction that encourages the curiosity, openness to new ideas and data, and skepticism that characterize science.

p) Assessment – The competent science teacher understands standards-based science assessment designs, purposes, and analysis strategies, including technological collection capabilities and performance assessments.

1) Knowledge Indicators – The competent science teacher:

A) understands the alignment of student learning standards, instructional strategies, and local curriculum in the development of assessment tools and strategies.

B) understands the value of assessment data in guiding and changing instruction in science classrooms.

C) understands the importance of communicating criteria for success to students.

D) understands the importance and impact of State and local assessment policies.

2) Performance Indicators – The competent science teacher:

A) plans and conducts assessment to evaluate scientific inquiry assessment tasks in multiple disciplines.

B) plans and conducts assessment to evaluate technological design assessment tasks in multiple disciplines.

C) plans and conducts assessment to evaluate scientific case study/issue investigation assessment tasks in multiple disciplines.

D) plans and conducts assessment to evaluate student understanding
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using a variety of tools and strategies.

E) designs assessment tasks with clearly articulated criteria for student impact and program evaluation.

F) evaluates assessment data to propose responses to program evaluation and potential improvement.

q) Connections in Teaching Science – The competent science teacher can relate science to the daily lives and interests of students as well as to the larger framework of human endeavor and to learning in other disciplines.

1) Knowledge Indicators – The competent science teacher:
   A) understands how students can identify and utilize science concepts in their daily lives.
   B) understands the relationship of learning in science to learning in other disciplines.

2) Performance Indicators – The competent science teacher:
   A) engages students in the examination of science applications in their personal lives and interests and in the examination of local issues.
   B) assists students in relating knowledge of other disciplines, particularly mathematics and social sciences, to concepts of science in applications to their personal lives.
   C) orients students to potential careers related to applications of scientific and technological knowledge.

r) Learning Science and the Community – The competent science teacher can make effective use of human and institutional resources beyond the classroom.

1) Knowledge Indicators – The competent science teacher:
   A) understands applications of science concepts and inquiry to the context of a community.
   B) understands how parents and other community members and
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institutions support science learning in the classroom.

C) understands how to use the resources of the student's community to support inquiry.

2) Performance Indicators – The competent science teacher:

A) uses data about a community in conducting learning activities in science.

B) conducts activities that involve parents and other members of the community in the science program.

C) utilizes individuals and agencies that provide science education in the community in the science program.

D) develops and tests a community resource inventory, including its non-formal learning opportunities, business/industry connections, and parent/community resources.

E) uses synchronous and asynchronous telecommunication capabilities to collaborate with community members and other experts as an integral component of projects.

s) Content Reading – The competent science teacher understands the process of reading and demonstrates instructional abilities to teach reading in the content area of science.

1) Knowledge Indicators – The competent science teacher:

A) understands that the reading process is the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation.

B) recognizes the relationships among the four language arts (reading, writing, listening, and speaking), and knows how to provide opportunities to integrate these through instruction.

C) understands how to design, select, modify, and evaluate materials in terms of the reading needs of the learner.
D) understands the importance of and encourages the use of literature for adolescents in the curriculum and for independent reading.

E) understands the relationship between oral and silent reading.

F) understands the role of subject-area vocabulary in developing reading comprehension.

G) understands the importance of the unique study strategies required of the specific content area in developing reading comprehension.

H) understands the importance of the relationship between assessment and instruction in planning.

2) Performance Indicators – The competent science teacher:

A) plans and teaches lessons for students that develop comprehension of content-area materials through instructional practices that include analyzing critically, evaluating sources, and synthesizing and summarizing material.

B) plans and teaches lessons on how to monitor comprehension and correct confusions and misunderstandings that arise during reading.

C) plans and models use of comprehension strategies before, during, and after reading of text.

D) provides opportunities for students to develop content-area vocabulary through instructional practices that develop connections and relationships among words, use of context clues, and understanding of connotative and denotative meaning of words.

E) plans and teaches lessons that encourage students to write about the content read in order to improve understanding.

F) plans and teaches lessons to help students develop study strategies that include previewing and preparing to read text effectively, recognizing organizational patterns unique to informational text,
and using graphic organizers as an aid for recalling information.

G) plans and teaches units that require students to carry out research or inquiry using multiple texts, including electronic resources.

H) provides continuous monitoring of students' progress through observations, work samples, and various informal reading assessments.

I) analyzes and evaluates the quality and appropriateness of instructional materials in terms of readability, content, length, format, illustrations, and other pertinent factors.

J) promotes the development of an environment that includes classroom libraries that foster reading.

(Source: Amended at 28 Ill. Reg. _____, effective ___________=)

Section 27.200  Social Science – A Common Core of Standards

All social science teachers shall be required to demonstrate competence in the common core of social science standards. In addition, each social science teacher shall be required to demonstrate competence in at least one of the social science areas for which standards are described in Sections 27.210 through 27.260 of this Part: economics, geography, history, political science, psychology, and/or sociology and anthropology.

a) The competent social science teacher understands the connections among the behavioral sciences, economics, geography, history, political science, and other learning areas.

1) Knowledge Indicators – The competent social science teacher:

A) understands the structure, purpose, and methodology of the social sciences.

B) understands the interdependence of the social science disciplines.

C) understands the use of social science concepts to interpret human actions.

D) understands the relationship between the social sciences and other
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learning areas.

2) Performance Indicators – The competent social science teacher:

   A) explains the methods social scientists employ to answer questions about the human experience.

   B) integrates concepts from the social sciences in constructing discipline-specific lessons and units.

   C) develops interdisciplinary approaches to the teaching of general social science.

b) The competent social science teacher understands the use of analysis, interpretation, and evaluation.

1) Knowledge Indicators – The competent social science teacher:

   A) understands the value of informed opinion based on systematic analysis of evidence.

   B) understands the strengths and weaknesses of primary and secondary sources of evidence.

   C) understands the importance of multiple sources of information.

   D) understands the complexity of causation.

   E) understands the tentative nature of interpretations about human actions.

   F) understands the difference between fact and conjecture and between evidence and assertion.

2) Performance Indicators – The competent social science teacher:

   A) demonstrates the ability to compare and contrast.

   B) differentiates between facts and interpretations.

   C) analyzes cause-and-effect relationships.
D) compares competing narratives and multiple perspectives.
E) identifies the central questions addressed in a narrative.
F) analyzes data from a variety of sources before reaching a general conclusion or interpretation.

c) The competent social science teacher understands how to use the tools of social science inquiry to conduct research and interpret findings.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the tools of social science research.
   B) understands the use of research in reaching conclusions and developing interpretations.
   C) understands ethical approaches for conducting research and interpreting findings.

2) Performance Indicators – The competent social science teacher:
   A) gathers data, using appropriate methods and technology.
   B) assesses the credibility and authority of sources and research findings.
   C) formulates appropriate questions by observing and analyzing evidence.
   D) organizes and presents findings in an appropriate format.

d) The competent social science teacher understands basic political concepts and systems.
   1) Knowledge Indicators – The competent social science teacher:
      A) understands concepts used in the study of government and politics.
      B) understands the basic purposes and functions of government (e.g.,
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executive, legislative, and judicial).

C) understands the types of political systems (e.g., democracy, oligarchy, monarchy – limited and unlimited).

2) Performance Indicators – The competent social science teacher:

A) explains the basic concepts used in the study of government and politics (e.g., political socialization, representation, and authority).

B) explains why governments exist and the basic functions they perform.

C) compares the characteristics of democracy, autocracy, oligarchy, monarchy, and totalitarianism.

e) The competent social science teacher understands the formation and implementation of public policy in the United States and other nations.

1) Knowledge Indicators – The competent social science teacher:

A) understands the role played by officials in the legislative, executive, judicial, and administrative branches of government.

B) understands the role played by interest groups, political parties and candidates, public opinion, and the mass media.

2) Performance Indicators – The competent social science teacher:

A) analyzes public policy issues from the perspectives of different groups, individuals, and government officials.

B) explains how public policy is formed and carried out at local, State, and national levels.

C) evaluates the role of political parties, interest groups, and the media in public policy debate.

D) identifies examples of political leadership influencing public policy.
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f) The competent social science teacher understands the principles of constitutional government in the United States and Illinois.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the historical development of United States and Illinois constitutional government.
   B) understands the principles of representative government that form the foundation of constitutional democracy.

2) Performance Indicators – The competent social science teacher:
   A) explains how historical events and significant individuals have affected the development of United States constitutional government.
   B) analyzes the fundamental principles (e.g., separation of powers, checks and balances, individual rights, and federalism) that led to the development of democratic government in the United States and Illinois.

g) The competent social science teacher understands the organization and functions of government at national, State, and local levels in the United States.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the organizational structure of national, State, and local government.
   B) understands the operations of the executive, legislative, and judicial branches of government.
   C) understands the functions of national, State, and local governments.

2) Performance Indicators – The competent social science teacher:
   A) explains how and why powers of the national government are distributed, shared, and limited in a federal system.
B) analyzes the relationships among national, State, and local governments.

h) The competent social science teacher understands the rule of law and the rights and responsibilities of individual citizens in a democratic society, with an emphasis on the United States and Illinois.

1) Knowledge Indicators – The competent social science teacher:

A) understands the sources, purposes, and functions of law (e.g., basic legal rights and responsibilities).

B) understands the rights extended to citizens through the Bill of Rights and other amendments.

C) understands the role of the Supreme Court in defining, expanding, and limiting individual rights.

D) understands the role of responsible citizenship.

2) Performance Indicators – The competent social science teacher:

A) evaluates the rights and responsibilities of the individual in relation to his or her family, social groups, community, and nation.

B) evaluates historical and current issues regarding the judicial protection of individual rights (e.g., landmark court decisions and amendments).

C) examines the implications of responsible citizenship (e.g., decision-making, volunteerism, and voting).

i) The competent social science teacher understands the purposes and functions of international organizations and global connections, with an emphasis on the role of the United States.

1) Knowledge Indicators – The competent social science teacher:

A) understands the function and global impact of major international and multinational organizations.
B) understands the development and implementation of United States foreign policy.

2) Performance Indicators – The competent social science teacher:

A) analyzes the influence of international organizations on world affairs.

B) identifies examples of individuals and interest groups that influence United States foreign policy.

j) The competent social science teacher understands economic concepts, terms, and theories.

1) Knowledge Indicators – The competent social science teacher:

A) understands the impact of scarcity and opportunity cost on the allocation of resources.

B) understands the effects of supply and demand on economic decisions.

C) understands that cost/benefit analysis influences economic decision-making.

D) understands the role of money in an economic system.

2) Performance Indicators – The competent social science teacher:

A) analyzes how allocation of scarce resources affects a society's standard of living.

B) uses supply and demand theory to analyze production, consumption, prices, and the market value of labor.

C) uses marginal analysis to analyze the costs and benefits of voluntary exchange and to evaluate historical and contemporary social issues.

D) analyzes the characteristics and functions of money and applies an understanding of money to personal finance and consumer
k) The competent social science teacher understands various types of economic systems.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the differences among various economic systems.
   B) understands the role of government in an economic system.
   C) understands the importance of financial institutions in a market economy.

2) Performance Indicators – The competent social science teacher:
   A) compares the characteristics of command, traditional, and market economic systems and assesses how values and beliefs influence economic decisions in different societies.
   B) evaluates the costs and benefits of government policies and how they affect decisions by consumers and producers.
   C) explains how banks and other financial institutions facilitate saving, borrowing, and investment.

l) The competent social science teacher understands the components and operation of the United States economy.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the basic principles of free enterprise, including entrepreneurship.
   B) understands the roles of the federal government and the Federal Reserve System in the U.S. economy.
   C) understands the impact of government policies on economic decision-making.
   D) understands the impact of economic problems such as inflation and
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unemployment.

2) Performance Indicators – The competent social science teacher:

A) explores the impact of competition and monopoly on businesses and households.

B) analyzes the relationships among households, firms, and government agencies in a market economy.

C) evaluates the effects of taxes, subsidies, income transfers, interest rates, and other policies on the decisions of consumers and producers.

D) analyzes economic problems (e.g., inflation and unemployment).

m) The competent social science teacher understands international economic structures, processes, and relationships.

1) Knowledge Indicators – The competent social science teacher:

A) understands the interconnectedness of comparative advantage, specialization, and trade.

B) understands the effects of economic interdependence and free trade.

C) understands the impact of availability of resources on economic growth and stability.

D) understands the global effects of resource supply and demand.

2) Performance Indicators – The competent social science teacher:

A) analyzes how specialization and comparative advantage affect global production, consumption, voluntary trade, and economic interdependence.

B) evaluates trade incentives and disincentives such as subsidies and quotas, and examines how the availability of resources affects specialization and trade among nations and regions.
n) The competent social science teacher understands historical concepts, terms, and theories.

1) Knowledge Indicators – The competent social science teacher:

   A) understands chronological thinking and periodization.
   B) understands cause and effect.
   C) understands change and continuity.
   D) understands historical context.

2) Performance Indicators – The competent social science teacher:

   A) places historical events in the proper chronological framework and compares alternative models of periodization.
   B) analyzes the causes and effects of historical events.
   C) explains patterns of historical succession and duration, continuity, and change.
   D) explains events in relationship to historical setting.

o) The competent social science teacher understands major political developments and compares patterns of continuity and change in different regions of the world.

1) Knowledge Indicators – The competent social science teacher:

   A) understands 19th and 20th century ideologies and their global influence (e.g., liberalism, republicanism, socialism, Marxism, nationalism, communism, fascism, nazism).
   B) understands the nature and significance of modern revolutions.
   C) understands the origins and impact of exploration and imperialism.
   D) understands the development of representative government.
2) Performance Indicators – The competent social science teacher:

A) explains the effect of European political ideologies on other regions and nations of the world.

B) describes the causes and effects of modern political revolutions.

C) evaluates the impact of colonization and decolonization on colonizers and colonized.

D) describes the origins and development of a representative government.

p) The competent social science teacher understands major social and cultural developments and compares patterns of continuity and change in different regions of the world.

1) Knowledge Indicators – The competent social science teacher:

A) understands the evolution and distinctive characteristics of major Asian, African, and American pre-Columbian societies and cultures.

B) understands the philosophical and cultural legacies of ancient Greece and Rome.

C) understands the origins, central ideas, and influence of major religious and philosophical traditions such as Buddhism, Islam, Confucianism, Judaism, and Christianity.

D) understands the culture and ideas of the Medieval, Renaissance, and Reformation periods.

E) understands the culture and ideas of the modern world since the Age of Enlightenment.

2) Performance Indicators – The competent social science teacher:

A) describes changing relations among social classes, ethnic groups, religious denominations, and genders.
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B) explains the process of cultural diffusion.

C) explains the effect of religious diversity on global society.

D) analyzes the effects of ethnic diversity within a society.

q) The competent social science teacher understands major scientific, geographic, and economic developments and compares patterns of continuity and change in different parts of the world.

1) Knowledge Indicators – The competent social science teacher:

   A) understands the connections among civilizations accelerated by changing means of transportation and communication.

   B) understands the major landmarks in the use of the environment from the Paleolithic Period through the transformation from agricultural to industrial societies.

   C) understands the effect of technology on the environment.

   D) understands the origins and impact of capitalism and other economic systems.

2) Performance Indicators – The competent social science teacher:

   A) describes the connections between transportation and communication and their effects on civilizations throughout the course of world history.

   B) describes the progression from hunter-gatherer societies to agricultural and industrial societies.

   C) evaluates the effect of technology on the environment over time.

   D) describes the effect of globalization of the world economy since 1500 AD-CE (sometimes also referred to as "CE").

r) The competent social science teacher understands major political developments and compares patterns of continuity and change in the United States and the State of Illinois.
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1) Knowledge Indicators – The competent social science teacher:
   A) understands the evolution of American democracy, including its ideas, institutions, and practices, from the colonial period to the present.
   B) understands the evolution of United States foreign policy and its relationship to domestic affairs and policy.
   C) understands the development of political institutions in Illinois.

2) Performance Indicators – The competent social science teacher:
   A) describes the origins and development of democracy in the United States.
   B) explains the emergence of the United States as a world power.
   C) describes the influence of domestic affairs on foreign policy.
   D) describes the development of government in Illinois.

e) The competent social science teacher understands major social and cultural developments and compares patterns of continuity and change in the United States and the State of Illinois.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the characteristics of migration and settlement of people who came to America from different regions from prehistory to the present.
   B) understands the importance of family and local history and their relation to the larger context of American development.
   C) understands the changing character of American society, culture, arts and letters, education, religion, and values.

2) Performance Indicators – The competent social science teacher:
A) analyzes migration patterns and movement of people to and within the United States and Illinois.

B) identifies examples of continuity and change in American culture, arts and letters, education, religion, and values.

C) explains the concept of "e pluribus unum."

t) The competent social science teacher understands the major scientific, geographic, and economic developments and compares patterns of continuity and change in the United States and the State of Illinois.

1) Knowledge Indicators – The competent social science teacher:

A) understands the development of the United States and Illinois economies, including the agricultural, industrial, and service sectors.

B) understands the relationship between geography and economic developments.

2) Performance Indicators – The competent social science teacher:

A) describes the impact of technological change and urbanization in the United States and Illinois.

B) describes the changing role of labor in the United States and Illinois.

C) describes the development and impact of capitalism in the United States and Illinois.

D) explains the changing role of the United States economy within the global economy.

u) The competent social science teacher understands geographic representations, tools, and technologies and how to use them to obtain information about people, places, and environments on Earth.

1) Knowledge Indicators – The competent social science teacher:
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A) understands the use of mental and other maps.

B) understands the use of aerial photographs and satellite images.

C) understands the advantages and disadvantages of various geographic representations, tools, and technologies.

2) Performance Indicators – The competent social science teacher:

A) describes ways that mental and other maps influence human decisions about location, settlement, and public policy.

B) uses geographic tools and technologies such as aerial photographs and satellite images to pose and answer questions about spatial distributions and patterns on Earth.

C) evaluates the application of geographic tools and supporting technologies to solve problems (e.g., urban planning, location of commercial establishments).

v) The competent social science teacher understands how culture and experience influence human perceptions of people, places, and regions.

1) Knowledge Indicators – The competent social science teacher:

A) understands that culture and technology affect perceptions of places and regions.

B) understands that places and regions serve as cultural symbols for people.

C) understands the relationships between cultural change and changing perceptions of places and regions.

2) Performance Indicators – The competent social science teacher:

A) identifies ways culture and technology influence perceptions of places and regions.

B) explains how cultural processes (e.g., gender roles, resource use, transportation, and communication) shape the features of places.
C) assesses the relationship between cultural change and the perception and use of places and regions.

w) The competent social science teacher understands the physical and human characteristics of places and regions.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the elements and types of places and regions.
   B) understands changes in places and regions over time.
   C) understands the connections among places and regions.

2) Performance Indicators – The competent social science teacher:
   A) analyzes human and physical processes to determine their role in the creation of different types of places and regions.
   B) identifies human and physical changes in places and regions and explains the factors that contribute to those changes.
   C) explains the significance of connections among places and regions over space and time.

x) The competent social science teacher understands how physical processes and human activities influence spatial distributions.

1) Knowledge Indicators – The competent social science teacher:
   A) understands the trends and issues in world population patterns.
   B) understands the impact of human migration on physical and human systems.
   C) understands that cooperation and conflict influence spatial patterns on Earth.
   D) understands that physical processes contribute to different spatial
distributions.

2) Performance Indicators – The competent social science teacher:

   A) analyzes population trends, issues, and patterns.

   B) explains the causes of, and the spatial patterns that result from, cooperation and conflict among groups and societies.

   C) explains how human migration affects physical and human systems.

   D) analyzes different spatial patterns to determine the influence of various physical processes.

   y) The competent social science teacher understands the role of science and technology in the modification of physical and human environments.

1) Knowledge Indicators – The competent social science teacher:

   A) understands that human actions coupled with technology result in modifications to the physical environment.

   B) understands the functions, sizes, and spatial arrangement of human environments (e.g., cities).

   C) understands the changes affecting physical and human environments.

2) Performance Indicators – The competent social science teacher:

   A) explains how technology expands human capability to modify human and physical environments.

   B) explains the global impact of human action on the physical environment.

   C) proposes solutions to environmental problems.

   z) The competent social science teacher understands the consequences of global interdependence on spatial patterns.
1) Knowledge Indicators – The competent social science teacher:

A) understands the causes and effects of increased global interdependence.

B) understands that the spatial distribution of resources affects the location and distribution of economic activities.

C) understands the spatial implications of international economic issues and problems.

2) Performance Indicators – The competent social science teacher:

A) explains the primary causes for and effects of increased global interdependence.

B) analyzes how the distribution of resources affects the location of economic activities.

C) explains how international economic issues, opportunities, and problems result from increased global interdependence.

aa) The competent social science teacher understands concepts, terms, and theories related to human behavior and development.

1) Knowledge Indicators – The competent social science teacher:

A) understands basic psychological concepts (e.g., cognition, development, personality).

B) understands fundamental theories of learning, motivation, and development.

C) understands cognitive, biological, and emotional influences on behavior.

D) understands main theories of personality (e.g., psychoanalytic, trait, behaviorism, humanism) and various types of psychological disorders.
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2) Performance Indicators – The competent social science teacher:

A) explains how physiology, learning, emotions, and motivation influence behavior.

B) applies knowledge of human development to examine physical, cognitive, social, emotional, and moral changes associated with different stages of life.

C) applies main concepts of personality theory and psychological disorders to explain behavior.

bb) The competent social science teacher understands concepts, terms, and theories related to the study of cultures, the structure and organization of human societies, and the process of social interaction.

1) Knowledge Indicators – The competent social science teacher:

A) understands basic sociological and anthropological concepts (e.g., acculturation, ethnocentrism, institutions).

B) understands social organization in various time periods (e.g., ancient, pre-industrial, industrial, postindustrial).

C) understands the impact of social customs, cultural values, and norms on behavior.

D) understands the influence of social class on life decisions.

E) understands sociological approaches to conformity and deviancy.

2) Performance Indicators – The competent social science teacher:

A) applies a behavioral science point of view to general social phenomena and specific social situations.

B) analyzes interactions among individuals and groups within various social institutions (e.g., educational, religious, military).

C) explains the role played by tradition, the arts, and social institutions in the development and transmission of culture.
D) analyzes ways in which common values and beliefs develop within societies.

E) analyzes conformity and deviancy from a sociological perspective.

cc) The competent social science teacher understands the process of reading and demonstrates instructional abilities to teach reading in the content area of social science.

1) Knowledge Indicators – The competent social science teacher:

   A) understands that the reading process is the construction of meaning through the interactions of the reader's background knowledge and experiences, the information in the text, and the purpose of the reading situation.

   B) recognizes the relationships among the four language arts (reading, writing, listening, and speaking), and knows how to provide opportunities to integrate these through instruction.

   C) understands how to design, select, modify, and evaluate materials in terms of the reading needs of the learner.

   D) understands the importance of and encourages the use of literature for adolescents in the curriculum and for independent reading.

   E) understands the relationship between oral and silent reading.

   F) understands the role of subject-area vocabulary in developing reading comprehension.

   G) understands the importance of the unique study strategies required of the specific content area in developing reading comprehension.

   H) understands the importance of the relationship between assessment and instruction in planning.

2) Performance Indicators – The competent social science teacher:

   A) plans and teaches lessons to help students develop comprehension
of content-area materials through instructional practices that include analyzing critically, evaluating sources, and synthesizing and summarizing material.

B) plans and teaches lessons on how to monitor comprehension and correct confusions and misunderstandings that arise during reading.

C) plans and models use of comprehension strategies before, during, and after reading of text.

D) provides opportunities for students to develop content-area vocabulary through instructional practices that develop connections and relationships among words, use of context clues, and understanding of connotative and denotative meaning of words.

E) plans and teaches lessons that encourage students to write about the content read in order to improve understanding.

F) plans and teaches lessons to help students develop study strategies that include previewing and preparing to read text effectively, recognizing organizational patterns unique to informational text, and using graphic organizers as an aid for recalling information.

G) plans and teaches units that require students to carry out research or inquiry using multiple texts, including electronic resources.

H) provides continuous monitoring of student progress through observations, work samples, and various informal reading assessments.

I) analyzes and evaluates the quality and appropriateness of instructional materials in terms of readability, content, length, format, illustrations, and other pertinent factors.

J) promotes the development of an environment that includes classroom libraries that foster reading.

(Source: Amended at 28 Ill. Reg. ______, effective ___________)

Section 27.230  History

In addition to the standards for all social science teachers that are set forth in Section 27.200 of this Part, those who specialize in the teaching of history shall be required to meet the standards described in this Section.

a)  The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history from the colonial era through the growth of the American republic.

1)  Knowledge Indicators – The competent history teacher:

   A)  understands the interaction of European and Native American societies through the mid-19th century.

   B)  understands the development of political, religious, and socioeconomic institutions in the American colonies.

   C)  understands the role of the American Revolution in the development of United States society.

   D)  understands the impact of the industrial revolution, the institution of slavery, and westward expansion on regional and national development.

2)  Performance Indicators – The competent history teacher:

   A)  identifies political ideas that influenced the development of U.S. constitutional government.

   B)  assesses factors that contributed to the Age of Exploration and evaluates the consequences of the Columbian Exchange.

   C)  explains the social, economic, and political tensions that led to the American Revolution.

   D)  explains the factors that accounted for the differences between societies in New England, the mid-Atlantic, and the lower South.

   E)  explains the effect of the revolution on social, political, and economic relations in the new nation.
F) explains the evolution of the two-party system.

b) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history from the Civil War through World War I.

1) Knowledge Indicators – The competent history teacher:

A) understands events that contributed to the U.S. Civil War.

B) understands the role of reconstruction in rebuilding the nation.

C) understands the role of big business in the transformation of U.S. society in the late 19th century.

D) understands the influences of Populism and Progressivism on U.S. society in the late 19th and early 20th centuries.

E) understands the composition and significance of late 19th century immigration.

F) understands the role of the U.S. in world affairs through World War I.

2) Performance Indicators – The competent history teacher:

A) explains the effects of the Civil War on U.S. society.

B) evaluates reconstruction policies and their impact on U.S. society.

C) identifies the effects of industrialization and urbanization on the U.S.

D) traces the patterns of immigration settlement in different regions of the country.

E) describes the obstacles, opportunities, and contributions of immigrants.

F) assesses the relationship between business and labor.
The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in United States history in the twentieth century and beyond.

1) Knowledge Indicators – The competent history teacher:

A) understands the effects of the Great Depression on the United States.

B) understands the relationship between the New Deal and the development of welfare policies after 1932.

C) understands the origins of World War II and of U.S. involvement in the war.

D) understands the social transformation of the post-war United States.

E) understands the origins of the Cold War and its impact on the United States.

F) understands the significance of landmark events in foreign and domestic policies since 1945.

G) understands United States involvement in the Vietnam War.

2) Performance Indicators – The competent history teacher:

A) evaluates the causes of the Great Depression and its impact on the United States.

B) explains reasons for U.S. participation in World War II.

C) evaluates the role of the United States in World War II and the
The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in world history from prehistory to the Age of Exploration.

1) Knowledge Indicators – The competent history teacher:

A) understands the transition from prehistory to early civilizations, including non-western empires and tropical civilizations.

B) understands the development of classical civilizations from 1000 BC to 500 AD (sometimes also referred to as "BCE" and "CE", respectively).

C) understands the fragmentation and interaction of civilizations from 500 to 1000 AD.

D) understands the centralization of power in different regions from 1000 to 1500 AD.

2) Performance Indicators – The competent history teacher:

A) describes the populating of major world regions by human communities.

B) identifies and compares centralized and decentralized states.

C) explains the major achievements of Greek and Roman...
c) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in world history from the Age of Exploration to the present.

1) Knowledge Indicators – The competent history teacher:

A) understands cultural encounters, global change, and revolution from 1450 to 1850.

B) understands imperialism and its effects from 1850 to 1914.

C) understands the ideas, institutions, and cultural legacies of the twentieth century.

D) understands the causes and courses of the world wars.

E) understands the motivations and effects of decolonization.

2) Performance Indicators – The competent history teacher:

A) describes the origins and consequences of encounters between Europeans and peoples of Africa, Asia, and the Americas.

B) identifies the cultural and religious significance of the scientific revolution.

C) describes the relationship between political and industrial revolutions on social and cultural change.

D) explains the causes and effects of European, American, and Asian
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imperial expansion.

E) describes the causes and consequences of 20th century wars.

F) describes the causes and global consequences of economic development.

G) describes the causes and consequences of the Holocaust.

H) describes the independence movements related to decolonization.

f) The competent history teacher understands major trends, key turning points, and the roles of influential individuals and groups in the State of Illinois from the colonial era to the present.

1) Knowledge Indicators – The competent history teacher:

A) understands the evolution of political ideas, institutions, and practices and their role in Illinois.

B) understands the influence of geography, technology, agriculture, urbanization, industry, and labor on the development of the Illinois economy.

C) understands the effects of migration of people and cultures and several religious traditions that have shaped Illinois.

D) understands the roles of family and local history in their relation to the larger context of U.S. and global history.

2) Performance Indicators – The competent history teacher:

A) describes the development of political ideas, institutions, and practices in Illinois.

B) traces the development of the Illinois economy.

C) assesses the impact of cultural migration and religious traditions on Illinois.

D) relates Illinois family and local history to U.S. and world history.
g) The competent history teacher understands comparative history.

1) Knowledge Indicators – The competent history teacher:
   A) understands methods of comparative history.
   B) understands effects of broad historical developments (e.g., industrialization, modernization, imperialism, globalization) on diverse cultures.
   C) understands different meanings and implications of broad historical developments on diverse cultures.
   D) understands differences and similarities from one generation to the next within the same culture.

2) Performance Indicators – The competent history teacher:
   A) identifies similarities and differences within and between cultures.
   B) evaluates the impact of broad historical developments on diverse cultures.
   C) assesses the different meanings and implications of historical developments on diverse cultures.
   D) describes continuities and changes within and among generations.

h) The competent history teacher understands the major interpretations in the field of history.

1) Knowledge Indicators – The competent history teacher:
   A) understands the various and changing definitions of history.
   B) understands the origins and interpretative frameworks of significant theories of history.
   C) understands the tentative nature of historical interpretation.
2) Performance Indicators – The competent history teacher:

A) differentiates among and evaluates various definitions of history.

B) employs and assesses interpretive frameworks in analyzing historical events.

C) evaluates major debates among historians.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
1) **Heading of the Part:** Standards for Administrative Certification

2) **Code Citation:** 23 Ill. Adm. Code 29

3) **Section Numbers:**
   - 29.10 Amendment
   - 29.120 Amendment
   - 29.140 Amendment
   - 29.150 Repeal

4) **Statutory Authority:** 105 ILCS 5/Art. 21 and 2-3.6

5) **A Complete Description of the Subjects and Issues Involved:** These amendments cover three aspects of the rules and are all basically technical in nature. The revision in Section 29.10 corresponds to revisions that have been made in other sets of ISBE’s rules to identify October 1 as the date when the new examinations are required. In each case new examinations will be first administered in summer, and the three-month delay is needed before the test is required, to account for the time it takes for scores to become available and for the passing score to be established.

   The reference to the “general administrative endorsement” at the beginning of Section 29.120 acknowledges that Section 21-7.1 of the School Code gives this title to the endorsement that is required for principals and certain other administrators in similar positions. The other revisions in Section 29.120 are being made for the same reason.

   Finally, the changes in Section 29.140 (Director of Special Education) and the repeal of Section 29.150 correspond to the insertion of new material into Part 25 (Certification). We are now at the point where comprehensive new statements need to be made in those rules about the requirements for issuance of all types of teaching, school service personnel, and administrative certificates, so this is an opportune time to transfer the information that has been stated in the introduction to Section 29.140 and in all of Section 29.150 into its logical place within Part 25. This transfer will leave only the standards for the endorsement stated in Part 29, which is comparable to the way all the other administrative endorsements have been treated.

6) **Will these amendments replace any emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No
9) **Are there any other proposed amendments pending on this Part?**  No

10) **Statement of Statewide Policy Objective:** This rulemaking will not create or enlarge a State mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may be submitted within 45 days after the publication of this notice to:

    Sally Vogl  
    Agency Rules Coordinator  
    Illinois State Board of Education  
    100 North First Street  
    Springfield, Illinois 62777  
    (217)782-5270

    Comments may also be submitted electronically, addressed to:

    rules@isbe.net

12) **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

13) **Regulatory agenda which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent regulatory agendas because: The timing of a new rulemaking in 23 Ill. Adm. Code 25 to which this rulemaking chiefly corresponds could not be predicted earlier.

    **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 b: PERSONNEL

PART 29
STANDARDS FOR ADMINISTRATIVE CERTIFICATION

Section 29.10 Purpose and Effective Dates

This Part establishes the standards that shall apply to the issuance of administrative certificates and the endorsements available on those certificates. The standards set forth in this Part shall apply both to candidates for the respective endorsements and to the programs that prepare them. That is:

a) beginning July 1, 2003, approval of any preparation program or course of study in any field covered by this Part pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the relevant standards identified in this Part; and

b) beginning on October 1, 2004, the examination(s) required for issuance of a certificate endorsed in any field covered by this Part shall be based on the relevant standards set forth herein.
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(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 29.120  General Administrative Endorsement Principal

Each candidate for the general administrator principal's endorsement shall be required to meet the standards set forth in this Section in addition to those set forth in Section 29.100 of this Part.

a) Facilitating a Vision of Learning – The competent school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

1) Knowledge Indicators – The competent administrator principal:
   A) has knowledge and understanding of learning goals in a pluralistic society.
   B) comprehends the principles of developing and implementing long-term plans.
   C) recognizes theories of educational leadership.
   D) understands information sources, data collection, and data analysis strategies.
   E) understands effective communication.
   F) understands effective consensus-building and negotiation skills.
   G) has knowledge of the philosophy and history of education.

2) Performance Indicators – The competent administrator principal:
   A) designs curricula with consideration for philosophical, sociological, and historical foundations, democratic values, and the community's values, goals, social needs, and changing conditions.
   B) facilitates the development and implementation of a shared vision and strategic plan for the school or district that focuses on teaching and learning.
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C) analyzes, evaluates, and monitors operational plans and processes to accomplish strategic goals using practical applications of organizational theories.

D) solicits and uses financial, human, and material resources to support the implementation of the school's mission and goals.

E) identifies and critiques several theories of leadership and their application to various school environments.

F) conducts needs assessments and uses qualitative and quantitative data to plan and assess school programs.

G) analyzes and interprets educational data, issues and trends.

H) uses appropriate interpersonal skills and applies appropriate and effective communications strategies when using written, verbal, and nonverbal communication.

I) engages in effective consensus-building and displays effective negotiation skills.

J) frames, analyzes, and resolves problems using appropriate problem-solving techniques and decision-making skills.

K) analyzes school problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.

b) School Culture and Instructional Program – The competent school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to students' learning and staff's professional growth.

1) Knowledge Indicators – The competent principal: administrator

A) has knowledge and understanding of school cultures.

B) understands the continuum of students' growth and development.

C) knows the procedures used in the assessment of the learning
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environment.

D) understands applied learning theories.

E) understands curriculum design, implementation, evaluation, and refinement.

F) recognizes the components of a special education evaluation.

G) understands principles of effective instruction and best practices.

H) comprehends measurement, evaluation, and assessment strategies.

I) understands diversity and its meaning for educational programs.

J) is familiar with adult learning and professional development models.

K) understands the change process for systems, organizations, and individuals.

L) recognizes the role of technology in promoting students' learning and professionals' growth.

M) understands classroom management.

2) Performance Indicators – The competent administrator/principal:

A) creates with teachers, parents, and students a positive school culture that promotes learning.

B) promotes an inclusive educational culture.

C) articulates the district's or school's vision, mission, and priorities to the community and media.

D) builds community support for a district's or school's priorities and programs.

E) promotes an environment where all individuals are treated with fairness, dignity, and respect.
F) develops a culture of high expectations for self, students, and staff’s performance where accomplishments are recognized.

G) applies the principles of students' growth and development to the learning environment and the educational program.

H) utilizes procedures in the assessment of the learning environment.

I) develops collaboratively a learning organization that supports instructional improvement, builds an appropriate curriculum, and incorporates best practice.

J) develops collaboratively curriculum and developmentally appropriate instruction for varied teaching and learning styles as well as specific needs of students, considering gender, ethnicity, culture, social class, and exceptionalities.

K) analyzes various staffing patterns, student grouping plans, class scheduling forms, and school organizational structures and facilitates design processes to support various teaching strategies and desired outcomes for students.

L) assesses students' progress using a variety of appropriate techniques.

M) bases curricular decisions on research, applied theory, informed practice, the recommendations of learned societies, and State and federal policies and mandates.

N) aligns curricular goals and objectives with the Illinois Learning Standards (see 23 Ill. Adm. Code 1.Appendix D).

O) facilitates the design, implementation, and evaluation of curricular, co-curricular, and extracurricular programs for continuous improvement.

P) uses resources to support instructional programs and best practices and incorporates a variety of supervisory models to improve teaching and learning.
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Q) uses qualitative and quantitative data to plan and assess school programs.

R) promotes an inclusive educational culture.

S) identifies needs for professional development and incorporates adult learning strategies and assessment in the formulation of self-development plans for staff.

T) facilitates the change process for systems, organizations, and individuals by using qualitative and quantitative data to plan and assess school programs.

U) studies best practices, relevant research, and demographic data to analyze their implications for school improvement.

V) develops, analyzes and implements operational plans and processes to accomplish strategic goals using practical applications of organizational theories.

W) applies a systems perspective and monitors and assesses the progress of activities, making adjustments and formulating new action steps as necessary.

X) uses technology, telecommunications, and information systems to enrich curriculum and instruction.

Y) develops and implements long-range plans for school and district technology information systems.

Z) uses a variety of supervisory models to improve teaching and learning.

AA) uses and implements collaboratively developed policies and procedures that provide a safe school environment and promote health and welfare.

e) Management – The competent school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
1) Knowledge Indicators – The competent administrator:<br>
A) understands theories and models of organizations and the principles of organizational development.<br>
B) is aware of local operational policies and procedures.<br>
C) understands principles and issues relating to school safety and security.<br>
D) has knowledge of management and development of human resources.<br>
E) comprehends principles and issues relating to fiscal considerations in school management.<br>
F) understands principles and issues relating to school facilities and use of space.<br>
G) recognizes legal issues relating to school operations.<br>
H) has knowledge of current technologies that support management's functions.<br>

2) Performance Indicators – The competent administrator:<br>
A) applies theories to create conditions that motivate staff, students, and families to achieve the school's vision.<br>
B) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.<br>
C) applies effective job-analysis procedures, supervisory techniques, and performance appraisal for instructional and non-instructional staff.<br>
D) utilizes appropriate policies, criteria, and processes for the recruitment, selection, induction, compensation, and separation of personnel, with attention to issues of equity, diversity, and exceptionalities.
E) develops and implements an efficient building-level budget planning process that is driven by school priorities.

F) understands federal, State and local statutory and regulatory provisions and judicial decisions governing education.

G) applies common legal and contractual requirements and procedures in an educational setting.

H) applies and assesses current technologies for school management and business procedures.

d) Collaboration with Families and Communities – The competent school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs and mobilizing community resources.

1) Knowledge Indicators – The competent administrator:

A) recognizes emerging issues and trends that potentially affect the school community.

B) comprehends parents' rights, including the right to an independent evaluation and the use of that evaluation by the student's IEP team (see 23 Ill. Adm. Code 226.75).

C) understands the conditions and dynamics of the diverse school community.

D) has knowledge of community resources.

E) understands community relations and marketing strategies and processes.

F) is aware of successful models of school, family, business, community, government, and higher education partnerships.

2) Performance Indicators – The competent administrator:

A) assesses emerging issues and trends to determine their impact on
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the school community.

B) engages in activities that address parents' rights, including the right to an independent evaluation and the use of that evaluation by the student's IEP team.

C) analyzes community and district power structures and identifies major opinion leaders and their relationships to school goals and programs.

D) identifies and analyzes the major sources of fiscal and non-fiscal resources for schools.

E) develops and implements an effective staff communication plan and public relations program.

F) articulates the district's or school's vision, mission, and priorities to the community and media and understands how to build community support for the district's or school's priorities and programs.

e) Acting with Integrity, Fairness, and in an Ethical Manner – The competent administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

1) Knowledge Indicators – The competent administrator:

A) understands the purpose of education and the role of leadership in modern society.

B) recognizes various ethical frameworks and perspectives on ethics.

C) understands the values and challenges of the diverse school community.

D) is aware of professional codes of ethics.

2) Performance Indicators – The competent administrator:

A) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences
B) manifests a professional code of ethics and values.

C) bases decisions on the moral and ethical implications of policy options and political strategies.

D) promotes the values and challenges of the diverse school community.

E) communicates effectively with various cultural, ethnic, racial, and special interest groups and other diverse populations in the community.

F) treats people fairly, equitably and with dignity and respect and protects the rights and confidentiality of others.

G) encourages others in the school community to demonstrate integrity and exercise ethical behavior.

f) The Political, Social, Economic, Legal and Cultural Context – The competent school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

1) Knowledge Indicators – The competent administrator:

A) comprehends principles of representative governance that undergird the system of American schools.

B) recognizes the role of public education in developing and renewing a democratic society and an economically productive nation.

C) understands the law as related to education.

D) understands State and federal requirements regarding the least restrictive environment (including placement based on the student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP); see 23 Ill. Adm. Code 226.75) for students from birth through 21 years of age.
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E) has knowledge of the political, social, cultural, and economic systems and processes.

F) understands models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.

G) knows about global issues and forces affecting teaching and learning.

H) recognizes the dynamics of policy development and advocacy under our democratic political system.

I) understands federal, State and local statutory and regulatory provisions as well as judicial decisions governing education.

2) Performance Indicators – The competent principal:

A) considers the general characteristics of internal and external political systems as they apply to school settings.

B) influences policy development at the federal, State, district, and school-site level.

C) applies knowledge of common legal and contractual requirements and procedures in an educational setting.

D) analyzes appropriate procedures and relationships for working with local governing boards.

E) develops lines of communication with decision makers outside the school community.

F) frames, analyzes, and resolves problems using models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.

G) bases decisions on the moral and ethical implications of policy options and political strategies.

(Source: Amended at 28 Ill. Reg. ______, effective ___________)
Section 29.140  Director of Special Education

The standards set forth in this Section, in addition to those set forth in Section 29.100 of this Part, shall apply to each candidate applying for this endorsement on or after July 1, 2005. Endorsement as a director of special education shall be available on the administrative certificate beginning January 1, 2003, and shall be required beginning July 1, 2005, in order for an individual to serve as either a director or an assistant director of special education. Except as provided in Section 29.150 of this Part, the requirements for this endorsement shall include completion of a program approved pursuant to Subpart C of the State Board’s rules for Certification (23 Ill. Adm. Code 25) based on congruence with the standards set forth in this Section; passage of the relevant test of subject matter knowledge based on the standards set forth in this Section; passage of the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to 23 Ill. Adm. Code 25.720 (Applicability of Testing Requirement); and either a valid teaching certificate endorsed with a special education credential or a valid school service personnel certificate endorsed for school psychology, school social work, school counseling, or speech-language pathology.

a)  Facilitating a Vision of Educational Excellence

The competent director of special education is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of educational excellence that is shared and supported by the school community.

1)  Knowledge Indicators – The competent director of special education:

   A)  knows and understands the needs of different groups in a pluralistic society.

   B)  knows and understands theories and methodologies of teaching and learning, including the adaptation and modification of curriculum to meet the needs of all learners.

   C)  knows and understands the principles of developing, implementing, and evaluating long-term plans.

   D)  knows and understands theories of and research on organizational and educational leadership.

   E)  knows and understands information sources, data collection, and data analysis strategies.
F) knows and understands appropriate channels and media for communicating plans, ideas, and goals to the board of education, staff, parents, students, and the community.

G) knows and understands effective consensus-building and negotiation skills.

H) knows and understands the historical, moral, philosophical, and political traditions of education, including those that provide the basis for special education practice.

I) knows and understands systems and theories of educational assessment and evaluation.

J) knows and understands human and financial resources needed to implement and support the organizational vision, mission, and goals.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that promote the success of all students in the least restrictive environment by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

B) facilitates and engages in activities that promote appropriate educational standards and excellence for all students and staff.

C) facilitates and engages in activities that support a nurturing and high-performing culture and climate through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.

D) facilitates and engages in activities that collaboratively develop vision and goals among teachers, support staff, students, administrators, board members, families, and community members.

E) facilitates and engages in activities that articulate and model central beliefs of the organization and effectively communicates
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and takes actions to achieve organizational vision, mission, and goals.

F) facilitates and engages in activities that form and implement educational programs, policies, plans, and actions to realize organizational vision, mission, and goals.

G) facilitates and engages in activities aimed at forming and implementing a vision, mission, and goals to provide purpose and direction for individuals and groups.

H) facilitates and engages in activities that affect the collection, organization, and analyses of a variety of information, including data on students’ performance, to assess progress toward organizational vision, mission, and goals.

I) facilitates and engages in activities that result in an implementation plan in which objectives and strategies to achieve the organizational vision, mission, and goals are clearly articulated and linked to students’ learning.

J) facilitates and engages in activities that identify, clarify, and address barriers to achieving the vision, mission, and goals.

K) facilitates and engages in activities to obtain and organize financial, human, and material resources to realize the organizational vision, mission, and goals.

L) facilitates and engages in activities to monitor, evaluate, and revise the organizational vision, mission, goals, and implementation plans regularly.

b) Learning Environment and Instructional Program

The competent director of special education is an educational leader who promotes the success of all students by advocating and nurturing a constantly improving learning environment and an instructional program based upon educationally sound principles of curriculum development and modifications, learning and teaching theory, and professional development.

1) Knowledge Indicators – The competent director of special education:
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A) knows and understands the principles of human growth and development, ranges of individual variation, and their application to the school environment and instructional program.

B) knows and understands the concept of school climate as it applies to students’ and staff’s performance.

C) knows and understands the educational change process.

D) knows and understands a variety of educational research methodologies and their comparable strengths and weaknesses.

E) knows and understands cognition, learning theories, and interventions and their relationship to instruction.

F) knows and understands applications of technology for administrators, staff, and students to enhance the learning and instructional program.

G) knows and understands a variety of methods for assessing and evaluating students’ performance.

H) knows and understands professional development models and adult learning theory.

I) understands effects of the cultural and environmental milieu of the child and the family, including cultural and linguistic diversity, socioeconomic level, abuse/neglect, and substance abuse, on behavior and learning.

J) has knowledge of techniques for modifying instructional methods, curricular materials, technology, and the learning environment to meet students' needs, including techniques that are developmentally appropriate.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that develop a climate that is supportive of continuous improvement of the instructional program for all students.
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B) facilitates and engages in activities that systematically design and implement procedures and instruments for evaluating the instructional program.

C) facilitates and engages in activities that systematically support staff development to enhance the learning environment and the instructional program.

D) facilitates and engages in activities that use best practices and sound educational research to promote improved instructional techniques, intervention strategies, and specialized curricular materials.

E) facilitates and engages in activities that promote reflective practices among administrators, teachers, and staff.

F) facilitates and engages in activities that promote an environment that encourages creativity and innovation.

G) facilitates and engages in activities that provide a climate in which treatment of all individuals with respect, dignity, and fairness is valued.

H) facilitates and engages in activities that promote the appropriate use of technology to enhance students’ learning and staff’s professional growth.

I) facilitates and engages in activities that promote high expectations for self, staff, and students.

J) facilitates and engages in activities that deal with the ambiguity and uncertainty that accompanies the change process.

K) facilitates and engages in activities that systematically conduct, act upon, and report assessment of individual students’ educational performance and evaluation of the instructional program.

L) facilitates and engages in activities that connect educational standards to specialized instructional services.
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M) facilitates and engages in activities that promote collaboration of staff and outside agencies in providing services to students and families.

N) facilitates and engages in activities that foster lifelong learning.

c) Knowledge of Laws, Regulations, and Professional Ethics

The competent director of special education has a thorough knowledge of federal and State statutes affecting the education of students with disabilities.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands current legal, regulatory, and ethical issues affecting education.

B) knows and understands the legal rights and responsibilities of students, staff, and parents/guardians.

C) knows and understands federal and State education laws and regulations.

D) knows and understands the legal aspects of school administration.

E) knows and understands the system of public school governance in Illinois.

F) knows and understands the responsibilities and functions of school committees and boards.

G) knows and understands procedures for formulating and implementing board policies and operating procedures.

H) knows and understands the moral and ethical responsibilities of schools and members of the school community.

I) knows and understands how to establish and implement policies that promote ethical behavior and high professional standards through collaboration with stakeholders.

J) knows and understands how the Illinois and U.S. Constitutions, organizational policies, and laws (statutory, common, and case)
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regulate the behavior of students, staff, and administrators in the schools.

K) knows and understands the role of public education in developing and renewing a democratic society and an economically productive nation.

L) knows and understands models and strategies of change and conflict resolution as applied to schools.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that ensure an ongoing dialogue with and among representatives of diverse community groups.

B) facilitates and engages in activities that lead the school community to operate within the framework of policies, laws, and regulations enacted by local, State, and federal authorities and professional ethical standards.

C) facilitates and engages in activities that foster a board/superintendent working relationship that promotes and actualizes organizational vision, missions, and goals.

D) facilitates and engages in activities that shape public policy to provide high-quality education for students.

E) facilitates and engages in activities that provide clear distinctions between board policies and operating procedures.

F) facilitates and engages in activities that base decisions on the legal, moral, and ethical implications of policy options and political strategies.

G) facilitates and engages in activities that create a collaborative relationship with staff to implement policies to promote behavior and professional practices consistent with high ethical standards.

d) Identification of Students and Provision of Services
The competent director of special education has a thorough knowledge of identification procedures, service delivery models, and assistive technology for students with disabilities.

1) Knowledge Indicators – The competent director of special education:

   A) knows and understands effective strategies for identifying children (from birth through age 21) who may have disabilities.

   B) knows and understands effective intervention strategies and processes that are prerequisite to a referral or a case study evaluation.

   C) knows and understands the case study evaluation process, including the determination of eligibility for special education services.

   D) knows and understands the continuum of programs and array of services available to students with disabilities.

   E) knows and understands the process of developing Individualized Education Programs (IEP).

   F) knows and understands parents’ and students’ rights regarding evaluation, eligibility, services, and discipline.

   G) knows and understands the array of assistive technology options to facilitate access of students with disabilities to the least restrictive environment.

   H) knows and understands lawful and appropriate strategies for the discipline of students with disabilities.

2) Performance Indicators – The competent director of special education:

   A) facilitates and engages in activities that promote public awareness, sound screening practices, and early identification of students with disabilities.

   B) facilitates and engages in activities that provide staff development in the use of effective intervention strategies for instructional staff.
C) facilitates and engages in activities that ensure all essential components of a case study evaluation have been utilized when determining eligibility for special education services.

D) facilitates and engages in activities that promote a free appropriate public education in the least restrictive environment.

E) facilitates and engages in activities that promote programs and related services for children based upon a thorough understanding of individual differences.

F) facilitates and engages in activities that ensure the required components of an Individualized Education Program are incorporated into a plan of services for individual students.

G) facilitates in activities that ensure the Individualized Education Programs are linked to the Illinois Learning Standards (see 23 Ill. Adm. Code 1.App. D).

H) facilitates and engages in activities that evaluate a student’s success in participation in the general educational curriculum.

I) facilitates and engages in activities that ensure that parents’ and students’ rights regarding evaluation, eligibility, services, and discipline are disseminated and understood.

J) facilitates and engages in activities that ensure that parents’ and students’ rights regarding evaluation, eligibility, services, and discipline are implemented.

K) facilitates and engages in activities that promote the use of assistive technology for students with disabilities and the identification of resources for assistive devices.

L) facilitates and engages in activities to ensure the lawful and appropriate strategies for discipline of students with disabilities are applied.

e) Special Education Finance
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The competent director of special education has a thorough knowledge of school finance procedures, understands special education funding, and demonstrates the ability to develop and manage a budget.

1) Knowledge Indicators – The competent director of special education:
   a) knows and understands general school finance and procedures for the development of budgets.
   b) knows and understands various federal, State, and local funding sources.
   c) knows and understands developing and managing special education budgets.
   d) knows and understands practices, policies, and procedures for operating and maintaining the organization's facilities, equipment, and services.

2) Performance Indicators – The competent director of special education:
   a) facilitates and engages in activities that result in the development and management of the organization's special education budgets and that incorporate general school financial principles and procedures.
   b) facilitates and engages in activities that result in receipt of federal, State, and local grant monies.
   c) facilitates and engages in activities that obtain maximum reimbursement from all sources.
   d) facilitates and engages in activities to effectively manage the organization's facilities, equipment, and services.

f) Management

The competent director of special education is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, effective and least restrictive learning environment.

1) Knowledge Indicators – The competent director of special education:
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A) knows and understands a variety of practices and models for the management of an organizational system.

B) knows and understands principles of human resource management and development to maximize the effectiveness of all constituents of the organization.

C) knows and understands practices, policies, and procedures for operating and maintaining the organization’s facilities, equipment, and auxiliary services.

D) knows and understands principles of financial planning and management for efficient fiscal operation in support of the organization’s vision, mission, and goals.

E) knows and understands organizational and operational policies and procedures that enhance students’ learning.

F) knows and understands practices and procedures to ensure safe and secure schools for students, parents, staff, and community members.

G) knows and understands practices and procedures to ensure that organizational management functions are supported by current technologies.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that use central organizational processes (including planning, communication, decision making, problem solving, and information management) for operational effectiveness and organizational development.

B) facilitates and engages in activities that empower various groups of constituents (e.g., staff, students, and parents) of the organization as leaders to support change efforts through the use of delegation, collaboration, and collegial strategies.

C) facilitates and engages in activities that employ supervisory and performance appraisal techniques to enhance and develop the
knowledge and skill base of instructional and non-instructional staff.

D) facilitates and engages in activities to support professional development for all constituents of the organization, focusing on the improvement of teaching and learning outcomes.

E) facilitates and engages in recruitment, selection, induction, and negotiation, resulting in the employment and retention of qualified personnel to support an effective learning environment.

F) facilitates and engages in activities that ensure the physical plant is accessible, well maintained, functional, secure, and conducive to the support of the full range of the organization’s curricular and extracurricular programs.

G) facilitates and engages in activities that provide efficient delivery of important auxiliary services (including health and nutrition, pupil transportation, risk management, and school security).

H) facilitates and engages in activities that identify financial and material assets and resources and acquire them for subsequent allocation according to organizational goals and priorities.

I) facilitates and engages in activities that maximize fiscal resources through financial management processes (including planning, budgeting, procurement, accounting, and monitoring).

J) facilitates and engages in activities that create operational plans and procedures in support of organizational vision, mission, and goals.

K) facilitates and engages in activities that use organizational monitoring systems to ensure the implementation of policies.

L) facilitates and engages in activities that use management techniques to define roles, assign functions, and delegate accountability relative to achieving goals.
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M) facilitates and engages in activities that operate school plant, equipment, and support systems securely, safely, efficiently, and effectively.

N) facilitates and engages in activities that maintain secure, safe, clean, and esthetically pleasing school environments that foster students’ learning.

O) facilitates and engages in activities that identify managerial functions that can be improved using technology.

P) facilitates and engages in activities that provide ongoing training and review to ensure the productive and efficient use of technology in organizational management.

g) Collaboration with Families and Communities

The competent director of special education is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

1) Knowledge Indicators – The competent director of special education:

A) knows and understands the multiple stakeholders’ groups that comprise the school community, which includes but is not limited to parents, religious groups, business and industry, service organizations, local and county government, students, other taxpayers, and employees of organizations within the community.

B) knows and understands the conditions and dynamics of the racial, ethnic, linguistic, religious, and socio-economic diversity of the community.

C) knows and understands community resources that provide services that support the vision, mission, and goals of the school organization.

D) knows and understands school-community relations and marketing strategies and processes.
E) knows and understands emerging issues and trends that potentially affect the school community and the mission of the school.

F) knows and understands successful models of partnerships between the organization and families, businesses, community groups, governmental agencies, and higher education.

G) knows and understands the political nature of schools and how the political system operates.

2) Performance Indicators – The competent director of special education:

A) facilitates and engages in activities that clearly articulate the organizational vision, mission, and goals to multiple stakeholders.

B) facilitates and engages in activities that use political structures and skills to build community support for organizational priorities.

C) facilitates and engages in activities that provide effective communication with individuals and organizations throughout the community.

D) facilitates and engages in activities that inform the organization's decision making by collecting and organizing a variety of formal and informal information from multiple stakeholders.

E) facilitates and engages in activities that provide communications from the organization that are written and spoken clearly and forcefully.

F) facilitates and engages in activities that demonstrate formal and informal listening skills.

G) facilitates and engages in activities that demonstrate group leadership skills.

H) facilitates and engages in activities that identify and consider various political interests within the community in organizational decision making.
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I) facilitates and engages in activities that educate the community about school funding and referenda.

J) facilitates and engages in activities that mediate conflict between the organization and various stakeholders.

K) facilitates and engages in activities that involve the school organization and community in school improvement efforts.

L) facilitates and engages in activities that demonstrate the ability to build consensus.

M) facilitates and engages in activities that foster educational partnerships with a variety of persons and organizations to promote delivery of educational opportunities.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 29.150 New Credential Required – Directors and Assistant Directors of Special Education (Repealed)

Beginning July 1, 2005, the State Board of Education shall issue no further approvals for individuals to serve as State-approved directors or assistant directors of special education pursuant to 23 Ill. Adm. Code 226.800(g) (Personnel Required to be Qualified). As of that date, an administrative certificate endorsed for director of special education shall be required in order for an individual to serve as either a director or an assistant director of special education. Certain individuals may receive that endorsement as provided in this Section rather than as provided in Section 29.140 of this Part.

a) An individual who has received a letter of approval as an administrator of special education from the State Board of Education at any time may receive an endorsement for director of special education by submitting an application for the endorsement accompanied by the applicable fee and a copy of his or her letter of approval.

b) An individual who holds an administrative certificate and the teaching or school service personnel certification required by Section 29.140 of this Part but who has never been approved as an administrator of special education may receive endorsement for director of special education at any time by submitting an application for the endorsement accompanied by the applicable fee and evidence of having completed 30 semester hours of coursework, distributed among all the areas listed in subsections (b)(1) through (b)(5) of this Section. These requirements must have been met on or before June 30, 2005.
1) Survey of exceptional children.
2) Special methods courses covering at least three areas of disability.
3) Educational and psychological diagnosis and remedial techniques.
4) Guidance and counseling.
5) Supervision of programs for children with disabilities.

(c) An individual who holds an administrative certificate and the teacher or school service personnel certification required by Section 29.140 of this Part but who does not meet all the other requirements of subsection (b) of this Section may receive endorsement for director of special education at any time after the test of subject matter knowledge for that endorsement becomes available by passing that test and submitting an application accompanied by the applicable fee. An individual who wishes to qualify for this endorsement pursuant to this subsection (c) shall also be required to pass the test of basic skills if passage of that test would be required for a standard certificate pursuant to 23 Ill. Adm. 25.720 (Applicability of Testing Requirement).

(Source: Repealed at 28 Ill. Reg. ______, effective ____________)
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NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Secular Textbook Loan

2) **Code Citation:** 23 Ill. Adm. Code 350

3) **Section Numbers:**
   - 350.10 Amendment
   - 350.15 Amendment

4) **Statutory Authority:** 105 ILCS 5/18-17

5) **A Complete Description of the Subjects and Issues Involved:**
   P.A. 93-212, effective July 18, 2003, amended Section 18-17 of the School Code to allow schools to purchase certain science curriculum materials under the Secular Textbook Loan Program. This change in the law necessitates a change in the administrative rules for the program.

At the same time, staff are proposing to amend the section of the rules dealing with acquisition procedures to require that all requests for textbooks under the loan program be submitted by electronic means only (via a dedicated site on the agency’s web page).

6) **Will these proposed amendments replace an emergency rulemaking currently in effect?**
   No

7) **Does this rulemaking contain an automatic repeal date?**
   No

8) **Do these proposed amendments contain incorporations by reference?**
   No

9) **Are there any other proposed amendments pending on this Part?**
   No

10) **Statement of Statewide Policy Objectives:** This rulemaking will not create or enlarge a State mandate.

11) **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:

    Sally Vogl
    Agency Rules Coordinator
    Illinois State Board of Education
    100 North First Street, S-475
    Springfield, Illinois 62777-0001
12) **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:** Eligible school districts and private schools will be required to follow standard procedures established for the submission of requests for the loan of secular textbooks under the program.

   C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking has not yet appeared on the regulatory agenda as the law was enacted on July 18, 2003.

The full text of the Proposed Amendments begins 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 j: TEXTBOOKS

PART 350
SECULAR TEXTBOOK LOAN

Section
350.10 Definition of Terms
350.15 Acquisition Procedures
350.20 Administrative Practices (Repealed)
350.25 Disposal Procedures
350.30 Fiscal Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].


Section 350.10 Definition of Terms

"Eligible Applicant" for the purposes of this Part is a public school district in the State of Illinois; or a nonpublic school that is in compliance with the compulsory attendance laws of Illinois and Title VI of the Civil Rights Act of 1964 and is registered with the State Board of Education; or any other publicly funded school located in the State.

"Student" means any student in this State who is enrolled in grades kindergarten through 12 at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964. (Section 18-17 of the School Code [105 ILCS 5/18-17])

"Parent" means a parent or guardian of a child enrolled in a public or nonpublic school.
"Request Form" means either a paper or an electronic version (i.e., via diskette or the Internet) of the document available via the Internet that the eligible applicant uses to request the secular textbooks to be purchased under the program.

"School Administrator" means the superintendent of a school district or the chief administrative officer of a nonpublic school or other eligible school, or his or her designee.

"Secular Textbook" means any book or book substitute which a pupil uses as a text or text substitute in a particular class or program. It shall include books, reusable workbooks, manuals, whether bound or in loose-leaf form, and instructional computer software intended as a principal source of study material for a given class or group of students. "Textbook" also includes science curriculum materials in a kit format that includes pre-packaged consumable materials if it is shown that the materials serve as a textbook substitute; the materials are for use by pupils as a principal learning resource; each component of the materials is integrally necessary to teach the requirements of the intended course; the kit includes teacher guidance materials; and the purchase of individual consumable materials is not allowed. (Section 18-17 of the School Code)

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 350.15 Acquisition Procedures

a) Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.

b) Eligible applicants shall provide parents with a brief written explanation of the textbook loan program in a student handbook, newsletter, flyer or by similar means. A parent or student may request the loan of a secular textbook(s) by submitting an individual request that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School Code. I understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw this request."

c) Requested textbooks shall be those that have been adopted for use in the district or school and that are available from those vendors companies that are bonded
through the State Board of Education. The State Board of Education each fiscal year shall provide on its textbook loan website eligible applicants with the list of vendors from which materials may be purchased and with the list of secular textbooks that the State Board of Education has identified as eligible under the program. d) In January of each year, the State Board of Education shall distribute the Request Forms (to be completed by schools), the list of eligible secular textbooks, and the list of bonded companies to the Regional Offices of Education outside of Cook County and to each eligible applicant located in Cook County. This information shall then be distributed by the Regional Superintendents of Schools to each public and nonpublic school in their respective regions.

de) In January of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. Those school administrators with schools eligible to participate will be notified in writing as to:

1) the total amount available to their students to be used for the grade levels identified for funding (the per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year); and-

2) the password to be used to access the textbook loan website for the purposes of completing a Request Form.

ef) The Request Forms shall be completed by the school administrator and the administrator's signature on the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 3, of the Illinois Constitution, which provides in pertinent part that no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination.

fg) Each eligible applicant shall submit its completed Request Form as prescribed in this subsection (g) on or before April 15. Eligible applicants will be unable to access the Request Form after this deadline.

1) Schools located within the City of Chicago shall submit their Request Forms directly to the State Board of Education, Textbook Loan Program, 100 North First Street, Springfield, Illinois 62777 0001. 2) All other applicants shall submit their completed Request Forms to their respective Regional Office of Education. The
Regional Superintendent shall review and approve all Request Forms and forward them to the State Board of Education on or before March 25 upon determining that the information and signature required on the Request Form have been provided. 3) Eligible applicants that choose to submit the completed Request forms via the Internet shall do so in accordance with the procedures indicated on the Request Form. Requested information may include, but is not limited to: a contact person's name, e-mail address, telephone number, and textbook order. 4) Request Forms received after the deadline shall be returned to the applicant.

Each school administrator shall be informed via U.S. mail by the end of May as to the specific textbooks that will be purchased. 1) For applicants located outside of Cook County, the State Board of Education shall inform each Regional Office of Education, which shall notify each applicant in its region. 2) For applicants located in Cook County, the State Board of Education shall inform each applicant directly.

On a form provided by the State Board of Education, the school administrator shall confirm that the quantity and titles of all textbooks received are the same as ordered. Such confirmation shall be mailed or faxed to the State Board of Education, using the address or fax number provided on the form, within seven days after receipt of the textbooks.

All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year_.”

Each recipient shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Health Services Education Grants Act

2) **Code Citation**: 23 Ill. Adm. Code 1020

3) **Section Numbers**: Proposed Action:
   - 1020.10 Amendment
   - 1020.30 Amendment
   - 1020.40 Amendment
   - 1020.50 Amendment
   - 1020.60 Amendment
   - 1020.70 Amendment

4) **Statutory Authority**: Implementing and authorized by the Health Services Education Grants Act [110 ILCS 215].

5) **A Complete Description of the Subjects and Issues Involved**: This Part is being amended to reflect program changes recommended by the Board’s Committee to Review Health Professions Education Programs.

6) **Will this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this part?** No

10) **Statement of Statewide Policy Objective**: This rulemaking does not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking**: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publications of this notice to:

    William E. Feurer, Attorney at Law
    Illinois Board of Higher Education
    401 East Adams, 2nd Floor
    Springfield IL 62701-1418

12) **Initial Regulatory Flexibility Analysis:**
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A) Types of small businesses, small municipalities and not for profit corporations affected: Private institutions (colleges, universities, and hospitals) offering health education programs.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Board did not anticipate its proposal at that time.

The full text of the Proposed Amendments begins on the next page:
Section 1020.10 Eligible Institutions

For purposes of the Health Services Education Grants Act (the Act), public institutions and proprietary institutions shall not be considered non-profit Illinois institutions eligible for grants. Eligible institutions shall be:

a) Colleges and universities offering eligible medical, dental, optometric, podiatric, or pharmacy education programs.

b) Colleges and universities offering eligible doctorate, masters, baccalaureate, associate, or certificate level allied health education programs.
c) Hospitals offering the clinical component of eligible doctorate, masters, baccalaureate, associate, or certificate level allied health education programs.

d) Colleges and universities offering eligible doctorate, masters, baccalaureate, or associate level nursing education programs.

e) Hospitals offering the clinical component of eligible doctorate, masters or baccalaureate level nursing education programs; and hospitals offering eligible diploma nursing programs.

f) Hospitals offering eligible residency programs in family practice or obstetrics/gynecology which are affiliated with and under the educational supervision of public or private medical schools or colleges. Hospitals shall operate the residency program under written agreement with the medical school or college.

(Source: Amended at 28 Ill. Reg. _____, effective __________)

Section 1020.30 Definitions

a) "Allied health program" means an eligible program preparing students to provide services as allied health professionals in the following areas: cardiovascular technician/technologist, clinical laboratory sciences/medical technology, clinical laboratory technician/medical laboratory technician, dental assisting, dental hygiene, diagnostic medical sonography, histology technician, histology technologist, medical assisting, medical records technician/health information, medical records/health information administrator, nuclear medicine technology, occupational therapy, orthotics/prosthetics, perfusion technology, physical therapy, physician assisting, radiation therapy, radiation technology, radiography/radiologic technology, respiratory therapy/technology, speech language pathology/audiology, and surgical technology, in one of the following classifications: Communication Disorder Sciences and Services; Community Health Services; Dental Services (dental hygiene, lab technology, or assisting); Medical Records Technology/Technician; Health and Medical Assistants; Health and Medical Diagnostic and Treatment Services (radiologic, respiratory, and surgical technology); Health and Medical Laboratory Technologies; Ophthalmic and Optometric Services; Rehabilitation and Therapeutic Services (physical, occupational, art, recreational, and music therapy and assisting); Miscellaneous Health Aides; Medical Dietetics; and Medical Illustration.

b) "Eligible program" means a medical, dental, optometric, podiatry, pharmacy,
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nursing, medical residency in family practice or obstetrics/gynecology or allied
specific health education program that meets the following conditions: for which
funding is requested that is fully accredited or approved or formally classified as a
candidate for accreditation or approval by a recognized accrediting body or, in
those cases where there is no appropriate accrediting body, is otherwise
determined by the Board of Higher Education to be eligible for funding.

1) Is offered by a non-profit Illinois institution as described in Section 1020.10; and

2) Is a program for which grant rates have been established under Section 1020.40; and

3) Is a program that is fully accredited or approved or formally classified as a
candidate for accreditation or approval by a recognized accrediting body or, in those cases where there is no appropriate accrediting body, is otherwise
determined by the Illinois Board of Higher Education to be eligible for funding; and

4) Is a program that has been declared eligible for fiscal year 2004 grant
support by a formal vote of the Illinois Board of Higher Education prior to January 1, 2004, or has been declared eligible for grant support in any
subsequent fiscal year by a formal vote of the Illinois Board of Higher Education at its first regularly scheduled meeting in that fiscal year,
provided, however, that any institution that:

A) has a student enrolled and attending classes on or before July 1 of a
fiscal year in an eligible program that is not selected for funding
for that fiscal year; and

B) has a student that had been eligible and claimed for an award in the
previous fiscal year

shall continue to be eligible for grant support for that student until that
student completes his or her education program or reaches his or her
enrollment maximum limitations, whichever occurs first. Programs that
are not declared eligible by the Illinois Board of Higher Education for
grant support in a fiscal year shall not be eligible for grant support in that
fiscal year.

c) "Illinois resident" is defined as follows:
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1) For a student, except a medical resident, to qualify as an Illinois resident, a student must be a lawful resident of the United States and meet one of the following two requirements:

A) At least one parent, stepparent or court appointed guardian of the student must reside in Illinois; or

B) The emancipated (self-supporting) student must have lived in Illinois, in some capacity other than as a student at a postsecondary educational institution, for a period of twelve continuous months immediately prior to enrollment in an Illinois postsecondary educational institution.

2) For a medical resident to qualify as an Illinois resident, the medical resident must be a lawful resident of the United States and meet the following requirements:

A) The medical resident must be employed by a hospital affiliated with and under the educational supervision of a public or private medical school or college in Illinois; and

B) The medical resident must be either a graduate of an Illinois medical school or college or a graduate of a high school, college or university located in Illinois and a graduate of a medical school or college located within the United States, the District of Columbia or the several territories.

3) The resident/non-resident category in which the student or medical resident is placed at the time of initial matriculation will hold for his or her entire residency.

d) "Minority" means a student having racial or ethnic origin in one of the following groups:

1) Black (not of Hispanic origin) – A person having origins in any of the Black racial groups of Africa.

2) Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
3) American Indian or Alaskan Native – A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 1020.40 Grant Rates and Allocations

a) Grant Rates

1) Illinois Resident Grants

<table>
<thead>
<tr>
<th>Program</th>
<th>Annual Grant Rate Per Enrollee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine</td>
<td>$4,500</td>
</tr>
<tr>
<td>Dentistry</td>
<td>3,500</td>
</tr>
<tr>
<td>Optometry, Podiatry, or Pharmacy</td>
<td>2,200</td>
</tr>
<tr>
<td>Allied Health or Nursing</td>
<td></td>
</tr>
<tr>
<td>Allied Health or Nursing</td>
<td></td>
</tr>
<tr>
<td><strong>Doctorate Level</strong></td>
<td>2,500</td>
</tr>
<tr>
<td>Masters Level</td>
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</tr>
<tr>
<td>Baccalaureate Level</td>
<td>1,000</td>
</tr>
<tr>
<td>Certificate/Associate/ Diploma Level</td>
<td>500</td>
</tr>
<tr>
<td>Medical Residency Programs</td>
<td></td>
</tr>
<tr>
<td>Affiliated with Public and Private Medical Schools</td>
<td></td>
</tr>
<tr>
<td>Family Practice</td>
<td>20,000</td>
</tr>
<tr>
<td>Obstetrics/Gynecology</td>
<td>7,500</td>
</tr>
</tbody>
</table>

2) Minority Incentive Grants

<table>
<thead>
<tr>
<th>Program</th>
<th>Annual Grant Rate Per Enrollee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine</td>
<td>$4,500</td>
</tr>
</tbody>
</table>
 NOTICE OF PROPOSED AMENDMENTS

Dentistry 3,500
Optometry, Podiatry, or Pharmacy 2,200
Allied Health or Nursing

Doctorate Level 1,000
Masters Level 1,000
Baccalaureate Level 1,000
Certificate/Associate/Diploma Level 1,000

b) Grant Allocations. Grant allocations to institutions shall be determined annually, based upon funds appropriated under the Act, the grant amounts specified in subsection (a), and the actual number of Illinois resident enrollments eligible for grant support. In the event that funding is not sufficient to support the payment of grants at the annual established grant rate, the grant rates shall be prorated on the basis of eligible enrollments and available funding.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1020.50 Determination of Enrollment

a) For all institutions except hospitals offering residency programs, the first day of the fourth full week of classes of the fall term shall be the date that the number of Illinois resident students enrolled and attending shall be determined.

b) For hospitals offering residency programs, the first day of August shall be the date that the number of filled resident positions shall be determined.

c) For institutions offering medicine, dentistry, optometry, podiatry, and pharmacy education programs:

1) Headcount enrollments shall be reported.

2) The maximum number of years a student may be counted for grant purposes is four years.

3) A student repeating any portion of the program may be counted only once
d) For institutions offering allied health and nursing education programs:

1) Full-time-equivalent (FTE) undergraduate or graduate Illinois enrollment shall be reported. Undergraduate FTE enrollment shall be determined by dividing the total credit hours (or equivalent) by 15. For doctorate or masters level programs, FTE enrollment shall be determined by dividing the total credit hours by 12. Any fraction of the program's total FTE will be dropped.

2) For institutions that do not grant credit hours, the credit hour value of each unit is obtained by dividing the number of units required for a typical baccalaureate degree into 120 for semester hour equivalency or 180 for quarter hour equivalency.

3) For educational programs offered by hospitals, an FTE student is a statistical unit based upon the typical full-time academic load. Of the normal academic load, a student taking three-fourths will account for .75 FTE, one-half will account for .5 FTE, and one-fourth will account for .25 FTE. Any fraction of the program's total FTE will be dropped.

4) A student repeating any portion of a program may not be counted for any repeated credit hours of the program.

e) For institutions offering undergraduate allied health and nursing education programs, the classification of students by year shall be as follows:

1) First year – less than 30 semester hours (45 quarter hours) or the equivalent.

2) Second year – 30-59 semester hours (45-89 quarter hours) or the equivalent.

3) Third year – 60-89 semester hours (90-134 quarter hours) or the equivalent.

4) Fourth year – 90 or more semester hours (135 or more quarter hours) or the equivalent.

f) For institutions offering allied health and nursing programs, the following Illinois
resident enrollments are eligible for funding:

1) Enrollments in all years of the doctorate in physical therapy and doctorate in nursing.

2) Enrollments in all years of masters allied health and nursing programs shall be eligible for funding.

3) Enrollments in the third and fourth years only of baccalaureate allied health and nursing programs shall be eligible for funding.

4) Enrollments beyond the first year of diploma, associate or certificate programs in allied health or nursing shall be eligible for funding up to a maximum of two years.

g) For hospitals offering eligible residency programs in family practice or obstetrics/gynecology affiliated with and under the educational supervision of public or private medical schools or colleges, enrollments in the first three years of such programs shall be eligible for funding.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1020.60 Conditions for Grants

a) Application requirements. To be eligible for a grant under this grant program, an institution shall submit the following documents:

1) A certification of enrollments and graduates for the previous year.

2) A certification of enrollments for the current year.

3) A projection of future enrollments.

4) A certification of minority enrollments and graduates for the previous year.

5) A certification of minority enrollments for the current year.

6) A projection of future minority enrollments.

7) A report on the persistence, graduation rates, and location and activity of
ILLINOIS BOARD OF HIGHER EDUCATION

NOTICE OF PROPOSED AMENDMENTS

the previous year's graduates.

8) Certification of compliance with an open policy with respect to race, color, creed, sex and national origin.

9) An audit of grants received in the previous year performed by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1020.80 provides audit guidelines for external auditors to conduct the audit and prepare the audit report.

10) An annual expenditure report detailing the use of grant funds.

b) In the event that an audit or other evidence establishes that an overpayment was made in a grant to an institution, one of the following courses of action will be followed:

1) A reduction will be made on the amount of the institution's grant in the following year.

2) A reimbursement to the State shall be required.

c) In the event that no audit is submitted, an institution shall reimburse the State for the total amount of the grant.

d) Underpayments of a previous fiscal year's grant revealed by an audit shall not be disbursed to an institution in subsequent year grants.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 1020.70 Application Forms

Grant applications may be obtained from the Illinois Board of Higher Education, 431 East Adams, 2nd Floor 4 West Old Capitol Plaza, Room 500, Springfield, Illinois 62701-1418, and/or may be obtained at the Board's website at www.ibhe.state.il.us1287. Completed applications should be submitted to the Board at the same address and must be submitted by the announced deadline for the submission of applications, which shall not be less than 45 days from the announcement and release of application materials, by the fourth Tuesday in November of each year.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)
DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

1) **Heading of the Part**: Equal Pay in Employment

2) **Code Citation**: 56 Ill. Adm. Code 320

3) **Section Numbers**: Proposed Action
   - 320.100  New Section
   - 320.110  New Section
   - 320.120  New Section
   - 320.130  New Section
   - 320.140  New Section
   - 320.200  New Section
   - 320.210  New Section
   - 320.220  New Section
   - 320.230  New Section
   - 320.240  New Section
   - 320.250  New Section
   - 320.300  New Section
   - 320.310  New Section
   - 320.320  New Section
   - 320.330  New Section
   - 320.500  New Section
   - 320.510  New Section
   - 320.520  New Section
   - 320.600  New Section
   - 320.610  New Section
   - 320.620  New Section
   - 320.630  New Section
   - 320.640  New Section
   - 320.650  New Section
   - 320.660  New Section
   - 320.700  New Section
   - 320.710  New Section
   - 320.720  New Section
   - 320.730  New Section
   - 320.740  New Section

4) **Statutory Authority**: Public Act 93-0006 [820 ILCS 112]
DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is being implemented in order to comply with the provisions of Public Act 93-0006, the Equal Pay Act of 2003 (Act). The intent and purpose of the Act is to eliminate pay disparities between men and women who perform the same or substantially similar work on jobs that require equal skill, effort and responsibility and are performed under similar working conditions. The Act allows for employee relief, civil penalties for employers and equitable relief for persons who are discriminated or retaliated against for filing a complaint or participating in the Department’s investigation. The Illinois Department of Labor (Department) must adopt rules necessary to administer and enforce the Act. The Act becomes effective January 1, 2004 and the proposed rules are being filed concurrently with emergency rules to enable the Department to accept and process complaints, conduct investigations and make determinations of equal pay and retaliation violations after the expiration of the 150 day emergency period. The proposed rules also address record keeping requirements for employers, exemptions and definitions of equal pay provisions. The proposed rules provide for appeal procedures for any party contesting the findings of the Department.

6) Will this proposed rule replace any emergency rule currently in effect? Yes

7) Does this rule contain an automatic repeal date: No

8) Does this proposed rule contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: See paragraph 5

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

   Valerie A. Puccini, Attorney
   Illinois Department of Labor
   160 N. LaSalle Street, C-1300
   Chicago, IL 60601
   Telephone: (312) 793-1805
   Facsimile: (312) 793-5257

12) Initial Regulatory Flexibility Analysis:
DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

A) Types of small businesses, small municipalities and not for profit corporations affected: The Equal Pay Act of 2003 applies to any individual, partnership, corporation, association, business, trust, person or entity for whom 4 or more employees are gainfully employed in Illinois and includes the State of Illinois, any State officer, department, or agency, any unit of local government and school districts.

B) Reporting, bookkeeping or other procedures required for compliance: Employers subject to the Act must make and preserve records, including name, address, occupation and wages paid to each employee, payroll records and records of other forms of compensation, dates of hire, dates of promotion and dates of pay increases. The rules also require employers to preserve other records, which are made in the regular course of business.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: New legislation introduced in the 93rd General Assembly was approved by the Governor on May 11, 2003, with an effective date of January 1, 2004.

The full text of the Proposed Rules is identical to the text that appears in the Emergency Rules published in this issue of the Illinois Register on page19766:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Firewood Collection

2) **Code Citation**: 17 Ill. Adm. Code 170

3) **Section Numbers**: Proposed Action:
   
   170.10 Amendment

4) **Statutory Authority**: Implementing Section 5 of the State Forest Act [525 ILCS 40/5] and authorized by Section 805-130 of The Civil Administrative Code of Illinois [20 ILCS 805/805-130].

5) **A Complete Description of the Subjects and Issues Involved**: This Part is being amended to update the Statutory Authority and to remove the requirement that persons sign in and sign out of a State forest when collecting firewood.

6) **Will this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective**: This rulemaking does not affect units of local government.

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

    Jack Price, Legal Counsel  
    Department of Natural Resources  
    One Natural Resources Way  
    Springfield IL  62702-1271  
    217/782-1809

12) **Initial Regulatory Flexibility Analysis**:

    A) **Types of small businesses, small municipalities and not for profit corporations affected**: None
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 170
FIREWOOD COLLECTION

Section 170.10 Firewood Collection

AUTHORITY: Implementing Section 5 of the State Forest Act [525 ILCS 40/5] and authorized by Section 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-130].

SOURCE: Adopted at 5 Ill. Reg. 9574, effective September 16, 1981; codified at 5 Ill. Reg. 10626; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _______, effective __________.

Section 170.10 Firewood Collection

a) Firewood collection shall be allowed at all state forests under the control of the Illinois Department of Natural Resources by permit only.

b) Firewood collection days and collection hours will be established at each state forest by the site superintendent. Each state forest will announce, through the local press, the time periods during the year in which collection will take place.

c) Permits may be obtained from the site superintendent's office at the particular state forest where firewood is to be collected.

d) Permits shall be effective for one specific date, and all persons must sign in and sign out of a state forest when collecting firewood.

e) The fee for such permits shall be $10.00.

f) Any individual may obtain up to two permits for each calendar year.

g) Permittees shall collect firewood for personal use only and not for resale.

h) Permittees are allowed only one (1) standard half-ton pickup truck load for each
permit obtained. Other vehicles may be used, but the volume of firewood shall not exceed the standard half-ton pickup load area as defined below:

A standard half-ton pickup truck load area shall be no more than 79" in length, 72" in width and 20" in height, with a total load area of up to 78 cubic feet.

i) Permittees may collect only down, dead wood that is unattached from any standing tree and only in areas designated by the site superintendent or his authorized representative.

(Source: Amended at 28 Ill. Reg. ______, effective _____________)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Rental of Boats and Boating Facilities

2) **Code Citation:** 17 Ill. Adm. Code 210

3) **Section Numbers:**
   - 210.10 Amendment
   - 210.20 Amendment
   - 210.30 Amendment
   - 210.40 Amendment

4) **Statutory Authority:** Implementing and authorized by Sections 805-300, 805-330, 805-400 and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-300, 805-330, 805-400 and 805-525].

5) **A Complete Description of the Subjects and Issues Involved:** This Part is being amended to clarify language in the Section on safety requirements, add language regarding rental requirements for persons under 18, and to update a Division name and the Department's address.

6) **Will this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not affect units of local government.

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

    Jack Price, Legal Counsel  
    Department of Natural Resources  
    One Natural Resources Way  
    Springfield IL  62702-1271  
    217/782-1809
12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** Persons with contracts with the Department to operate boat rental concessions.

B) **Reporting, bookkeeping or other procedures required for compliance:** Compliance requirements are included in each concessionaire's contract. Contracts are awarded on a flat rate or percentage of rentals. Concessionaires paying a percentage of their rentals are required to submit monthly reports.

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** January 2003

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS
TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS
PART 210
RENTAL OF BOATS AND BOATING FACILITIES

Section
210.10 Safety Requirements
210.20 Rental Procedures
210.30 Boat Rental Fees
210.35 Docking Fees
210.40 Additional Information


Section 210.10 Safety Requirements

All boats rented by the Department of Natural Resources (DNR) or concessionaire will comply with the Boat Registration and Safety Act [625 ILCS 45] and U.S. Coast Guard approved personal flotation devices shall be used as required by the Boat Registration and Safety Act.

(Source: Amended at 28 Ill. Reg. _____, effective ____________)

Section 210.20 Rental Procedures

a) All persons renting boats must complete a boat registration form CA-6 provided by DNR or a pre-numbered boat registration form provided by the concessionaire and approved by DNR at the time and location of the rental. The boat, when rented, is not transferable to another person, unless such person is a part of the
family or a member of a group associated with the person renting the boat. Except upon other arrangements with the renter, the boat should be returned by the person who rented the boat. No person under 14 years of age shall be permitted to rent a State or concessionaire owned boat, paddle boat, canoe or other watercraft.

b) No person under 14 years of age shall be permitted to rent a State or concessionaire owned boat, paddle boat, canoe or other watercraft. No person under 18 years of age shall be permitted to rent a concessionaire owned motor boat. Exceptions are persons who have a Boating Safety Certificate issued by the Department, a valid certificate issued by another state, a province of Canada, the U.S. Coast Guard Auxiliary, the U.S. Power Squadron, or a National Association of State Boating Law Administrators (NASBLA) certified course, and are between 14 and 18 years of age and wish to rent a motorboat other than a personal watercraft or specialty prop-craft, or are between 16 and 18 years of age and wishes to rent a personal watercraft or a specialty prop-craft.

cb) Boats may be rented when available and returned before 8 p.m. the same day unless prior arrangements have been made with the person from whom the boat was rented to keep the boat overnight. A person not returning a boat by 8 p.m. without such prior arrangement will be charged an additional day's fee. If a person making arrangements to keep a boat overnight does not return the boat by 8 a.m. the next day, rent will be charged for that day in addition to the fee for the previous day. Campers who arrange to rent boats for more than one day may beach the boats near their campsites overnight in lieu of returning them to the concession each night.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 210.30 Boat Rental Fees

The fee for rental of boats by concessionaires shall be established through the periodic concession bidding process. During the periods when the concession is not in operation, the site manager may rent State owned boats and charge the same fee as has been approved for the concessionaire. The concessions are awarded by the DNR Concession and Lease Management Division Property Manager in accordance with 17 Ill. Adm. Code 150. Boat rental fees at sites not managed through concessionaires shall be $10.00 per day. Reasonable security deposits, not to exceed the replacement value of equipment, may be required on rental equipment, if approved by the DNR Property Manager due to security risks inherent to the type of equipment
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

or the site.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 210.40 Additional Information

Further information on rental of boats may be obtained by contacting the Concessions Section, Division of Administrative Support, One Natural Resources Way 524 S. Second Street, Springfield, IL  62702-1271 62701-1787.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Proposed Action:
   1030.81 Amendment
   1030.82 New Section

4) Statutory Authority: 625 ILCS 5/6-507

5) A Complete Description of the Subjects and Issues Involved: To give the Secretary of State the authority to issue a Charter Bus Driver Endorsement with a Commercial Drivers License (CDL) to transport students Grade 12 or below to and from school related functions.

6) Will this proposed amendment replace an emergency rule currently in effect? No

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

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All comments must be in writing and should be sent to:

   Jim Mayes
   Secretary of State
   Driver Services Department
   2701 S. Dirksen Parkway
   Springfield, IL  62723
   217/782-2451

12) Initial Regulatory Flexibility Analysis:

   i) Types of small businesses, small municipalities and not for profit corporations affected: None
ii) Reporting, bookkeeping or other procedures required for compliance: None

iii) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: There was no anticipated need for the rulemaking due to the fact that PA 93-0476 was not signed until August 8, 2003.

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] None

The full text of the proposed amendments is identical to the emergency amendments that appear on page 384 of this Illinois Register:
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part**: Commercial Driver Training Schools

2) **Code Citation**: 92 Ill. Adm. Code 1060

3) **Section Numbers & Proposed Action**:
   - 1060.20 Amendment
   - 1060.190 Amendment

4) **Statutory Authority**: 625 ILCS 5/6-401 et al

5) **A Complete Description of the Subjects and Issues Involved**: In Section 1060.20, change amount of surety bond to $20,000 to reflect change in statute. In Section 1060.190, require a reinstatement fee following school and instructor suspensions, which was erroneously omitted in a previous rule amendment.

6) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other proposed rulemakings pending on this Part?** No

10) **Statement of Statewide Policy Objectives**: This rulemaking does not create or expand or State mandate under the State Mandates Act.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking**:

    Tom Wekony  
    Secretary of State of Illinois  
    Commercial Driver Training Schools  
    650 Ropollo Lane  
    Elk Grove Village, IL 60007  
    847/437-3953

12) **Initial Regulatory Flexibility Analysis**:

    A) **Types of small businesses, small municipalities and not for profit corporations**
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

affected: State Licensed Commercial Driver Training Schools to include CDL, Teen and Adult driver training.

B) Reporting, bookkeeping or other procedures required for compliance: All activities performed by licensed commercial driving schools are regulated by the Illinois Secretary of State. By this Part 1060 there are several authorized documents which are required for all commercial driving schools to maintain for documenting the training performed for each student. Other documents required pertain to the Teen Graduated Licensing Law, to ensure that all students meet the State requirements for procurement of an Illinois driver's license. Compliance procedures are defined in the Illinois Vehicle Code 5/6 401 and this Part 1060.XX.

C) Types of professional skills necessary for compliance: All driver training instructors are required to take a 100 question written exam, perform a road test, obtain a successful completion certificate of a 30/48 hour instructor training course, be fingerprinted and, if CDL accredited, successfully pass an additional 25 question written test on commercial vehicles. All instructors must have a clean driving record and must have had their drivers license for a period of 3 years to qualify.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not anticipated when the last agenda was published.

The full text of the proposed amendments is identical to the emergency amendments that appear on page 398 of this Illinois Register:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Local Government Health Plan

2) **Code Citation:** 80 Ill. Adm. Code 2160

3) **Section Numbers: Adopted Action:**
   - 2160.250  Amend
   - 2160.335  New

4) **Statutory Authority:** Implementing and authorized by Sections 10, 13 and 15 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/10, 13 and 15].

5) **Effective Date of Amendments:** January 2, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) **Date Notice of Proposal Published in Illinois Register:** January 3, 2003
   - 27 Ill. Reg. 6

10) **Has JCAR issued a Statement of Objection to the amendments?** No

11) **Differences between proposal and final version:** Language was added to Sections 2160.250 and 2160.335 to cross-reference a corresponding Act. Several minor editing changes were also made.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

13) **Will these amendments replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** The amendments are to address the issue of agency compliance with the uses and disclosures of protected health information in accordance with applicable provisions.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

    Gina Wilson  
    Illinois Department of Central Management Services  
    720 Stratton Office Building  
    Springfield IL  62706  
    (217) 785-4510

17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the adopted amendments begins on the next page.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE INSURANCE
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2160
LOCAL GOVERNMENT HEALTH PLAN

SUBPART A: PURPOSE AND DEFINITIONS

Section
2160.110 Name of the Program
2160.120 Purpose
2160.130 Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section
2160.210 Determining Eligibility of Groups
2160.220 Enrollments and Terminations
2160.230 Rate Setting
2160.240 Premium Collection and Billing
2160.250 Other Administrative Responsibilities
2160.260 Program Termination

SUBPART C: RESPONSIBILITIES OF LOCAL GOVERNMENT UNITS

Section
2160.310 Enrollment Responsibilities
2160.320 Premium Collection and Payment
2160.325 Program Termination (Renumbered)
2160.330 Signing the Agreement
2160.335 Health Insurance Portability and Accountability Act (HIPAA)

SUBPART D: RESPONSIBILITIES OF LOCAL GOVERNMENT HEALTH PLAN REPRESENTATIVES

Section
2160.410 Health Plan Representatives
2160.420 Appeals Process Responsibilities
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: ADVISORY BOARD

Section
2160.510 Appointment of Advisors
2160.520 Responsibilities of the Board

SUBPART F: FUNDING

2160.610 Local Government Health Insurance Reserve Fund
2160.620 Premium Rate Structure

SUBPART G: HEALTH CARE COVERAGE

Section
2160.710 Local Government Health Plan
2160.720 Health Care Coverage

AUTHORITY: Implementing and authorized by Sections 10, 13 and 15 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/10, 13 and 15].


SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2160.250 Other Administrative Responsibilities

a) The Department shall offer an annual Benefits Choice Period for Units to:
   1) add or drop coverage for Annuitants as a group;
   2) allow Members to add or drop Dependent coverage;
   3) allow Members to change health plans.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

b) The Department shall provide information to the Units about the benefits and requirements of the Program in the Local Government Health Plan Member Handbook and the annual Benefit Choice Options booklet.

c) The Department shall prepare and distribute an administrative procedures manual with periodic updates for the Health Plan Representatives designated by the Units.

d) The Department will provide training seminars for Health Plan Representatives designated by the Units.

e) The Department shall establish an Advisory Board. The responsibilities of the Board are described in Section 2160.520.

f) The Department shall establish formal appeal procedures to be followed when the Member is dissatisfied with the benefit determination made by the Administrative Service Organizations as described in Section 2160.420.

g) The Department shall notify the designated Health Plan Representatives of the Administrative Service Organizations being used and the address and forms needed to submit claims to the Administrative Service Organizations. The Department shall audit records of participating Units, such as payroll information, to verify enrollment and enforce eligibility rules under the Plan.

h) The Department shall audit records of participating Units, such as payroll information, to verify enrollment and enforce eligibility rules under the Plan.

i) The Department shall comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191 and 45 CFR 160-164, effective April 14, 2001 and amended October 16, 2002 (no subsequent dates or additions), where applicable, in Plan documents.

(Source: Amended at 28 Ill. Reg. 311, effective January 2, 2004)

SUBPART C: RESPONSIBILITIES OF LOCAL GOVERNMENT UNITS

Section 2160.335 Health Insurance Portability and Accountability Act (HIPAA)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

The Department shall comply with the uses and disclosures of Protected Health Information, permitted by the Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191 and 45 CFR 160-164, effective April 14, 2001 and amended October 16, 2002 (no subsequent dates or additions), where applicable, in Plan documents.

(Source: Added at 28 Ill. Reg. 311, effective January 2, 2004)
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services

2) **Code of Citation:** 89 Ill. Adm. Code 431

3) **Section Numbers:**

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4) **Statutory Authority:** 20 ILCS 505/5

5) **Effective Date of Amendments:** December 31, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) **A copy of the adopted amendments is on file in the agency’s principal office and is available for public inspection.**

9) **Notice of Proposal Published in Illinois Register:** January 24, 2003, 27 Ill. Reg. 1061

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** Changes made to the final version include edits recommended by the Joint Committee, as well as several changes that have been made in response to public comments received by the Department. Those changes made in response to public comments include the removal of the provision for DCFS worker notification to public health departments of a child’s HIV status; the addition of the requirement that the Department shall request that a protective order be entered if the court orders the release of confidential mental health, drug treatment and physical health information; and changing the definition of “case transfer.”

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

13) **Will this rulemaking replace an emergency rulemaking currently in effect?** No
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** The revised Sections, in part, implement Public Act 92-319, which allows the disclosure of appropriate information about the findings and actions taken to ensure the safety of the children who were the subjects of the investigation by the Child Protective Service Unit to an extended family member interviewed for relevant information in the course of the investigation. Section 431.130, Impoundment of Records by the Office of the Inspector General, has been repealed due to the implementation of Part 430, Office of the Inspector General (OIG). Other revisions have been made for purposes of clarification.

16) **Information and questions regarding these adopted amendments shall be directed to:**

   Mr. Jeff Osowski  
   Office of Child and Family Policy  
   Department of Children and Family Services  
   406 E. Monroe, Station #65  
   Springfield, Illinois 62703-1498  
   Telephone: (217) 524-1983  
   TDD: (217) 524-3715  
   E-Mail: cfpolicy@idcfs.state.il.us

   The full text of the adopted amendments begins on the next page.
# NOTICE OF ADOPTED AMENDMENTS

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**TITLE 89: SOCIAL SERVICES**

**CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**SUBCHAPTER f: GENERAL ADMINISTRATION**

**PART 431**

CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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**AUTHORITY:** Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

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Section 431.20 Definitions

"Case record or record" means the record maintained for a family service case, a child service case, or a payment/monitoring-only case, which may include the child abuse/neglect (CA/N) investigative file. The term "case record" applies to records maintained by the Department or a purchase of service agency responsible for case management regardless of whether the services were provided directly by Department staff or purchased from a private provider. The confidentiality of case record information and access to such information may differ, depending on the type of information sought.

"Case transfer" means the conveying of information from one Department region, site or field office to another; from one purchase of service agency to the Department or to another; from the Department to a purchase of service agency. A different worker is assigned when a case is transferred and those activities necessary to transfer case management responsibility for service delivery to a family and/or child from worker to worker or Department office to Department office or Department office to purchase of service agency or purchase of service agency to purchase of service agency are completed. Transfer includes physical delivery of the case record as necessary for service provision.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or custody or guardianship via court order, or children whose parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Court appointed special advocate" means a person appointed by a court to protect the minor's best interests and insure the proper delivery of child welfare services.

"Disclose" and "permit access to" means to release, transfer, permit examination of, or otherwise communicate information orally, in writing, by electronic means or in any other manner.

"Impound" means to seize and retain in legal custody during the pendency of an investigation and any disciplinary, civil or criminal actions which result from an investigation conducted pursuant to the authority of the DCFS-Office of the Inspector General.
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"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Mental health information" means records, reports or other information about the provision of mental health or developmental disability services as defined in the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Minor" means any individual who has not reached his 18th birthday.

"Person served by the Department" or "Client" means any person who receives services or applies for services from the Department through its various offices. The term includes children for whom the Department is legally responsible, persons who involuntarily are investigated by the Department concerning allegations of child abuse or neglect and who may receive Department services during the course of, or subsequent to, such an investigation, persons who are receiving Department services through an order of the court, and persons who voluntarily request services from the Department.

"Personal information" means any identifying information, excluding work products, which is a part of the permanent record and which describes, locates or indexes anything about an individual including, but not limited to, education, financial transactions, medical history, criminal or employment records, registration or membership in an organization or activity, or admission to an institution. Personal information may be classified as mental health information, child abuse or neglect information, medical information, or other types of sensitive information and may be governed by different access, consent and disclosure requirements.

"Serious physical injury", for purposes of this Part, includes but is not limited to brain damage, skull fractures, subdural hematomas, internal injuries, wounds, third degree burns, multiple or spiral fractures, poisoning, or physical injury when evidence indicates the child has been tortured.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register and his or her parent, personal guardian or other person
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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responsible for the child's welfare who is named in the report.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Work product", for the purposes of this Part, means a worker's notes that are not part of the permanent record and concern interviewing technique, strategies for working with a person served by the Department and personal observations; these notes, which are kept for the worker's own personal use and are not disclosed to any other person except the worker's supervisor or attorney.

(Source: Amended at 28 Ill. Reg. 317, effective December 31, 2003)

Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act [20 ILCS 505], Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], the AIDS Confidentiality Act [410 ILCS 305], or the Abused and Neglected Child Reporting Act [325 ILCS 5], as applicable to the type of information being requested:

1) Law Enforcement Officers

A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.

B) If personal information is requested by law enforcement officers other than listed in subsection (a)(1)(A), or if the information requested is not consistent with the best interests of the child served by the Department, the information may be released only by
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the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders

A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

B) In the event a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in the subsection (a)(2)(A) above. If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.

C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children that is subject to discovery under the laws of the State of Illinois.

D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and redacted confidential mental health, drug treatment and Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) information and other
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records strictly protected by statute. The Department shall request that a protective order be entered if the court orders the release of confidential information.

3) Legislators
Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or its committees or commissions thereof. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers
Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.

A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when such information is necessary for the proper delivery of services to the persons served by the Department.

B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The person(s) receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.

C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].
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D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Court Appointed Special Advocates
Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services that are in the best interests of the minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their authorized representative.

6) Research Purposes
The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

7) DCFS-Office of the Inspector General
Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5] and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.

8) DCFS and Purchase of Service Agency (POS) Staff
Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other Act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.
9) **Extended Family**
An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:

A) name of the child who was the subject of the abuse or neglect report;

B) whether the report was indicated or unfounded;

C) whether the Department took protective custody;

D) whether a Department case has been opened for the family or children;

E) what Department services are being provided the family or children; and

F) whether a safety plan has been established.

10) **State’s Attorneys**
State’s Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 [705 ILCS 405], the Child Care Act of 1969 [225 ILCS 5] or ANCRA [325 ILCS 5].

118) **Protection and Advocacy for Mentally Ill Persons**
Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

129) **Others Not Cited Above**
Personal information may be released for the purposes and to persons
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other than those listed in this Section; these rules upon the written authorization of the Director when such authorization is not prohibited by State or federal law or regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

1) In accordance with Section 2605-315 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-315], the Department of Children and Family Services shall have access to LEADS information and underlying criminal history record information as defined in the Illinois Uniform Conviction Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act. [20 ILCS 2605/2605-315]

2) LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a “need to know” basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family. (See Section 35.1 of the Child and Family Services Act of 1969 [20 ILCS 505/35.1].)

cb) Responses to Requests for Information

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests
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A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by the rules in this Part to receive the information which they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the
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requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 28 Ill. Reg. 317, effective December 31, 2003)

Section 431.100 Disclosure of Information of a Mental Health Nature

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by Section 4 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/4]. Significant portions of that Act are as follows:

a) The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:

1) the parent or guardian of a recipient who is under 12 years of age;

2) the recipient if he is 12 years of age or older;

3) the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying such access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record;

4) the guardian of a recipient who is 18 years or older; or

5) an attorney or guardian ad litem who represents a minor 12 years of age or older in any judicial or administrative proceeding, provided that the court or administrative hearing officer has entered an order granting the attorney this right.

b) Except as otherwise provided in the Mental Health and Developmental Disabilities Confidentiality (MH/DD) Act [740 ILCS 110], records and communications as defined in that Act may be disclosed only with the written consent of the persons identified in subsection (a) above.

c) Information disclosed with the written consent of those described in subsection (a) above may not be redisclosed to any other person without the express written consent of those described in subsection (a) above. Those persons authorized to give consent may revoke their consent at any time.
d) Where the Department has legal guardianship of a child under 12 years, the Department may deny access of the biological parents to information pertaining to the child's mental health only if two professional social workers (Master of Social Work degree) employed by the Department certify in writing that denial of such access is in the best interests of the child and/or parents.

e) Mental health information can be shared within the Department and purchase of service providers, with traditional and home of relative foster parents, and adoptive parents, when relevant to the Department's discharge of its duties under the Child and Family Services Act, Adoption Act or Abused and Neglected Child Reporting Act.

f) Mental health information can be shared with a juvenile court judge, guardian ad litem or State's Attorney in an abuse or neglect temporary custody hearing, adjudicatory hearing, dispositional hearing or termination of parental rights hearing when the information is relevant to the juvenile court proceeding.

(Source: Amended at 28 Ill. Reg. 317, effective December 31, 2003)

Section 431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)

a) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of AIDS Related Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS), as defined in Public Health rules, 77 Ill. Adm. Code 697; (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.

b) The Department shall release information on children for whom it is legally responsible regarding HIV test results and diagnoses of ARC or AIDS to the child's legal parents and to persons who have the need to know such information. The categories of persons who have a need to know this information about a child are as follows:

1) those persons who supervise or provide direct care to the child such as:

   A) foster parents,

   B) relative caretakers,
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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C) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, State operated facilities, day care homes, day care centers and the personnel of such facilities:

i) who provide direct care for a child by feeding, diapering, or handling blood or bodily fluids; or

ii) who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;

2) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;

3) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors; or

4) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS;

5) juvenile court; or

6) the child's school. Notification given to the child's school shall be in accordance with the Communicable Disease Prevention Act [410 ILCS 315/2a] that states that whenever a child of school age is reported by a physician to the Illinois Department of Public Health or a local health department as diagnosed with AIDS or HIV positive, that department will give prompt and confidential notice of the identity of child to the principal of the school in which the child is enrolled.

c) Persons to whom the Department has released information regarding HIV test results, and diagnoses of ARC or AIDS, shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act [410 ILCS 305] and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697).
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Such information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed. Education must accompany disclosure so that those persons receiving the information understand the HIV/AIDS diagnosis, treatment and precautions. This information may be provided by the DCFS AIDS Project or a Department Regional Nurse.

(Source: Amended at 28 Ill. Reg. 317, effective December 31, 2003)

Section 431.130 Impoundment of Records by the Office of the Inspector General

(Repealed)

a) The Office of the Inspector General of the Department, pursuant to Public Act 88-7, may impound records, files, documents and papers from any Department office, facility, foster home or facility or program operated for or licensed by the Department which are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5].

b) During business hours an Office of the Inspector General investigator may impound records pertinent to an investigation of allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws by means of an unannounced visit to the facility, home or program. If it is necessary to impound records after business hours, the investigator may access a Department facility, home or program by contacting the Department administrator designated by the Director. If the investigator must gain access to a private agency facility, home or program, the investigator may do so by contacting the private agency administrator responsible for the facility, home or program.

c) If records are sought from a foster home, the Office of the Inspector General investigator shall seek the consent of and voluntary disclosure by the foster parent prior to impounding any records from the home. All consents shall be in writing.

d) The Office of Inspector General investigator will impound the original of any record, file, document or paper necessary for the investigation. The office, facility, foster home, or program may make photocopies of the original file in the presence of the investigator for purposes of creating a working file that remains at the office, facility, foster home, or program during the pendency of the investigation. The private agency director or DCFS office or facility administrator or their designees shall ensure that the impounded file contains all relevant documents in existence at the time of impoundment. Any original documents received or created after impoundment of the record will be
maintained in a designated folder marked "Original". The working file shall be kept separate from the original file.

e) The investigator will return all impounded documents upon completion of the investigation or any subsequent proceedings resulting from the investigation, but may retain copies of the documents for the investigative file. Copies of impounded documents pertinent to the findings of the investigation will be retained for a minimum of ten years.

f) All evidence or files should be impounded and maintained in a manner to preserve evidence for possible criminal and quasi-criminal prosecutions with respect to both the subjects of Office of Inspector General investigations and the subjects of the original Department investigations.

(Source: Repealed at 28 Ill. Reg. 317, effective December 31, 2003)
ILLINOIS COMMERCe COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Uniform System of Accounts for Electric Utilities

2) **Code Citation:** 83 Ill. Adm. Code 415

3) **Section Numbers: Adopted Action:**
   - 415.10 Amendment
   - 415.430 Amendment
   - 415.4261 Repeal
   - 415.9302 Repeal

4) **Statutory Authority:** Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101]

5) **Effective Date of Amendments:** December 31, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 8/01/03, at 27 Ill. Reg. 12224

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Difference between proposal and final version:** Section 415.10: Date of incorporation changed from "June 1, 2003" to "August 8, 2003".

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

13) **Will these amendments replace emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:** The rulemaking updates the Commission's incorporation by reference of FERC rules. The adopted amendments also clarify Electric Plant Instruction 3(17) regarding Allowance for Funds Used During Construction
NOTICE OF ADOPTED AMENDMENTS

("AFUDC") and eliminate the deviation from FERC rules regarding the recording of donations.

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

Conrad S. Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL  62701  
(217)785-3922

The full text of the adopted amendments begins on the next page:
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 415
UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section
415.10 Adoption of 18 CFR 101 by Reference
415.20 Adoption of 18 CFR 116 by Reference (Repealed)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section
415.200 Definitions
415.210 General Instruction 1
415.250 General Instruction 5
415.270 General Instruction 7 (Repealed)
415.280 General Instruction 7.1 (Repealed)
415.330 General Instruction 12 (Repealed)
415.340 General Instruction 13
415.380 General Instruction 17
415.390 General Instruction 18
415.410 General Instruction 20
415.411 General Instruction 21
415.420 Electric Plant Instruction 2 (Repealed)
415.430 Electric Plant Instruction 3
415.450 Electric Plant Instruction 5 (Repealed)
415.470 Electric Plant Instruction 7
415.500 Electric Plant Instruction 10
415.940 Income Chart of Accounts
415.970 Operation and Maintenance Expense Chart of Accounts
415.1020 Account 102 (Repealed)
415.1050 Account 105
415.1080 Account 108 (Repealed)
415.2010 Accounts 201, 202, 203, and 204
415.2070 Account 207
NOTICE OF ADOPTED AMENDMENTS

415.2110 Account 211
415.2140 Account 214
415.4118 Account 411.8
415.4119 Account 411.9
415.4160 Account 416
415.4261 Account 426.1 (Repealed)
415.4390 Account 439
415.5180 Account 518
415.9140 Accounts 914 and 915
415.9302 Account 930.2 (Repealed)

415.APPENDIX G Operation and Maintenance Expense Accounts

415.EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102, 5-103, and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].


SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section 415.10 Adoption of 18 CFR 101 by Reference

The Illinois Commerce Commission ("Commission") adopts 18 CFR 101, as of August 8, 2003 April 1, 1998, as its uniform system of accounts for electric utilities, subject to the exceptions set forth in Section 415.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 28 Ill. Reg. 334, effective December 31, 2003)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 415.430 Electric Plant Instruction 3
ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

In Electric Plant Instruction 3, "Components of Construction Cost," the changes set forth in the remainder of this Section are made.

a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."

b) The following is added at the end of Paragraph (17)(b):

"If the balance for S (Short-term debt balances) exceeds the balance for W (Average balance in construction work in progress plus nuclear fuel in process of refinement, conversion, enrichment and fabrication), the maximum total AFUDC rate to be utilized will be the weighted average short-term debt rate. In instances where this occurs, the entire credit for AFUDC will be recorded in Account 432, Allowance for borrowed funds used during construction – credit."

cb) The following is added as Paragraph (17)(c):

"(c) All deviations from the AFUDC formula shown in Electric Plant Instruction 3(17)(a) above must have approval from the Commission before implementation. In determining whether to approve such deviations, the Commission will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula."

(Source: Amended at 28 Ill. Reg. 334, effective December 31, 2003)

Section 415.4261 Account 426.1 (Repealed)

Account 426.1, "Donations," is deleted in its entirety.

(Source: Repealed at 28 Ill. Reg. 334, effective December 31, 2003)

Section 415.9302 Account 930.2 (Repealed)

In Account 930.2, "Miscellaneous general expenses," the following is added as Item 13: "13. Payments for donations made for the public welfare or for charitable, scientific, religious or education purposes provided that such donations are reasonable in amount. In determining whether amounts donated are reasonable, the Commission shall consider, among other things,
NOTICE OF ADOPTED AMENDMENTS

the historical level of contributions by a particular utility, along with the current economic viability of that utility."

(Source: Repealed at 28 Ill. Reg. 334, effective December 31, 2003)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Uniform System of Accounts for Gas Utilities

2) **Code Citation**: 83 Ill. Adm. Code 505

3) **Section Numbers**

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4) **Statutory Authority**: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

5) **Effective Date of Amendments**: December 31, 2003

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** No

8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office.**

9) **Notice of Proposal Published in Illinois Register**: 8/1/03, 27 Ill. Reg. 12229

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version**: Section 505.10: Date of incorporation changed from "June 1, 2003" to "August 8, 2003".

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes

13) **Will these amendments replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and Purpose of Amendments:**

   The rulemaking updates the Commission's incorporation by reference of FERC rules. The proposed amendments also clarify Gas Plant Instruction 3(17) regarding Allowance for
NOTICE OF ADOPTED AMENDMENTS

Funds Used During Construction ("AFUDC") and eliminate the deviation from FERC rules regarding the recording of donations.

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

    Conrad S. Rubinkowski
    Office of General Counsel
    Illinois Commerce Commission
    527 East Capitol Avenue
    Springfield, IL  62701
    (217)785-3922

The full text of the adopted amendments begins on the next page:
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 505
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference
Section 505.20 Adoption of 18 CFR 216 by Reference (Repealed)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 505.200 Definitions
Section 505.210 General Instruction 1
Section 505.250 General Instruction 5
Section 505.270 General Instruction 7 (Repealed)
Section 505.280 General Instruction 7.1 (Repealed)
Section 505.330 General Instruction 12
Section 505.340 General Instruction 13
Section 505.370 General Instruction 16
Section 505.380 General Instruction 17
Section 505.390 General Instruction 18
Section 505.410 General Instruction 20
Section 505.420 Gas Plant Instruction 2 (Repealed)
Section 505.430 Gas Plant Instruction 3
Section 505.450 Gas Plant Instruction 5 (Repealed)
Section 505.470 Gas Plant Instruction 7
Section 505.500 Gas Plant Instruction 10
Section 505.550 Gas Plant Instruction 15
Section 505.900 Balance Sheet Chart of Accounts
Section 505.940 Income Chart of Accounts
Section 505.970 Operation and Maintenance Expense Chart of Accounts
Section 505.1020 Account 102 (Repealed)
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Section 505.1050 Account 105
NOTICE OF ADOPTED AMENDMENTS

505.1051  Account 105.1
505.1080  Account 108 (Repealed)
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505.2070  Account 207
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505.2140  Account 214
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505.3523  Account 352.3
505.4090  Account 409 (Reserved) (Repealed)
505.4160  Account 416
505.4261  Account 426.1 (Repealed)
505.4390  Account 439
505.4810  Account 481
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505.8081  Account 808.1
505.8082  Account 808.2
505.8130  Account 813
505.8230  Account 823
505.8456  Account 845.6
505.8540  Account 854
505.8580  Account 858
505.9140  Accounts 914 and 915
505.9302  Account 930.2 (Repealed)

505.APPENDIX G  Operation and Maintenance Expense Accounts
505.EXHIBIT A  Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].
SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of August 8, 2003, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Subpart B of this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 28 Ill. Reg. 340, effective December 31, 2003)

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 505.430 Gas Plant Instruction 3

In Gas Plant Instruction 3, "Components of construction cost," the changes set forth in the remainder of this Section are made.

a) In Paragraph (17)(b), the words "Federal Energy Regulatory" are added between "the" and "Commission's."

b) The following is added at the end of Paragraph (17)(b):

"If the balance for S (Short-term debt balances) exceeds the balance for W (Average balance in construction work in progress plus nuclear fuel in process of refinement, conversion, enrichment and fabrication), the maximum total AFUDC rate to be utilized will be the weighted average short-term debt rate. In instances where this occurs, the entire credit for AFUDC will be recorded in Account 432, Allowance for borrowed funds used during construction – credit."

c) The following is added as Paragraph (17)(c):
"(c) All deviations from the AFUDC formula shown in Gas Plant Instruction 3 (17)(a) above must have approval from the Commission before implementation. In determining whether to approve such deviations, the Commission will consider the degree to which current securities issues have changed the embedded cost included in the annual computation provided in the formula."

(Source: Amended at 28 Ill. Reg. 340, effective December 31, 2003)

Section 505.4261  Account 426.1 (Repealed)

Account 426.1, "Donations," is deleted in its entirety.

(Source: Repealed at 28 Ill. Reg. 340, effective December 31, 2003)

Section 505.9302  Account 930.2 (Repealed)

In Account 930.2, "Miscellaneous general expenses," the following is added as new Item 13: "13. Payments for donations made for the public welfare or for charitable, scientific, religious or education purposes provided that such donations are reasonable in amount. In determining whether amounts donated are reasonable, the Commission shall consider, among other things, the historical level of contributions by a particular utility, along with the current economic viability of that utility."

(Source: Repealed at 28 Ill. Reg. 340, effective December 31, 2003)
ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Telephone Assistance Programs

2) Code Citation: 83 Ill. Adm. Code 757

3) Section Number:
   Adopted Action:
   757.200 Amendment


5) Effective Date of Amendment: January 1, 2004

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

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Commission's Springfield office.

9) Notice of Proposal Published in Illinois Register: 1/31/03, 27 Ill. Reg. 1460

10) Has JC AR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version: Section 757.200(a)(1): underscore "or its agencies".

12) Have all the changes agreed upon by the agency and JC AR been made as indicated in the agreement letter issued by JC AR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The adopted amendment will allow the Universal Telephone Service Assistance Program administrator to invest in securities backed by the United States government or its agencies, investment grade bonds with remaining terms to maturity of three years or less, mutual funds that invest no less than 80% of their assets in bonds backed by the United States government or its agencies and investment grade bonds, with weighted-average remaining terms to maturity of three years or less, FDIC-insured certificates of deposit, FDIC-insured money market accounts, and other cash
ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

equivalent FDIC-insured investments. This will allow UTAC to earn a higher return on its investments and extend the life of the program.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL  62701
(217)785-3922

The full text of the adopted amendment begins on the next page:
NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 757
TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
757.10 Definitions
757.15 Dispute Procedures

SUBPART B: LINK UP PROGRAM

Section
757.100 Link Up Service Requirement
757.105 Link Up Recovery Mechanism
757.110 Link Up Publicity
757.115 Link Up Application Procedure and Processing
757.120 Link Up Filing Requirements
757.125 Link Up Eligibility
757.130 Income Certification

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section
757.200 Service Requirement
757.205 UTSAP Funding
757.210 UTSAP Recovery
757.215 UTSAP Administrator
757.220 UTSAP Contribution Solicitation and Program Publicity
757.225 UTSAP Eligibility
757.230 UTSAP Application Procedure and Processing
757.235 UTSAP Income Certification
757.240 Recertification (Repealed)
757.245 UTSAP Filing Requirements

SUBPART D: STAFF LIAISON
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Section 757.300 Staff Liaison

SUBPART E: LIFELINE SERVICE

Section 757.400 Lifeline Service Requirements
757.405 Lifeline Recovery Mechanism
757.410 Lifeline Publicity
757.415 Lifeline Application Procedures and Processing
757.420 Lifeline Filing Requirements
757.425 Lifeline Eligibility
757.430 Income Certification and Recertification

EXHIBIT A LEC Quarterly Report to Commission
EXHIBIT B Monthly LEC Supplemental Assistance Charge and Contributions Report
EXHIBIT C Quarterly UTSAP Administrator Report to Commission
EXHIBIT D Lifeline Recertification Ineligibility Notice
EXHIBIT E Link Up/Lifeline Programs Certification Form


SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.200 Service Requirement

a) Each LEC shall participate in the Universal Telephone Service Assistance Program (UTSAP) as required and authorized by Section 13-301.1 of the Public Utilities Act and as ordered by the Commission. All voluntary contributions received by a LEC under Section 757.205 from the date of initial participation
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until a determination is made by the Commission under Section 757.200(b) shall be forwarded to the UTSAP Administrator consistent with the provisions of Section 757.210(d). The UTSAP Administrator shall invest these funds in:

1) Securities backed by the United States government or its agencies;

2) Investment grade bonds with remaining terms to maturity of three years or less;

3) Mutual funds that invest no less than 80% of their assets in bonds backed by the United States government or its agencies;

4) Investment grade bonds, with weighted-average remaining terms to maturity of three years or less; or

5) Federal Deposit Insurance Corporation (FDIC)-insured certificates of deposit, FDIC-insured money market accounts, and other cash equivalent FDIC-insured investments.

b) On July 1 of each year, the UTSAP Administrator shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section. The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.215(e)(5). The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's or the Hearing Examiner's own motion. The Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.

c) The UTSAP may provide assistance or, in the case of customers of eligible telecommunications carriers, supplement the assistance provided by the Link Up Program as described in Subpart B and/or the Lifeline Program as described in Subpart D through:

1) a waiver of the telephone service installation charges for eligible new subscribers, which, in the case of eligible telecommunications carriers, is
ILLINOIS COMMERCE COMMISSION

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in addition to that provided in Section 757.100(b);

2) a waiver of all or a portion of the local exchange service obligation of eligible subscribers or eligible new subscribers, which, in the case of eligible telecommunications carriers, is in the form of State Lifeline service support; or

3) a combination of both subsections (c)(1) and (2) above as ordered by the Commission under subsections (b), (d), and (e).

---
d) Limitation of eligibility

1) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the UTSAP, in the form of State Lifeline service support or otherwise, the Commission may, if it deems necessary, limit eligibility under Section 757.425(a) to:

   A) one or more of the individual Proxy Programs identified in the definition of "Proxy Programs" in Section 757.10, or
   B) one or more subprograms within, or components of, an individual Proxy Program.

2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) of this Section.

3) The Commission shall adopt a proposal that limits eligibility for the Lifeline Program to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:

   A) participation in the Proxy Program, subprogram, or component thereof can be verified;
   B) the funds available to the UTSAP from voluntary contributions are sufficient and predictable, so as to permit the UTSAP to provide State Lifeline support to all subscribers or all new subscribers within the Proxy Program, subprogram, or component on an ongoing basis;
C) the proposal will increase accessibility to telephone service;

D) the proposal adequately considers the needs of and potential benefits to participants in the Proxy Programs; and

E) the proposal establishes narrowly targeted qualification criteria that are based solely on income or factors directly related to income, consistent with 47 CFR 54.409 as of October 1, 1997. This incorporation does not include any later amendments or editions.

e) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the LECs to temporarily suspend payment of or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in Section 757.200(c), if the total program costs exceed, or will exceed, the funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.

(Source: Amended at 28 Ill. Reg. 346, effective January 1, 2004)
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3) Section Number: Adopted Action:
   650.30  Amendment

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

5) Effective Date of Amendment: December 19, 2003

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

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 12, 2003; 27 Ill. Reg. 14379

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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<td>27 Ill. Reg. 17270 – 11/14/03</td>
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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part allow the use of handguns during the firearm deer season and add language regarding legal firearms and ammunition.
16) Information and questions regarding this adopted amendment shall be directed to:

    Jack Price, Legal Counsel
    Department of Natural Resources
    One Natural Resources Way
    Springfield IL  62702-1271
    217/782-1809

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section
650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements – Landowner/Tenant Permits
650.22 Deer Permit Requirements – Special Hunts
650.23 Deer Permit Requirements – Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt (Repealed)
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT


Section 650.30 Statewide Firearms Requirements

a) The only legal firearms hunting devices to take, or attempt to take, deer are:

1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length.

3) Centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

b) Standards and specifications for legal ammunition are:

1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

2) For handguns, a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.

3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

c) Standards The standards and specifications for use of muzzleloading firearms are as follows:

1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.

2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".

3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.

4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm. c) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 353, effective December 19, 2003)
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Clinical Psychologist Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1400

3) Section Number: Admitted Action: 1400.80 Amendment

4) Statutory Authority: Clinical Psychologist Licensing Act [225 ILCS 15]

5) Effective Date of Amendment: December 19, 2003

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

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.


10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: As proposed, two “Code of Conduct” references in Section 1400.80 were updated; due to conflicts between the two, however, any reference to 1400.80(l) has been deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rulemaking updates the “Code of Conduct” references in Section 1400.80.

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

Department of Professional Regulation
NOTICE OF ADOPTED AMENDMENT

Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813  Fax #: 217/782-7645

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400

CLINICAL PSYCHOLOGIST LICENSING ACT

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AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

Section 1400.80  Unethical, Unauthorized, or Unprofessional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 15(7) of the Act which is interpreted to include, but is not limited to, the following acts or practices:

a) Practicing or offering to practice beyond one's competency (for example, providing services or using and techniques for which one is not qualified by education, training and experience);

b) Revealing facts, data, or information relating to a client or examinee, except as allowed under Section 5 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the expressed consent of the client" as provided for in Section 6 of the Act is interpreted to mean that the psychologist, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the clients client(s) or examinees examinee(s) involved;

c) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;

d) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;

e) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;

f) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;

h) Impersonating another person holding a psychology license or allowing another person to use his/her license;
DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

h) The commission of any dishonest, corrupt, or fraudulent act which is substantially related to the functions or duties of a psychologist providing services or supervising psychological services;

i) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of treatment;

j) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;

k) Pursuant to Section 15(7) of the Act, the Department hereby incorporates by reference the "Ethical Principles of Psychologists and Code of Conduct". American Psychological Association, 750 First Street, NE, Washington D.C. 20002, American Psychologist, June 1, 2003 December 1, 1992, with no later amendments or editions.

(Source: Amended at 28 Ill. Reg. 358, effective December 19, 2003)
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NOTICE OF EMERGENCY RULES

1) **Heading of the Part:** Equal Pay in Employment

2) **Code Citation:** 56 Ill. Adm. Code 320

3) **Section Numbers:**
   - 320.100   New Section
   - 320.110   New Section
   - 320.120   New Section
   - 320.130   New Section
   - 320.140   New Section
   - 320.200   New Section
   - 320.210   New Section
   - 320.220   New Section
   - 320.230   New Section
   - 320.240   New Section
   - 320.250   New Section
   - 320.300   New Section
   - 320.310   New Section
   - 320.320   New Section
   - 320.330   New Section
   - 320.400   New Section
   - 320.500   New Section
   - 320.510   New Section
   - 320.520   New Section
   - 320.600   New Section
   - 320.610   New Section
   - 320.620   New Section
   - 320.630   New Section
   - 320.640   New Section
   - 320.650   New Section
   - 320.660   New Section
   - 320.700   New Section
   - 320.710   New Section
   - 320.720   New Section
   - 320.730   New Section
   - 320.740   New Section

4) **Statutory Authority:** Public Act 93-0006 [820 ILCS 112]

5) **Effective Date of Rule:** January 1, 2004
DEPARTMENT OF LABOR

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6) If this emergency rule is to expire before the end of the 150-day period, please specify the
date on which it is to expire: Not applicable

7) Date Filed with the Index Department:

8) A copy of the emergency rule is on file in the agency’s principal office, and is available
for public inspection.

9) Reason for Emergency: New legislation signed into law requiring the Department to
adopt rules to implement the provisions of Public Act 93-0006, effective January 1, 2004
[820 ILCS 112].

10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking
is being implemented in order to comply with the provisions of Public Act 93-0006, the
Equal Pay Act of 2003 (Act). The intent and purpose of the Act is to eliminate pay
disparities between men and women who perform the same or substantially similar work
on jobs that require equal skill, effort and responsibility and are performed under similar
working conditions. The Act allows for employee relief, civil penalties for employers
and equitable relief for persons who are discriminated or retaliated against for filing a
complaint or participating in the Department’s investigation. The Illinois Department of
Labor (Department) must adopt rules necessary to administer and enforce the Act. The
Act becomes effective January 1, 2004 and the emergency rules will enable the
Department to accept and process complaints, conduct investigations and make
determinations of equal pay and retaliation violations as of the effective date of the Act.
The emergency rules also address record keeping requirements for employers,
exemptions and definitions of equal pay provisions. The emergency rules provide for
appeal procedures for any party contesting the findings of the Department.

11) Are there any proposed amendments to this Part pending? Yes, a proposed rulemaking
has been filed concurrent with this emergency rulemaking.


13) Information and questions regarding these rules shall be directed to:

Valerie A. Puccini, Attorney
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601
DEPARTMENT OF LABOR

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(312) 793-1805

The full text of the Emergency Rules begins on the next page:
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

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

PART 320
EQUAL PAY IN EMPLOYMENT

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320.720 Reply to Request for Review and Surreply
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320.740 Additional Investigation and Order
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AUTHORITY: Implementing the Equal Pay Act of 2003 [820 ILCS 112].

SOURCE: Adopted at 28 Ill. Reg. 363, effective January 1, 2004, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 320.100 Purpose and Scope
EMERGENCY

This Part shall apply to actions arising under the Equal Pay Act of 2003 [820 ILCS 112] administered under the jurisdiction of the Director of Labor and/or the Department of Labor.

Section 320.110 Application of the Act
EMERGENCY

Men and women have equal protection under the Act. In areas where the State and federal government have concurrent powers under their respective statute, the stricter of the two laws shall prevail.

Section 320.120 Definitions
EMERGENCY
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“Act” means the Equal Pay Act of 2003 [820 ILCS 112].

“Complaint” means an allegation of a violation of the Act filed with or initiated by the Department.

“Complainant” means a person who files a complaint, including the Department in cases initiated by the Department.

“Department” means the Illinois Department of Labor.

“Director” means the Director of Labor or a duly authorized representative.

“Effort” means the physical or mental exertion needed for the performance of a job. Job factors that cause mental fatigue and stress, as well as those factors that alleviate fatigue, are to be considered in determining the effort required for the job. Effort encompasses the total requirements of the job. Occasional or sporadic performance of an activity that may require extra physical or mental exertion is not alone sufficient to justify a finding of unequal effort.

“Employee” means any individual permitted to work by an employer [820 ILCS 112/5].

“Employer” means an individual, partnership, corporation, association, business, trust, person, or entity for whom 4 or more employees are gainfully employed in Illinois and includes the State of Illinois, any State officer, department, or agency, any unit of local government, and any school district. [820 ILCS 112/5]

“Merit system” means an established, bona fide, uniform and objective system that rewards an employee with promotion, bonus, increased pay or other advantages based on competence, expertise, proficiency and human relations.

“Respondent” means an employer against whom a complaint is filed.

“Responsibility” means the degree of accountability required in the performance of the job. Minor or infrequent responsibility added to an employee’s duties that are not of significant consequence or importance will not justify a finding of unequal responsibility.

“Seniority system” means a system that gives preference to employees based on years of service.
“Similar working conditions” means the surroundings and hazards, including the frequency and intensity of such conditions. Surroundings measure the elements, such as toxic chemicals or fumes, regularly encountered by an employee. Hazards take into account the physical hazards regularly encountered by an employee. Slight or inconsequential differences in working conditions that are not usually taken into account by employers or in collective bargaining in setting wage rates do not justify a differential in pay.

“Skill” means experience, training, education and ability. Possession of a skill not needed to meet the requirements of the job cannot be considered in making a determination regarding equality of skill.

“Substantially similar work” means comparable work on jobs with comparable requirements related to equal skill, effort and responsibility.

“Wages”, for purposes of the Equal Pay Act of 2003, means any compensation made to an employee as remuneration for employment regardless of whether paid periodically or deferred until a later date. Compensation includes but is not limited to: wages, salary, vacation pay, sick leave, holiday pay, overtime pay, premium pay, health insurance, life insurance, disability insurance, commission, draw payments, pension and profit sharing, expenses, bonus, uniform cleaning allowance, hotel accommodations, use of vehicle, gasoline allowance, cafeteria plan and educational benefits.

“Workplace” means a distinct physical place of business rather than an entire business or enterprise that may include several separate places of business.

Section 320.130 Independent Contractor Exemption

EMERGENCY

a) As used in this Part, the term “employee” shall not include any individual:

1) who has been and will continue to be free from control and direction over the performance of the individual’s work, both under the contract of service with the employer and in fact; and

2) who performs work that is either outside the usual course of business or is performed outside all the places of business of the employer unless the
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employer is in the business of contracting with third parties for the placement of employees; and

3) who is an independently established trade, occupation, profession or business.

b) “Control” means the existence of general control or right to general control, even though the details of the work are left to an individual’s judgment.

c) “An independently established trade, occupation, profession or business” means the individual performing the services has a proprietary interest in such business, to the extent that the individual operates the business without hindrance from any other person and as the enterprise’s owner, may sell or otherwise transfer the business.

d) All three conditions in subsection (a) must be satisfied for the independent contractor exemption to apply.

e) An individual may be an employee without being entirely dependent upon the relationship with a specified employer for the individual's livelihood. An individual engaged in other occupations may be an employee of a specified employer even though the individual only worked intermittently or part time.

f) In determining whether the exemption applies, the Department shall consider the actual, rather than the alleged, relationship between a respondent and complainant. Designations and terminology used by the parties, as well as the individual's status for tax purposes, are not controlling.

Section 320.140 Recordkeeping Requirements
EMERGENCY

a) An employer subject to any provision of the Act shall make and preserve records, including but not limited to: name, address, occupation and wages paid to each employee, payroll records and records of other forms of compensation, dates of hire, dates of promotion and dates of pay increases.

b) In addition, the employer shall preserve any records made in the regular course of the business operation that relate to personnel records, employee qualifications for promotion, transfer, discharge or other disciplinary action, wage rates, skills testing certifications, job evaluations, job descriptions, merit systems, seniority
systems, individual employment contracts, collective bargaining agreements, description of practices or other matters that describe or explain the basis for payment of any wage differential to employees of the opposite sex by the same employer and that may be pertinent to a determination whether the differential is based on a factor other than sex.

**SUBPART B: COMPLAINT**

**Section 320.200 Persons Who May File a Complaint**

**EMERGENCY**

An employee or former employee claiming to be aggrieved under the Act may file a complaint, including the Department in cases initiated by the Department.

**Section 320.210 Contents and Time Limit for Filing**

**EMERGENCY**

a) A complaint shall be in such detail as to substantially apprise the parties of the dates, place and facts with respect to the alleged violation of the Act. Each complaint shall contain the following information:

1) the full name and address of the complainant;

2) the full name and address of each respondent;

3) a statement of the facts alleged to constitute a prima facie case of a violation under the Act, including the dates and place of the alleged violation;

4) a statement of each specific harm the complainant has suffered as a consequence of the alleged violation;

5) complainant’s signature, including date of signing; and

6) a statement as to any other action, civil or criminal, instituted in any other forum, and as to any pending administrative proceeding based on the same violation as alleged in the complaint, together with a statement as to the status or disposition of the other action.
b) All complaints and amendments shall be delivered by U.S. mail or personal delivery to the Department’s Chicago office within 180 calendar days from the date the employee learned of the alleged violation of the Act. The complaint shall be deemed filed as of the date it is date stamped as received by the Department.

Section 320.220 Confidentiality
EMERGENCY

Where a complainant requests confidentiality, the Department will advise the complainant of the need to reveal the complainant’s identity so that the Department can conduct its investigation. In such cases, the Department will allow the complainant an opportunity to withdraw the complaint pursuant to Section 320.250 before notification of the complainant’s identity is given to the respondent.

Section 320.230 Incomplete Complaint
EMERGENCY

If the Department receives a written complaint from an individual that complies substantially with Section 320.210 but is lacking an element that still must be provided, the Department may accept and docket the complaint as an incomplete complaint. The Department shall notify the complainant in writing of the elements that must be supplied. If the complainant fails or refuses to perfect the complaint within 30 calendar days, the complaint may be dismissed pursuant to Section 320.500.

Section 320.240 Amendment of Complaint
EMERGENCY

a) A complaint may be amended to cure technical defects or to set forth additional facts or allegations related to the subject matter of the original complaint and the amendments, if timely filed pursuant to Section 320.210, shall relate back to the original filing date.

b) A complaint may be amended to substitute or name additional respondents. The amendment will relate back to the original filing date, if timely filed pursuant to Section 320.210, and if at the time of the amendment a separate complaint could have been timely filed against the additional respondent or the additional respondent had timely notice of the original complaint and the fact that it might be involved in that complaint. Mere misnomer of a party may be cured at any time.
c) If a party dies while the proceedings are pending, the complaint may be amended to substitute the legal representative, or any other person with a legally recognized interest in the decedent’s estate, for the deceased.

d) Any amendment to a complaint shall be provided to all parties.

Section 320.250 Withdrawal of Complaint

EMERGENCY

A complaint may be withdrawn at any time prior to issuance of a notice dismissing the complaint or filing of a court action based on the complaint. A complainant’s request to withdraw a complaint shall be in writing and signed by the complainant and shall specifically reference the Department’s complaint number. The Department shall grant the request if it is shown that the request is made voluntarily. After the Department’s review of the withdrawal request, the complaint may be closed and the Department will notify all parties in writing. Withdrawal does not preclude the Department from pursuing a complaint on its own motion based on the same facts.

SUBPART C: PROCEDURE UPON COMPLAINT AND DECISION

Section 320.300 Jurisdiction

EMERGENCY

a) At the time of filing, the Department shall determine initially whether the allegations in the complaint sufficiently state a claim under the Act so that the Department can proceed with the investigation.

b) If, at the time of filing, or at any subsequent time, it is determined that there is a lack of jurisdiction, the complaint shall be dismissed. All parties shall be notified of the dismissal pursuant to Section 320.500.

Section 320.310 Investigation

EMERGENCY

a) After the Department determines jurisdiction, the Department shall conduct an investigation to ascertain the facts relating to the violation alleged in the complaint and determine whether reasonable cause exists to believe a violation under the Act has occurred. The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable in the discretion of the Department. The Department will limit its
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investigation to reviewing up to 3 years prior to the date the complaint was filed, but in no case will review occur prior to the effective date of the Act, January 1, 2004.

b) The Department will notify the respondent of the existence of the complaint and forward a copy of the complaint to the respondent.

c) The respondent must remit a written response to the complaint within 30 calendar days after the date the Department forwarded the complaint. The response shall include relevant data regarding wages, hours and other conditions and practices of employment deemed necessary and appropriate to the Department’s investigation.

d) Upon receipt of the respondent’s response, the complainant is provided a copy of the response and shall submit a rebuttal. Failure of the complainant to submit a rebuttal to the Department within 30 calendar days after the date the Department forwarded the respondent’s response will result in dismissal of the complaint pursuant to Section 320.500.

e) If during the investigation a respondent refuses to cooperate, the Director may either make a finding of reasonable cause or issue subpoenas to compel the attendance of respondent witnesses or the production of documents.

f) A complainant must promptly provide the Department with a notice of address or telephone change or any prolonged absence from the current address so that the complainant can be located. A complainant must cooperate with the Department, provide necessary information and be available for interviews, conferences and hearings upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the complaint pursuant to Section 320.500.

g) The Department may in its discretion withhold any witness statement or identity of any witness as confidential upon the request of a party or the witness.

Section 320.320 Fact-Finding Conference
EMERGENCY

a) As part of its investigation, the Department may convene a fact-finding conference in person or by telephone for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and
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exploring the possibility of settlement. The fact-finding conferences will be limited in scope to those issues the Department believes to be in question.

b) Notice of the conference shall be given to all parties at least 10 calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.

c) A party may be accompanied at a fact-finding conference by the party’s attorney and by a translator if necessary.

d) Department investigator shall conduct the conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person fails to cooperate at the conference and becomes so disruptive or abusive that a full and fair conference cannot be conducted, the Department investigator shall exclude the person from the conference.

e) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend, unless, with respect to a respondent, it establishes that it does not employ or control any person with knowledge of the events at issue.

Section 320.330  Decision After Investigation

EMERGENCY

a) At the conclusion of an investigation, the Department must make one of the following findings:

1) Reasonable cause found. If the Department determines that there is reasonable cause to believe that a violation of the Act has occurred, it may:

A) Seek a voluntary settlement agreement signed by the respondent that eliminates the unlawful practice and provides appropriate relief to the complainant; or

B) Recommend the commencement of a civil action.
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2) No reasonable cause found. If the Department determines that there is no reasonable cause to believe that a violation of the Act has occurred, the complaint will be dismissed pursuant to Section 320.500.

b) Whenever a decision is made under this Section, a written notice must be provided to the parties stating the action taken, findings of fact and the conclusions of law supporting the action and the right to request review under Subparts F and G of this Part. The notice must also advise the complainant of the right to bring a civil action as provided for in Section 30 of the Act.

Section 320.340  Enforcement Procedures

EMERGENCY

a) The payment of back wages and other relief found due pursuant to Section 30 after the Act will be evidence of compliance with the provisions of the Act. Payment shall be supervised, when possible, by the Director.

b) The Director may require proof that the employees or former employees received all the back wages and other relief due pursuant to Section 30 of the Act and the Director may require the respondent to send certified checks, cashier’s checks or money orders, made payable to the individual employees or the Department of Labor, to the Department for disbursement.

c) If the respondent does not comply within 15 calendar days after the Director’s order, the Director may bring a civil action against the respondent as provided for in Section 30 of the Act.

SUBPART D: SETTLEMENT

Section 320.400  Settlement

EMERGENCY

a) At any time prior to the commencement of a civil action, the parties may settle the complaint on mutually agreeable terms. Such an agreement will not affect the processing of a complaint made by any other complainant, the allegations of which are like or related to the individual allegations settled.

b) If the Department finds that the complainant’s objections to a proposed settlement agreement are without merit or that the complainant is unavailable or unwilling to participate in settlement negotiations, or continuing the investigation would be
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otherwise detrimental, the Department may, in its discretion, dismiss the complaint pursuant to Section 320.500.

SUBPART E: DISMISSAL, DEFAULT AND CLOSURE

Section 320.500 Dismissal

a) The Department shall serve upon the parties a written notice of dismissal of all or part of a complaint. The dismissal notice shall state the grounds for dismissal and that the complainant may obtain review by filing a request for review under Subparts F and G of this Part within 15 calendar days after the dismissal notice. The dismissal notice shall also advise the complainant of the right to bring a private action pursuant to Section 30 of the Act.

b) The dismissal may be based on, but not limited to, lack of reasonable cause that a violation under the Act occurred, lack of jurisdiction or complainant’s failure to proceed pursuant to Section 320.310(f). The notice of dismissal shall specify the manner in which the complainant has failed to proceed.

Section 320.510 Default

Except for good cause shown, the failure of a respondent to appear at an informal investigative hearing shall constitute a default.

Section 320.520 Closure

When the Department becomes aware that there is a complaint pending in federal or State court containing some or all of the issues before the Department, it may close the issues of the complaint that are being litigated and continue to process the remaining issues. If all issues are being litigated, then the entire complaint will be closed. The Department shall notify all parties in writing that the complaint before the Department is closed.

SUBPART F: INFORMAL INVESTIGATIVE HEARING

Section 320.600 Request for Informal Investigative Hearing

EMERGENCY
Any complainant or respondent contesting the results of the Department’s investigation may file a written request for an informal investigative hearing within 15 calendar days after the Department’s written notice of decision. Such request shall be marked “Request for Informal Investigative Hearing” on both the letter and the envelope and shall be delivered by U.S. mail or personal delivery to the Department’s Chicago office. The request must set forth reasons why the party believes the Department’s findings are incorrect as a matter of law or fact or any newly discovered evidence the party could not have discovered during the course of the investigation. Late submissions need not be considered by the Department.

Section 320.610 Convening an Informal Investigative Hearing

a) The Department shall make an initial determination with respect to the legal and factual merits of a “Request for Informal Investigative Hearing”. If the request presents a reasonable issue of law or fact, the Department may schedule an informal hearing before an Administrative Law Judge for purposes of obtaining evidence and identifying the issue in dispute.

b) A written notice of an informal investigative hearing shall be sent, not less than 10 calendar days prior to the date of the hearing, to the complainant and respondent, and may also be sent to those employees, former employees or witnesses covered by the investigation at issue. Each notice shall identify the individual requested to attend and records or documents the party must produce at the hearing.

c) If a request for an informal investigative hearing is denied, the Department will notify the party who filed the request of the Department’s determination in writing.

Section 320.620 Continuances

Parties shall be prepared to proceed at hearing. A request by one party for a continuance will be granted prior to the hearing if the request is in writing, the other party agrees and the Administrative Law Judge grants permission. Otherwise, a request for a continuance must be made in person to the Administrative Law Judge at the time of hearing with proof that the party notified or attempted to notify the other party in advance of the hearing of the intent to ask for a continuance. The continuance will be granted only upon a showing of good cause.

Section 320.630 Application of the Rules of Evidence, Pleading and Procedure
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

EMERGENCY

When an Administrative Law Judge conducts an informal investigative hearing, the Administrative Law Judge is not bound by the rules of evidence or by any technical or formal rules of pleading or procedure.

Section 320.640 Attorneys and Witnesses at an Informal Investigative Hearing

EMERGENCY

A party may be accompanied at an informal investigative hearing by the party’s attorney and by a translator, if necessary. The parties may bring witnesses to the hearing, but the Administrative Law Judge shall decide which witnesses shall be heard and the order in which they shall be heard. The Administrative Law Judge may exclude witnesses and other persons from the hearing when they are not giving testimony. The Administrative Law Judge shall conduct and control the proceedings. No tape recordings, stenographic report or other verbatim record of the hearing shall be made.

Section 320.650 Contumacious Conduct

EMERGENCY

If any person becomes so disruptive or abusive that a full and fair hearing cannot be conducted, the Administrative Law Judge shall exclude the person from the proceeding. The Administrative Law Judge may take any of the following actions: continue the hearing without the participation of the excluded individual; render a decision based upon the evidence previously presented; dismiss the complainant’s complaint; or strike the respondent’s response.

Section 320.660 Telephone Hearings

EMERGENCY

a) Written requests to participate in an informal investigative hearing by telephone must be received by the Department’s Chicago office no later than seven calendar days prior to the hearing date. The request shall be in writing and state a compelling reason why the party needs to participate by telephone and the name, address and telephone number of the person to be contacted.

b) A party shall not consider its request granted unless the party receives written notice of the Department’s approval prior to the hearing date.

SUBPART G: REQUEST FOR REVIEW
DEPARTMENT OF LABOR

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Section 320.700  Filing with Chief Administrative Law Judge

EMERGENCY

a) A complainant may request review by the Chief Administrative Law Judge of a decision by the Department, including a decision made after an informal investigative hearing, to dismiss one or more allegations of a complaint for:

1) Lack of substantial evidence;
2) Lack of jurisdiction;
3) No reasonable cause found;
4) Failure of complainant to proceed; or
5) Failure of complainant to accept a settlement offer.

b) A respondent may request review by the Chief Administrative Law Judge of a decision by the Department, including a decision made after an informal investigative hearing, to issue a notice of default or a notice of reasonable cause found.

c) A request for review must be delivered by U.S. mail or personal delivery to the Chief Administrative Law Judge at the Department’s Chicago office within 15 calendar days after the decision.

d) Neither the parties nor the Department may communicate directly or indirectly with the Chief Administrative Law Judge except in writing with copies to all parties and the Department.

Section 320.710  Contents of Request for Review

EMERGENCY

A request for review must be in writing and state the reasons the party disagrees with the Department’s decision. The request must be prominently marked “REQUEST FOR REVIEW” on both the letter and the envelope. A copy of the decision sought to be reviewed must be included with the request. The request for review must set forth the reasons why the party believes the Department misconstrued the evidence or misapplied the law to the facts and any newly discovered evidence the party could not have discovered prior to the Department’s decision.
Section 320.720  Reply to Request for Review and Surreply
EMERGENCY

a) When a party files a timely request for review, the Chief Administrative Law Judge may request other parties to submit a reply to the request for review. The reply must be filed with the Chief Administrative Law Judge within 14 calendar days after the request by the Chief Administrative Law Judge. The reply must be served on all other parties and proof of service must be provided to the Chief Administrative Law Judge or the reply cannot be considered. A reply is limited to the issues raised in the request for review. Whether a reply is needed or required is in the sole discretion of the Chief Administrative Law Judge.

b) If a reply to a request for review is timely filed with the Chief Administrative Law Judge, the party requesting review may file a surreply to the reply with the Chief Administrative Law Judge. Such surreply must be filed within 14 calendar days after the deadline for filing the reply. The surreply must be served on all parties and proof of service must be provided to the Chief Administrative Law Judge or the surreply cannot be considered. A surreply is limited to the issues raised in the reply.

Section 320.730  Extensions of Time
EMERGENCY

a) For good cause shown, a party may request in writing an extension of time to file a request for review, reply or surreply. Such an extension shall be no more than 14 calendar days. Requests for extensions of time must be filed with the Chief Administrative Law Judge no later than the original deadline and will be granted if the Chief Administrative Law Judge determines that good cause has been shown.

b) A determination for an extension of time shall be sent to all parties.

Section 320.740  Additional Investigation and Order
EMERGENCY

At the conclusion of the request for review process, the Chief Administrative Law Judge must make one of the following findings:
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

a) Additional investigation. If the Chief Administrative Law Judge determines that additional investigation is needed, all parties will be notified of the decision. All parties will be informed of the results of the additional investigation and provided copies of any documents submitted in response to the decision for additional investigation. All parties will be given 14 calendar days to file a supplemental request for review, reply and surreply to address the results of the additional investigation.

b) Order. If after review of the Department’s decision to dismiss a complaint, issue a notice of default, or issue a reasonable cause finding, the Chief Administrative Law Judge determines that the Department’s decision should be sustained, an order shall be entered stating the findings and reasons for the determination. Otherwise, the Chief Administrative Law Judge shall order that the dismissal, default or reasonable cause finding be vacated. The Chief Administrative Law Judge will either return the complaint to the Department for additional investigation or order a reasonable cause finding or order of dismissal be entered. The Chief Administrative Law Judge shall serve the order upon all parties to the complaint.
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1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Emergency Action:
   1030.81 Amended
   1030.82 New Section

4) Statutory Authority: 625 ILCS 5/6-507

5) Effective Date of Amendment: January 1, 2004

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: December 22, 2003

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: To give the Secretary of State authority to issue a Charter Bus Driver Endorsement.

10) A complete Description of the Subjects and Issues Involved: To give the Secretary of State the authority to issue a Charter Bus Driver Endorsement with a Commercial Drivers License (CDL) to transport students Grade 12 or below to and from school related functions.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

13) Information and questions regarding this amendment shall be directed to:

   Jim Mayes
   Secretary of State
   Driver Services Department
   2701 S. Dirksen Parkway
   Springfield IL 62723
   217/782-2451

14) Does this amendment require the review of the Procurement Policy Board as specified in
SECRETARY OF STATE
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Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] There was no anticipated need for the rule due to the fact that PA 93-0476 was not signed until August 8, 2003.

The full text of the emergency amendments begins on the next page:
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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE  

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Section 1030.81 Endorsements

EMERGENCY

a) For purposes of this Section, the following definitions shall apply:

"Commercial Driver's License (CDL)" – a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles (see 625 ILCS 5/6-500).

"Commercial Motor Vehicle" – a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.
"Endorsement" – an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Hazardous Material" – a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 USCA 1802)

"Representative Vehicle" – a motor vehicle which represents the type that a driver applicant operates or expects to operate.

"Tanker-type Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

b) To obtain any of the following endorsements, a commercial driver's license operator must correctly answer 80% of the questions comprising a written knowledge test based on the Illinois Vehicle Code and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704):

1) (T) Double or triple trailers (20 questions).
2) (P) Passenger carrying vehicles (16 or more passengers, including the driver). A skills test in a representative vehicle is required (20 questions).
3) (N) Tank vehicles (20 questions).
4) (H) Any vehicle carrying hazardous materials which requires placarding (30 questions).
5) (X) Combination tank vehicle and hazardous materials endorsement. A knowledge test for tank vehicles (N) and hazardous materials (H) must both be successfully completed prior to obtaining this endorsement (20 questions).
6) (C) Charter bus driver endorsement. Successfully complete a knowledge test on transporting students Grade 12 or below to and from school related functions (20 questions).
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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 384, effective December 22, 2003, for a maximum of 150 days)

Section 1030.82 Charter Bus Driver Endorsement
EMERGENCY

a) Section 1030.82 Definitions

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

"Cancellation" – cancellation of a CDL holder with a charter bus driver endorsement - the annulment or termination by formal action of the Secretary of State of a person's charter bus driver endorsement because of some error or defect in the endorsement, because the endorsement holder is no longer entitled to such endorsement, refusal or neglect of the person to submit an alcohol and drug evaluation or submit to or failure to successfully complete the examination, in accordance with Sections 1-110, 6-508 and 6-207 of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-508 and 6-207].

Charter Bus Driver Endorsement – An indicator on the driver’s license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default.

"Denial" – to prohibit or disallow the privilege to obtain a charter bus driver endorsement and/or the privilege to operate a charter bus in accordance with Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Disqualification" – a withdrawal of the privilege to drive a commercial motor vehicle [625 ILCS 5/1-115.3].

"Employer" – any individual, corporation, partnership or association who employs charter bus drivers licensed pursuant to Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

"Employer Certification" – a form as prescribed by the Secretary of State submitted by the employer which certifies that an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.
"Fingerprint Process" – a method by which a person's fingerprints are taken for the purpose of certification of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"Miscellaneous Suspension" – a safety and financial responsibility, unsatisfied judgment, auto emissions, penalty for parking violation, failure to appear, failure to pay toll (Type Action 07, Reason Code 03), and all suspensions that are rescinded and are no longer in effect.

"Repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic" - for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

"Repeatedly involved as a driver in motor vehicle collisions" – for which an order has been entered to suspend or revoke the license or permit under the discretionary authority of Section 6-206(a)(4) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4)].

"Rescind Order" – a removal by formal action of an order canceling, suspending or denying issuance of a charter (CDL) bus endorsement to a person.

"Review of Driving Habits" - a review of the applicant's driving record maintained by the Office of the Secretary of State or documentation from another licensing jurisdiction, which has been certified within 30 days prior to the date of application, to insure that the requirements pursuant to Section 5/6-104 and 5/6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS].

"Serious Traffic Violation" – notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State Law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d-5) of the Illinois Vehicle Code [625 ILCS 5/6-104(d-5)] relating to the possession of a valid charter bus driver endorsement, or a violation of the speed limit in a school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605], or a violation
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of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension of Driver License" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Suspension of a CDL with a charter bus driver endorsement" – the temporary withdrawal by formal action by the Secretary of a person's endorsement that grants and specifies limited privileges to operate a charter bus on the public highways, for a period specifically designated by the Secretary.

b) Requirements of Applicants for a charter bus driver endorsement

In order for the Secretary of State to issue a charter bus driver endorsement, all applicants must:

1) Be 21 years of age or older;

2) Possess a valid and properly classified driver's license issued by the Secretary of State;

3) Submit to and successfully pass an Illinois specific criminal background check and Federal Bureau of Investigation criminal background check with current and future information through an approved vendor. (A consent form must be signed by the applicant/CDL holder that allows the Illinois Secretary of State to release their fingerprint information to his/her employer.

4) Pass a written test on charter bus operation, charter bus safety, and special traffic laws relating to charter buses and submit to a review of the
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applicant's driving habits by the Secretary of State at the time the written test is given;

5) Demonstrate the ability to exercise reasonable care in the operation of the charter bus with the requirements of 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

6) Be physically able to safely operate a charter bus. An applicant for a charter bus driver endorsement must demonstrate physical fitness to operate charter buses by undergoing a medical examination in accordance with the provisions of Section 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508].

7) Affirm under penalty of perjury that he/she has not made a false statement or knowingly concealed a material fact in any application for a endorsement:

c) Not have been convicted of committing or attempting to commit any one or more of the following offenses:


B) those offenses defined in the Cannabis Control Act except those offense defined in Section 4(a) and (b) and Section 5(a) of the Cannabis Control Act [720 ILCS 550/4(a) and (b) and 5(a)];

C) those offenses defined in the Illinois Controlled Substances Act [720 ILCS 570];

D) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State could be punishable as one or more of the foregoing offenses;
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E) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act [720 ILCS 150/4.1 and 5.1]; and

F) those offenses defined in Section 6-16 of the Liquor Control Act of 1934 [234 ILCS 5/6-16];

d) Endorsement Application Process

1) The CDL holder desiring employment as a charter bus driver must obtain from the prospective employer and complete the following:

   A) Application/Certification for Illinois charter bus driver endorsement;

   B) Fingerprint process.

2) The applicant shall then submit the Charter Bus Application/Certification for the charter bus driver endorsement and the appropriate fee to the Secretary of State’s driver license facility.

3) The Secretary of State shall review the applicant's driving history to determine if it is acceptable under the provisions of this Part and Sections 5/6-104 and 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 5/6-508]. The applicant:

   A) must pass a written examination administered by the Secretary of State's Office in accordance with 5/6-508 (c-1) (2) of the Illinois Vehicle Code [625 ILCS 5/6-508 (c-1) (2).

   B) must successfully complete a road test, if applicable, administered by the Secretary of State's Office or a licensed third-party tester in the class of vehicle to be used in accordance with 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508 (a) (1)].

   These tests must be successfully completed in 3 attempts.

4) On renewal/reapplication for a charter bus driver endorsement the CDL holder shall be required to submit an Application/Certification form for the Illinois charter bus driver endorsement verifying the completion of all requirements.

   A) On renewal/reapplication for the charter bus driver endorsement the CDL holder will not be subject to the fingerprint process.
e) Denial, Cancellation, or Suspension of a CDL holder with a charter bus driver endorsement:

1) The Secretary of State shall deny or cancel a CDL holder’s charter bus driver endorsement:
   
   A) Whose criminal background investigation discloses that he/she is not in compliance with any of the provisions of Section 5/6-104 or 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 or 5/6-508];
   
   B) Upon receiving notice that the endorsement holder fails to comply with any provision of this Part;
   
   C) Upon receiving notice that the endorsement holder's restricted commercial driving permit or commercial driving privileges are withdrawn or otherwise invalidated.

2) The Secretary of State shall deny an applicant or CDL holder for a charter bus driver endorsement upon an indication on a driving record that he/she has failed to pay any fines, costs or fees which deny the renewal or reissuance of a driver's license or any other indication on a driving record which denies the renewal or reissuance of a driver's license.

3) A cancellation of a CDL with a charter bus driver endorsement shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118].

4) An order may be rescinded provided the cause is removed and the driver continues to meet the requirements as outlined in Section 5/6-104 and 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 5/6-508].

f) Employer Responsibility

It shall be the responsibility of a prospective or current employer of an applicant or CDL holder of a charter bus driver endorsement to:

1) Request an employer seven digit assigned number by faxing to the Secretary of State’s Office their request on company letterhead indicating a contact person and telephone/fax number.

2) Distribute charter bus driver endorsement applications.
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3) Insure that applicants submit to a fingerprint based criminal background investigation.

4) Certify in writing to the Secretary of State that an applicant has successfully completed all employment conditions.

5) Notify in writing to the Secretary of State that the employer has certified the removal of the CDL driver with the charter bus driver endorsement from service whose endorsement has been withdrawn by the Secretary of State, prior to the start of that CDL driver's next work shift.

6) Notify in writing to the Secretary of State that the employee is no longer employed as a charter bus driver by their company.

7) Notify in writing to the Secretary of State that while holding a previously issued valid charter bus driver endorsement that he/she has now been accepted as a charter bus driver for their company.

8) Immediately, upon receipt of a positive drug test, notify in writing the Secretary of State of such result. This information shall be privileged and maintained for the use of the Office of the Secretary of State.

9) Maintain records of certifications which shall be available for inspection by the Secretary of State.

G) Notice
The Secretary of State shall notify in writing the CDL holder and his/her current employer that he/she:

1) has failed an ISP or FBI criminal background investigation; or

2) is no longer eligible for a charter bus driver endorsement; or

3) of any related cancellations, suspensions, or denials of the applicant's charter bus driver endorsement.

H) Hearings
1) The Secretary of State shall conduct a hearing pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] upon the request of an applicant or holder whose charter driver endorsement has been denied, canceled or suspended.
2) The petition requesting a hearing shall be in writing and shall contain the reason the individual feels he/she is entitled to a charter bus driver endorsement.

3) The scope of the hearing shall be limited to the issuance criteria contained in Section 5/6-104 and 5/6-508 of the Illinois Vehicle Code [625 ILCS 5/6-104 and 5/6-508].

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 384, effective December 22, 2003, for a maximum of 150 days)
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers: Emergency Action:
   1060.20 Amendment
   1060.190 Amendment

4) Statutory Authority: 625 ILCS 5/6-401

5) Effective Date of Amendments: December 22, 2003

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: December 22, 2003

8) A copy of the emergency amendments, 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: To amend rules with language that corresponds with amended statutes which take effect on January 1, 2004 and correct an omission in the rules by adding language that requires a reinstatement fee following suspensions.

10) A complete Description of the Subjects and Issues Involved: In Section 1060.20, change amount of surety bond to $20,000 to reflect change in statute. In Section 1060.190, require a reinstatement fee following school and instructor suspensions, which was erroneously omitted in a previous rule amendment.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act.

13) Information and questions regarding these emergency amendments shall be directed to:

   Tom Wekony
   Secretary of State, Commercial Driver Training Schools
   650 Ropollo Lane
   Elk Grove Village, IL  60007
   847/437-3953
NOTICE OF EMERGENCY AMENDMENTS

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

The full text of the emergency amendments begins on the next page:
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NOTICE OF EMERGENCY AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section
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1060.10 Unlicensed Person May Not Operate Driver Training School
1060.20 Requirements for School Licenses

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1060.220 Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230 Hearings (Recodified)
1060.240 Teen Accreditation (Recodified)
1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License (Recodified)
1060.260 Commercial Driver's License and/or Endorsement and/or Restriction
SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Accreditation (Recodified)


Section 1060.20 Requirements for School Licenses

EMERGENCY

a) The Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school.

3) The physical facilities meet the requirements of this Part.

4) The applicant is of good moral character as required pursuant to Section 6-
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402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(a)]. In making a determination of good moral character, the Department is not limited to, but shall consider the following:

A) If the owner has been convicted of a felony:
   i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school; or
   ii) The opinions of the community members concerning the owner; or
   iii) The length of time that has elapsed since the owner's last criminal conviction.

B) If the owner has been indicted, formally charged or otherwise charged with a felony:
   i) If the owner whose Commercial Driver Training School license has been cancelled under this Part is adjudicated "guilty" by the court systems, the cancellation previously entered on his/her record in accordance with Section 1060.190b) of this Part shall stand. This action does not preclude further suspension and/or revocation of the Commercial Driver Training School license under another Section of this Part. or the Illinois Vehicle Code.
   ii) If the owner whose Commercial Driver Training School license has been cancelled under this Part is adjudicated "not guilty" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190b) of this Part shall be rescinded. This action does not preclude further suspension and/or revocation of the Commercial Driver Training School license under another Section of this Part, or the Illinois Vehicle Code.
iii) If the owner whose Commercial Driver Training School commercial driver training school license has been cancelled under this Part is granted a disposition of "court supervision" by the court systems, the cancellation previously entered on the license in accordance with Section 1060.190b) of this Part shall be rescinded. This action does not preclude further suspension and/or revocation of the Commercial Driver Training School commercial driver training school license under another Section of this Part, or the Illinois Vehicle Code.

C) An individual whose Commercial Driver Training School commercial driver training school license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code Illinois Administrative Code, 1001.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

c) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

d) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities which are not up to standards only for the duration of the courses which have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, State state or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.
NOTICE OF EMERGENCY AMENDMENTS

e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of $20,000 $10,000, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That

We, _______________________________________________________, of ________________________________________________________, hereinafter, referred to as Principal and _____________________, a Corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of Twenty Ten Thousand Dollars ($20,000($10,000), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The Condition Of This Obligation Is such, That whereas, the principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a Driver Training School. Now Therefore, if the said Principal shall faithfully comply with the Illinois Vehicle Code, as amended, and all rules and regulations which have been or may hereafter be in force concerning the said License or Permit, and shall save and keep harmless the Obligees from all loss or damage which may be sustained as a result of the issuance of said license or permit to the said Principal, this obligation shall be void; otherwise, to remain in full force and effect. The Bond Will Expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving thirty (30) days written notice to the Commercial Driver Training Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after such thirty day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this ________ day of __________ , 2002.

Principal ________________________________

Surety ________________________________

By: ________________________________
f) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Secretary of State shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.

h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.

i) Licenses shall be issued by the Department.

j) An owner shall not have unauthorized possession of application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days)

Section 1060.190 Denial, Cancellation, Suspension, And Revocation Of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, And Instructor's License

EMERGENCY

a) The Secretary of State may deny, suspend, or revoke a commercial driver training school license, teen accreditation, CDL accreditation, or commercial driver training school instructor license for:

1) Any violation of 625 ILCS 5/Ch. 6, Art. IV, 5/6-401 et seq.


3) A school that desires to have a license reinstated following suspension shall reapply and pay the application fee of $500 as required by Section 6-
SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS


4) An instructor who desires to have a license reinstated following suspension shall reapply and pay $70 as required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

b) The Secretary of State may cancel a commercial driver training school license for:

1) Any violation of Section 6-402 of the Illinois Vehicle Code [625 ILCS 5/6-402].

2) Any violation of Section 1060.20(a), (b), (c), and (e) of this Part.

3) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of $500 for a school as required by Section 6-402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(h)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).

c) The Secretary of State may cancel a commercial driver training school instructor license for:

1) Any violation of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

2) Any violation of Section 1060.120 of this Part.

3) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of $70 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days)
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Calculation, Assessment and Collection of Periodic Fees

Code Citation: 38 Ill. Adm. Code 375

Section Numbers: 375.30
375.34

Date Originally Published in Illinois Register: 10/10/03
27 Ill. Reg. 16024

Date Suspension Published in Illinois Register: 12/5/03

Date Suspension Became Effective: 11/18/03

Date Suspension Withdrawn: 12/16/03

The Joint Committee on Administrative Rules hereby certifies that, pursuant to 1 Ill. Adm. Code. 230.600(c)(6), and based on the agency's agreement to repeal the emergency rule, the Joint Committee, at its meeting on 12/16/03, has withdrawn the suspension of the Office of Banks and Real Estate's emergency rule titled Calculation, Assessment and Collection of Periodic Fees (38 Ill. Adm. Code 375; 27 Ill. Reg. 16024). The Committee originally issued this suspension at its 11/18/03 meeting.
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Illinois Savings and Loan Act of 1985

Code Citation: 38 Ill. Adm. Code 1000

Section Numbers: 1000.130
1000.141
1000.142

Date Originally Published in Illinois Register: 10/10/03
27 Ill. Reg. 16029

Date Suspension Published in Illinois Register: 12/5/03

Date Suspension Became Effective: 11/18/03

Date Suspension Withdrawn: 12/16/03

The Joint Committee on Administrative Rules hereby certifies that, pursuant to 1 Ill. Adm. Code 230.600(c)(6), and based on the agency's agreement to repeal the emergency rule, the Joint Committee, at its meeting on 12/16/03, has withdrawn the suspension of the Office of Banks and Real Estate's emergency rule titled Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 1000; 27 Ill. Reg. 16029). The Committee originally issued this suspension at its 11/18/03 meeting.
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULE

OFFICE OF BANKS AND REAL ESTATE

Heading of the Part: Savings Bank Act

Code Citation: 38 Ill. Adm. Code 1075

Section Numbers: 1075.120
                 1075.130
                 1075.140

Date Originally Published in Illinois Register: 10/10/03
                                            27 Ill. Reg. 16043

Date Suspension Published in Illinois Register: 12/5/03

Date Suspension Became Effective: 11/18/03

Date Suspension Withdrawn: 12/16/03

The Joint Committee on Administrative Rules hereby certifies that, pursuant to 1 Ill. Adm. Code 230.600(c)(6), and based on the agency's agreement to repeal the emergency rule, the Joint Committee, at its meeting on 12/16/03, has withdrawn the suspension of the Office of Banks and Real Estate's emergency rule titled Savings Bank Act (38 Ill. Adm. Code 1075; 27 Ill. Reg. 16043). The Committee originally issued this suspension at its 11/18/03 meeting.
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees

2) Code Citation: 38 Ill. Adm. Code 375

3) Section Numbers:
   375.30
   375.34

4) Notice of Emergency Amendments published in the Illinois Register:
   10/10/03, 27 Ill. Reg. 16024

5) JCAR Statement of Objection to Emergency Amendments published in the Illinois Register:
   12/05/03, 27 Ill. Reg. 18483

6) Date agency submitted this modification to JCAR for approval: 11/26/03

7) Summary of action taken by the agency: Following JCAR’s withdrawal of its objection and suspension of the above rulemaking, the Office of Banks and Real Estate agreed to take all steps required to repeal the above-referenced emergency rulemaking in order to proceed to consideration of the related proposed rulemaking at the 12/16/03 JCAR meeting.

The full text of the Sections of the emergency rulemaking being repealed begins on the next page:
ILLINOIS OFFICE OF BANKS AND REAL ESTATE

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 375
CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section
375.10 Purpose
375.20 Definitions
375.30 Call Report Fees
375.31 Electronic Data Processing Fee
375.32 Assessment of 3, 4, or 5 Rated State Banks
375.33 Foreign Banking Office Minimum Quarterly Fee
375.34 Corporate Fiduciary Regulatory Fees
375.36 Foreign Bank Representative Office Regulatory Fees
375.40 Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks
375.41 Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50 Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51 Assessment of Accrued Fees Against a Corporate Fiduciary
375.60 Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70 Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective December 31, 1999; amended at 27 Ill. Reg. 487, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 16024, effective September 29, 2003, for a maximum of 150 days; emergency amendments suspended at 27 Ill. Reg. 18483, effective November 18,
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES


Section 375.30  Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of $3,060 plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule:

- 17¢ per $1,000 of the first $5,000,000 of total assets;
- 20¢ per $1,000 of the next $20,000,000 of total assets;
- 21¢ per $1,000 of the next $75,000,000 of total assets;
- 14¢ per $1,000 of the next $400,000,000 of total assets;
- 17¢ per $1,000 of the next $500,000,000 of total assets;
- 2¢ per $1,000 of the next $19,000,000,000 of total assets;
- 1¢ per $1,000 of the next $30,000,000,000 of total assets;
- 2¢ per $1,000 of the next $50,000,000,000 of total assets; and
- .5¢ per $1,000 of all assets in excess of $100,000,000,000 of the state bank.

The Call Report Fee shall be calculated by the Commissioner and billed to state banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

(Source: Amended at 27 Ill. Reg. 487, effective December 27, 2002)

Section 375.34  Corporate Fiduciary Regulatory Fees
ILLINOIS OFFICE OF BANKS AND REAL ESTATE

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

EMERGENCY

a) Each corporate fiduciary shall pay to the Commissioner a Corporate Fiduciary Regulatory Fee that shall be paid in quarterly installments equal to one-fourth of the sum of an annual fixed fee plus a variable exam-day fee.

b) The annual fixed fee shall be $200 for a trust department and for individuals or partnerships that possess a certificate of authority to accept and execute trusts. The annual fixed fee for a trust company shall be $500. The variable exam-day fee shall be calculated at the rate of $350 for each one-half examiner-day of work expended by the Commissioner’s examination personnel in performing the most recent statutorily required examination of the corporate fiduciary, subject to a minimum one-day charge.

c) The Corporate Fiduciary Regulatory Fee shall be calculated by the Commissioner and billed to the corporate fiduciaries on the last day of each calendar quarter, with payment due within 30 calendar days after the billing date.

(Source: Added at 24 Ill. Reg. 225, effective December 31, 1999)
ILLINOIS OFFICE OF BANKS AND REAL ESTATE

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Illinois Savings and Loan Act of 1985

2) Code Citation: 38 Ill. Adm. Code 1000

3) Section Numbers:
   1000.130
   1000.141
   1000.142

4) Notice of Emergency Amendments published in the Illinois Register:
   10/10/03  27 Ill. Reg. 16029

5) JCAR Statement of Objection to Emergency Rules (Amendments) published in the Illinois Register:
   12/05/03  27 Ill. Reg. 18484

6) Date agency submitted this modification to JCAR for approval: 11/26/03

7) Summary of action taken by the agency: Following JCAR’s withdrawal of its objection and suspension of the above rulemaking, the Office of Banks and Real Estate agreed to take all steps required to repeal the above-referenced emergency rulemaking in order to proceed to consideration of the related proposed rulemaking at the 12/16/03 JCAR meeting.

The full text of the Sections of the emergency rulemaking being repealed begins on the next page:
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1000
ILLINOIS SAVINGS AND LOAN ACT OF 1985

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1000.110 Filings
1000.120 Conditions
1000.130 Examination Fees
1000.140 Annual Supervisory Fees (Repealed)
1000.141 Supervisory Fees
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NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

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THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

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1000.1080 Reporting Requirements
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ILLINOIS OFFICE OF BANKS AND REAL ESTATE

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

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NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

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1000.APPENDIX A Estimated Monthly Income and Expenses Worksheet
1000.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
IN RESPONSE TO THE OBJECTION AND SUSPENSION BY
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency
amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days;
emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150
days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781,
effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987;
emergency amended at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150
days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of
150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg.
8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992;
transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter
III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII,
38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings
Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of
Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to
19312, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill.
Reg. 3694, effective January 30, 2001, in response to an objection of the Joint Committee on
amended at 26 Ill. Reg. 13471, effective September 13, 2002; emergency amendment at 27 Ill.
Reg. 16029, effective September 29, 2003, for a maximum of 150 days; emergency amendments
suspended at 27 Ill. Reg. 18484, effective November 18, 2003; emergency suspension withdrawn
at 28 Ill. Reg. 408, effective December 16, 2003; emergency repealed at 28 Ill. Reg. 414,
effective December 16, 2003, in response to the objection and suspension of the Joint Committee
on Administrative Rules.

SUBPART A: FEES

Section 1000.130 Examination Fees

EMERGENCY

a) Time expended in the conduct of any examination of the affairs of any association
or service corporation pursuant to the provisions of Section 7-5 (a) of the Illinois
Savings and Loan Act of 1985 [205 ILCS 105/7-5(a)] or applicable service
corporation undertakings, respectively, shall be billed by the Commissioner at a
rate of $70-$55 per examiner hour. Such fee shall be billed within 45 days
following completion of the respective examination.
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b) When out-of-state travel occurs in the conduct of any examination, the association or service corporation will be billed for expenses incurred in the performance of duties. Billings for such expense shall not exceed amounts authorized pursuant to the travel regulations of the Department of Central Management Services/Governor's Travel Control Board set forth at 80 Ill. Adm. Code 2800. In the situation where examination procedures are performed at out-of-state locations, the examination fee of $70 $55 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of $70 $55 per hour.

(Source: Amended at 16 Ill. Reg. 4881, effective March 17, 1992)

Section 1000.141  Supervisory Fees

a) The Commissioner shall receive, and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of $450 $600, plus a variable fee based on the total assets of each association and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule:

- 33.01¢ 25¢ per $1,000 of the first $2,000,000 of total assets,
- 29.71¢ 22¢ per $1,000 of the next $3,000,000 of total assets,
- 26.41¢ 20¢ per $1,000 of the next $5,000,000 of total assets,
- 23.11¢ 17¢ per $1,000 of the next $15,000,000 of total assets,
- 19.8¢ 15¢ per $1,000 of the next $25,000,000 of total assets,
- 16.5¢ 12¢ per $1,000 of the next $50,000,000 of total assets,
- 14.15¢ 10¢ per $1,000 of the next $400,000,000 of total assets,
- 9.9¢ 7¢ per $1,000 of the next $500,000,000 of total assets, and
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$6.65\text{c}$ per $1,000 of all total assets in excess of $1,000,000,000 of such
association or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned
by the Association, the owned assets may be consolidated with the assets of the
Association for calculation of this fee. If the finance subsidiary is not active and
is in the form of a Collateralized Mortgage Obligation or a similar vehicle
(Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and
other securitized debt instruments), the Commissioner shall waive that portion of
the fee attributed to the finance subsidiary.

b) The Commissioner shall receive and there shall be paid to the Commissioner by
each association a fee of $600\text{ for each approved branch office or facility
office established under the provisions of Subpart J of this Part. The
determination of such fees shall be made annually as of the close of business of
the prior calendar year ended December 31.}

c) One fourth of the sum of the supervisory fee so determined shall be remitted as
billed by the Commissioner. Such fees shall be for the respective current year.
Fees payable for the third and fourth calendar quarters of 2003 shall be
recalculated using total assets as of December 31, 2002, and the amended fees
provided in subsections (a) and (b) of this Section. One fourth of the sum of the
supervisory fee determined based on the amended fee schedule shall be remitted
as billed for the third and fourth calendar quarters of 2003.

d) Subject to the requirements of subsection (c) of this Section, for the third and
fourth quarters of 2003, supervisory Supervisory fees shall be determined by the
Commissioner following the close of the respective calendar year; however, the
dates of billings shall not prejudice the validity of an invoice for any such fees
billed at a later date.

e) In the event the state charter is converted or otherwise surrendered during the
course of the year, the Commissioner shall determine the supervisory fee based on
the total assets of the Association as of the month-end immediately preceding the
cancellation of the state charter, except that the measurement date may be another
date at the discretion of the Commissioner in the event an Association elects to
liquidate. In determining whether to set another measurement date, the
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Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. 53, effective January 1, 2000)

Section 1000.142 Adjusted Supervisory Fees

a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1000.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1000.141 of this Subpart are made according to the following schedule:

<table>
<thead>
<tr>
<th>Total Assets Range</th>
<th>Additional Fee (in cents per $1,000)</th>
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</thead>
<tbody>
<tr>
<td>$2,000,000</td>
<td>33.01¢</td>
</tr>
<tr>
<td>$3,000,000</td>
<td>29.71¢</td>
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<td>9.9¢</td>
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<tr>
<td>$1,000,000,000</td>
<td>6.6¢</td>
</tr>
<tr>
<td>All total assets</td>
<td>6.6¢</td>
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</table>
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In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each association and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than ½ of 1% of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. 53, effective January 1, 2000)
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1) Heading of the Part: Savings Bank Act

2) Code Citation: 38 Ill. Adm. Code 1075

3) Section Numbers:
   1075.120
   1075.131
   1075.140

4) Notice of Emergency Amendments published in the Illinois Register:
   10/10/03   27 Ill. Reg. 16043

5) JCAR Statement of Objection to Emergency Amendments published in the Illinois Register:
   12/05/03,   27 Ill. Reg. 18485

6) Date agency submitted this modification to JCAR for approval:  11/26/03

7) Summary of action taken by the agency: Following JCAR’s withdrawal of its objection
   and suspension, the Office of Banks and Real Estate agreed to take all steps required to
   repeal the above-referenced emergency rulemaking in order to proceed to consideration
   of the related proposed rulemaking at the 12/16/03 JCAR meeting.

The full text of the Sections of the emergency rulemaking being repealed begins on the next
page:
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

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1075.2350 Proxy Statement – Directors and Executive Officers
1075.2360 Proxy Statement – Management Remuneration
1075.2370 Proxy Statement – Business of the Applicant
1075.2380 Proxy Statement – Description of the Plan of Conversion
1075.2390 Proxy Statement – Description of Capital Stock
1075.2400 Proxy Statement – Capitalization
1075.2410 Proxy Statement – Use of New Capital
1075.2420 Proxy Statement – New Charter, Bylaws, or Other Documents
1075.2430 Proxy Statement – Other Matters
1075.2440 Proxy Statement – Financial Statements
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1075.2500 Offering Circular
1075.2510 Offering Circular – Certain Manner of Presentation of Required Information Prohibited
1075.2520 Offering Circular – Certain Named Persons – Filing of Written Consent Required
1075.2530 Offering Circular – Information Required
1075.2540 Offering Circular – Additional Current Information Required
1075.2550 Offering Circular – Statement Required in Offering Circulars
1075.2560 Offering Circular – Preliminary Offering Circular
1075.2570 Offering Circular – Information with Respect to Exercise of Subscription Rights
1075.2580 Offering Circular – Information with Respect to Public Offering or Direct Community Offering

SUBPART P: HIGH RISK HOME LOANS

Section
1075.3000 Definitions
1075.3100 Ability to Repay
1075.3150 Verification of Ability to Pay Loan
1075.3200 Fraudulent or Deceptive Practices
1075.3225 Prepayment Penalty
1075.3250 Pre-paid Insurance Products and Warranties
1075.3300 Refinancing Prohibited in Certain Cases
1075.3325 Balloon Payments
1075.3350 Financing of Certain Points and Fees
1075.3400 Payments to Contractors
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1075.3500  Negative Equity
1075.3550  Counseling Prior to Perfecting Foreclosure Proceedings
1075.3600  Mortgage Awareness Program
1075.3650  Report of Default and Foreclosure Rates on Conventional Loans
1075.3700  Commissioner's Review and Analysis
1075.3750  Third Party Review of High Risk Home Loans

1075.APPENDIX A  Estimated Monthly Income and Expenses Worksheet
1075.APPENDIX B  Mortgage Ratio Worksheet

AUTHORITY:  Implementing and authorized by the Savings Bank Act [205 ILCS 205].


SUBPART A:  FILINGS

Section 1075.120  Examination Fees
NOTICE OF REPEAL OF EMERGENCY AMENDMENTS
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Section 1075.130 Supervisory Fees

a) The Commissioner shall receive, and there shall be paid to the Commissioner by each savings bank and each service corporation operating under the Act, a fixed fee of $600, plus a variable fee based on the total assets of each savings bank and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31, 1999 and every year thereafter according to the following schedule:

- $28.82 per $1,000 of the first $2,000,000 of total assets,
- $26.24 per $1,000 of the next $3,000,000 of total assets,
- $23.58 per $1,000 of the next $5,000,000 of total assets,
- $19.65 per $1,000 of the next $15,000,000 of total assets,
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17.03¢ per $1,000 of the next $25,000,000 of total assets,
14.41¢ per $1,000 of the next $50,000,000 of total assets,
11.79¢ per $1,000 of the next $400,000,000 of total assets,
7.86¢ per $1,000 of the next $500,000,000 of total assets, and
5.24¢ per $1,000 of all total assets in excess of $1,000,000,000 of such
savings bank or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned
by the savings bank, the owned assets may be consolidated with the assets of the
savings bank for calculation of this fee. If the finance subsidiary is not active and
is in the form of a Collateralized Mortgage Obligation or a similar vehicle
(Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and
other securitized debt instruments), the Commissioner shall waive that portion of
the fee attributed to the finance subsidiary.

b) The Commissioner shall receive and there shall be paid to the Commissioner by
each savings bank a fee of $600 $450 for each approved branch office or facility
office established under Subpart G of this Part. The determination of such fees
shall be made annually as of the close of business of the prior calendar year ended
December 31.

c) One fourth of the sum of the supervisory fee so determined shall be remitted as
billed by the Commissioner. Such fees shall be for the respective current year.
Fees payable for the third and fourth calendar quarters of 2003 shall be
recalculated using total assets as of December 31, 2002, and the amended fees
provided in subsections (a) and (b) of this Section. One fourth of the sum of the
supervisory fee determined based on the amended fee schedule shall be remitted
as billed for the third and fourth calendar quarters of 2003.

d) Subject to the requirements of subsection (c) of this Section for the third and
fourth quarters of 2003, supervisory Supervisory Supervisory fees shall be
determined by the Commissioner following the close of the respective calendar
year; however, the dates of billings shall not prejudice the validity of an invoice
for any such fees billed at a later date.
e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than ½ of 1 percent of the total assets at the previous measurement date).

f) The Commissioner may waive part of the first annual supervisory fee specified under subsection (a) above, for a savings and loan association that has paid the fee for conversion to federal charter as required under the rules promulgated pursuant to the Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400.110(b)). Such waiver, if any is granted, shall be in accordance with the following schedule:

1) for conversions that were completed less than twelve months but greater than six months before the issuance of a savings bank charter, 25 percent may be waived; and

2) for conversions that were completed less than six months before the issuance of a savings bank charter, 50 percent may be waived.

(Source: Amended at 24 Ill. Reg. 15026, effective September 26, 2000)

Section 1075.140 Adjusted Supervisory Fees

a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1075.130 of this Part, to be based upon the difference between the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended...
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December 31 in which the quarterly payments referred to in Section 1075.130 of this Part are made according to the following schedule:

- 28.82¢ - 22¢ per $1,000 of the first $2,000,000 of total assets,
- 26.2¢ - 20¢ per $1,000 of the next $3,000,000 of total assets,
- 23.58¢ - 18¢ per $1,000 of the next $5,000,000 of total assets,
- 19.65¢ - 15¢ per $1,000 of the next $15,000,000 of total assets,
- 17.03¢ - 13¢ per $1,000 of the next $25,000,000 of total assets,
- 14.41¢ - 11¢ per $1,000 of the next $50,000,000 of total assets,
- 11.79¢ - 9¢ per $1,000 of the next $400,000,000 of total assets,
- 7.86¢ - 6¢ per $1,000 of the next $500,000,000 of total assets, and
- 5.24¢ - 4¢ per $1,000 of all total assets in excess of $1,000,000,000 of such savings bank or service corporation.

In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each savings bank and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report, the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the
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cancellation of the state charter, except that the measurement date may be another
date at the discretion of the Commissioner in the event a savings bank elects to
liquidate. In determining whether to set another measurement date, the
Commissioner shall consider the following elements: whether the savings bank is
undergoing a planned liquidation (where a savings bank elects to not continue
operations); or, the savings bank has transferred significant assets (more than ½ of
1 percent of the total assets at the previous measurement date).

(Source: Amended at 24 Ill. Reg. 15026, effective September 26, 2000)
SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 16, 2003 through December 22, 2003 and have been scheduled for review by the Committee at its January 14, 2004 meeting in Springfield. 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.

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<td>Department of Public Health, Local Health Protection Grant Rules (77 Ill. Adm. Code 615)</td>
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DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

1) a) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program, 8 Ill. Adm. Code 259

2) I) Rulemaking:

A) Description: Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from fertilizer releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the fertilizer release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the fertilizer release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities, small businesses, or not for profit corporations. Small businesses, such as some types of agrichemical facilities, will benefit from the remediation action allowed by the proposed rules.

F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

P. O. Box 19281
Springfield, IL 62794-9281
217/785-2427
217/524-4882 (fax)

G) Related rulemakings and other pertinent information: The rules for the Land Application Authorization Program, 8 Ill. Adm. Code 258, are related to this rulemaking.

b) Part(s) (Heading and Code Citation): Livestock Management Facility Regulations, 8 Ill. Adm. Code 900

1) Rulemaking:

   A) Description: The current regulations require owners of livestock facilities to mail copies of the Notice of Intent to Construct form to owners of property located within the setback distances, depending on the type of facility. The procedures and timeframes are very prescriptive and have caused the cessation of projects. The proposed amendments would include an opportunity for the owner to correct any deficiencies prior to the rescission of the setback compliance acknowledgment or the imposition of further enforcement action.

   B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]

   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

   D) Date Agency anticipates First Notice: March 2004

   E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of livestock facilities, may benefit from the additional time period prior to an enforcement action.

   F) Agency contact person for information:

       Warren D. Goetsch, P.E.
       Illinois Department of Agriculture
       P.O. Box 19281
       Springfield, IL 62794-9281
       217/785-2427
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Illinois Pesticide Act, 8 Ill. Adm. Code 250

1) Rulemaking:

   A) Description: The sale of large quantity packages of non-restricted use pesticides at retail stores which also sell food and other feedstuffs and that are frequented by the general public is increasing. Currently such establishments do not require a pesticide dealer license. Pursuant to Section 60/13 of the Illinois Pesticide Act, the Director may prescribe, by rule, requirements for the registration and testing of any pesticide dealer selling other than restricted use pesticides. The proposed rule will expand certification requirements for pesticide dealers including training for the safe handling, storage and sale of such products from these types of retail establishments.

   B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

   D) Date Agency anticipates First Notice: September 2004

   E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. The rulemaking will increase the licensure requirements of small retail businesses that handle large quantity packages of non-restricted use pesticides.

   F) Agency contact person for information:

   Warren D. Goetsch, P.E.
   Illinois Department of Agriculture
   P.O. Box 19281
   Springfield, IL 62794-9281
   217/785-2427
   FAX: 217/524-4882

   G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700
DEPARTMENT OF AGRICULTURE

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1) Rulemaking:

   A) Description: The Farmland Preservation Act requires that State agency policy statements and working agreements on farmland preservation shall be updated by the State agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois’ agricultural land base from needless State agency farmland conversion impacts.

   B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

   D) Date Agency anticipates First Notice: April 2004

   E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

   F) Agency contact person for information:

      Steve Chard
      Illinois Department of Agriculture
      P.O. Box 19281
      Springfield, IL 62794-9281
      217/785-2661
      FAX: 217/5524-4882

   G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Soil and Water Conservation Districts Act, 8 Ill. Adm. Code 650

1) Rulemaking:

   A) Description: The rules need to be amended to clarify terms and update references to present technology.

   B) Statutory Authority: Soil and Water Conservation Districts Act [70 ILCS 405/1]

   C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication
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of the proposed rule in the Illinois Register.

D) Date Agency anticipates First Notice: April 2004

E) Effect on small businesses, small municipalities or not for
profit corporations: No impacts anticipated.

F) Agency contact person for information:
Steve Frank
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/785-4292
FAX: 217/557-0993

G) Related rulemakings and other pertinent information: None

3) f) Part(s) (Heading and Code Citation): Dead Animal Disposal Act, 8 Ill.
Adm. Code 90

1) Rulemaking:

A) Description: Section 90.110 will be amended to add a
requirement that all persons operating composting facilities for the
disposal of dead animals must record the location of the composter with
the Department and make the composter available for inspection.

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

C) Schedule meeting/hearing date: Written comments may be
submitted during the 45-day public comment period following publication
of the proposed rule in the Illinois Register. The Advisory Board of
Livestock Commissioners is scheduled to meet in the Spring 2004.

D) Date Agency anticipates First Notice: April 2004

E) Effect on small businesses, small municipalities or not for
profit corporations: Persons operating a composter for the disposal of dead
animals would be required to record the location of the composter with the
Department and make the facility available for inspection.

F) Agency contact person for information:
Carroll Imig
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-6657
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

4) g) Part(s) (Heading and Code Citation): Animal Welfare Act, 8 Ill. Adm. Code 25

5) 1) Rulemaking:

A) Description: Regulations will be developed governing boarding facilities known as “day care” centers for animals.

B) A reference to the Illinois Diseased Animals Act will be included, stating that establishments must be in compliance with the provisions of that Act.

C)

D) Section 25.90 will be amended to require licensees maintain records regarding the origin and disposition of all animals changing ownership through their hands with the exception of fish. These records must be available for inspection during regular business hours by Department personnel. These records must include origin of animals, person purchasing (or being given) the animal, and copies of all health certificates and permits associated with the animals.

E)

F) If the licensee experiences unexplained death loss in more than 25% of a shipment of animals within 30 days of obtaining such animals, the loss must be reported immediately to the Department.

G)

H) The regulations will also be reviewed to see if any changes need to be made in reference to monkeypox or other diseases of an exotic nature that can be transmitted to humans.

I)
DEPARTMENT OF AGRICULTURE

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C) Schedule meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2004.

D) Date Agency anticipates First Notice: April 2004

E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating boarding facilities known as “day care” facilities for animals will be required to meet certain requirements to operate these types of facilities. Licensees will be required to maintain records on the sale of all animals with the exception of fish.

F) Agency contact person for information:

Carroll Imig
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281
217/782-6657
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

6)  Part(s) (Heading and Code Citation): Humane Care for Animals Act, 8 Ill. Adm. Code 35

1) Rulemaking:

A) Description: The role of the humane investigator is being clarified including the termination of a humane investigator. Sections involving tailing and shocking animals for the purpose of entertainment, sport or practice will be added to the Act.

B) Statutory Authority: Illinois Humane Care for Animals Act [510 ILCS 70/1]

C) Schedule meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2004.
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

D) Date Agency anticipates First Notice: April 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Carroll Imig
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/782-6657
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

7) A) Description: The United States Department of Agriculture (USDA) adopted the Uniform Methods and Rules for Scrapie Eradication effective October 1, 2003, The Department will revise Sections 85.55 and 85.80 to adopt this document.

8)

9) The situation regarding Chronic Wasting Disease (CWD) is changing daily, and the Department may need to review these regulations. The regulations regarding the submission of heads for CWD examination will be amended to specify head and/or retropharyngeal lymph nodes.


C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in the Spring 2004.
DEPARTMENT OF AGRICULTURE

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D) Date Agency anticipated First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: Adoption of the Uniform Methods and Rules for Scrapie Eradication will provide producers with a live animal test for scrapie and make it easier for them to move sheep and goats.

F) Agency contact person for information:

Dr. Colleen O'Keefe
Illinois Department of Agriculture
P.O. Box 19281
State Fairgrounds
Springfield, IL 62794-9281
217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Bovine Brucellosis, 8 Ill. Adm. Code 75

11) 12) 13) 14) 15) 16) 17)

A) Description: The United States Department of Agriculture (USDA) changed the location for the branding of brucellosis suspects from the jaw to the hip so Section 75.80 will be amended to reflect this change.

B) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2004.

D) Date Agency anticipated First Notice: March 2004
18) E) Effect on small businesses, small municipalities or not for profit corporations: None, as federal rules have superceded state rules and animals are being branded on the hip.

19) F) Agency contact person for information:

20) Dr. Colleen O’Keefe
Illinois Department of Agriculture
P.O. Box 19281
State Fairgrounds
Springfield, IL 6279409281
217/782-4944
FAX: 217/524-7702

21) G) Related rulemakings and other pertinent information: None

22) k) Part(s) (Heading and Code Citation): Grain Code, 8 Ill. Adm. Code 281

1) Rulemaking:

23) A) Description: The administrative rules are being updated pursuant to the Grain Code in Public Act 93-0225, effective 7/21/03. Statutory amendments include the use of electronic warehouse receipts and other electronic documents to be used in the industry; an increase in licensing fees; a three-tier examination system of licensees based on the type of grain merchandising activity utilized by the respective companies; an assessment of first sellers of grain to grain dealers that will be utilized to rebuild and maintain the equity in the Illinois Grain Insurance Fund; and assessments of lenders possessing collateral warehouse receipts or executing repurchase agreements with licensees.

24) 

25) B) Statutory Authority: Grain Code [240 ILCS 40]
DEPARTMENT OF AGRICULTURE

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C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register.

D) Date Agency anticipated First Notice: January 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

    Stuart Jackson
    Illinois Department of Agriculture
    P.O. Box 19281
    State Fairgrounds
    Springfield, IL 62794-9281
    217/785-8302
    FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

26) Part(s) (Heading and Code Citation): Motor Fuel Standards Act, 8 Ill. Adm. Code 850

1) Rulemaking:

    A) Description: Each kerosene retail dispenser shall be labeled as K-1 kerosene or K-2 kerosene. In addition, K-2 dispensers shall display a warning label on it. The required label will inform consumers of the type of kerosene being offered for sale and warn them not to use K-2 kerosene in an unvented-type heater.

    This Part will also be amended to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

    In Section 850.10 the requirements for a written complaint for motor fuel quality will be repealed.

    In Section 850.40 the administrative and laboratory fees for sampling motor fuel will be revised. The breakdown of actual expenses incurred is inaccurate.
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

In Section 850.50 the requirements for the placement of ethanol labels will be clarified.

B) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Thomas E. Jennings
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/785-4195
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

27) m) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: In Section 600.300 the requirements for the installation of low profile pitless vehicle scales will be amended to allow the pad to be constructed of concrete or similar durable material. The clearance requirements will also be amended to clarify the provision for cleaning and servicing.

The rules for half-gallon pricing of motor fuel will be repealed in Sections 600.650, 600.660, 600.690, 600.700, 600.710, 600.720, 600.750 and 600.810. These rules were originally enacted in 1979 to provide procedures for gasoline pumps that were incapable of computing prices in excess of 99.9 cents per gallon. The requirement in Section 600.810 for the size of the fraction will also be repealed.
DEPARTMENT OF AGRICULTURE

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B) Statutory Authority: Weights and Measures Act [225 ILCS 470]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Thomas E. Jennings
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/785-4195
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 65

1) Rulemaking:

A) Description: The United States Department of Agriculture (USDA) has issued a prohibition on the repackaging of eggs packed under USDA’s voluntary grading program. Amendments will be made relating to the enforcement of the Illinois Egg and Egg Products Act to follow USDA’s standards that eggs sold for human consumption cannot be repackaged. The rules will be amended to clarify that the 30-day expiration date should be marked on each carton of eggs.

B) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: Egg packagers and distributors will not be able to regrade and repackage older eggs. It is seldom that eggs are repackaged
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

and resold to consumers. This amendment will insure that eggs being sold for human consumption are fresh.

**F) Agency contact person for information:**

Thomas E. Jennings  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-4195  
FAX: 217/524-7801

**G) Related rulemakings and other pertinent information:** None

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**Part(s) (Heading and Code Citation):** Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure), 8 Ill. Adm. Code 1

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**1) Rulemaking:**

**A) Description:** The Department’s procedural rules will be updated, including adding a provision establishing a fee for any party requesting a copy of an administrative hearing transcript, and reorganized.

**B) Statutory Authority:** Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60] and the Freedom of Information Act [5 ILCS 140]

**C) Schedule meeting/hearing date:** Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

**D) Date Agency anticipates First Notice:** May 2004

**E) Effect on small businesses, small municipalities or not for profit corporations:** Any party requesting a copy of an administrative hearing transcript will be responsible for the costs associated with the transcription.

**F) Agency contact person for information:**

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
217/785-4507
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Freedom of Information Act, 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

Cynthia Ervin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications [20 ILCS 210/6] and leasing buildings during the State Fair. "Facility Availability" (Section 270.420) will be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to
DEPARTMENT OF AGRICULTURE

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the same dates in subsequent years in Section 270.380 concerning "Application for Space".

Amendments to “Non-Fair Space Rental, Payment Process, Camping, Facility Availability, Insurance, Concessions, Gambling, Raffles, Prizes, Beverages, Rate Schedules, Contract and General Stabling Rules will be amended to facilitate additional rentals to maximize income throughout the non-fair season. In addition, the amendments will bring the rules in line with new procedures on the DuQuoin and Illinois State Fairgrounds.

B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative code of Illinois [20 ILCS 5/16 and 40.14]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: April 2004

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Cynthia Ervin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Programs, Illinois, 8 Ill. Adm. Code 290

1) Rulemaking:

A) Description: The Department will amend Section 290.210(a) to change “registered Illinois conceived and foaled horses that were conceived before May 30, 1995” to “registered Illinois conceived and foaled horses prior to May 30, 1995.”
A new Section will be added to set forth conditions that foals resulting from embryo transplants are eligible to participate in the Illinois Standardbred Breeders Fund Program.


C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: January 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:

Tex Moats
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/782-4231
FAX: 217/524-6194

G) Related rulemakings and other pertinent information: None

Part(s) (Heading and Code Citation): Fairs Operating Under the Agricultural Fair Act, 8 Ill. Adm. Code 260

1) Rulemaking:

A) Description: As a result of the General Assembly passing Senate Bill 1281 in December 2000, county fair rules need to be revised.

B) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: January 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.

F) Agency contact person for information:
DEPARTMENT OF AGRICULTURE

JANUARY 2004 REGULATORY AGENDA

Cynthia Ervin
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. TZ, seed count, etc.). These rules allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: March 2004

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Thomas E. Jennings
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281
217/785-4195
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act, 8 Ill. Adm. Code 125

1) Rulemaking:
DEPARTMENT OF AGRICULTURE

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A) Description: Expanding provisions for existing Section 125.141 by requiring all licensed plants, Type I and Type II, to operate and maintain Sanitation SOP at all times.

The Department will be adopting Rules of Practice (9 CFR 500).

Update all cites to the Code of Federal Regulations (CFR).

B) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: January 2004

E) Effect on small businesses, small municipalities or not for profit corporations: All Type I establishments are operating under provisions of Sanitation SOP since October 1, 1997. Currently the recordkeeping requirement is limited to operations conducted under inspection. Due to increase in numbers for operations conducted outside of official hours, but still involving meat and poultry products, becomes necessary to expand existing requirements for providing uniform sanitation procedures. Only 8% of very small businesses (Type II) will be required to adopt these rules. The Department will provide guidance and assistance during implementation process.

F) Agency contact person for information:

Dr. Kris Mazurczak
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
217/782-3817
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $500 against J & C Financial, Inc., License No. 6537 of Mt. Prospect, IL a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 24, 2003.
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of $5000 against American Standard Mortgage, Inc., License No. 6759113 of Cincinnati, OH, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 9, 2003.
Crime Stoppers of Lake County Month

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media and the public in the fight against crime in Lake County and surrounding communities; and

WHEREAS, during the month of January, Crime Stoppers will be involved in fundraising ventures and will provide information to increase public awareness of crime prevention and community safety; and

WHEREAS, Crime Stoppers of Lake County is a non-profit organization, funded primarily by private donations of money, goods or services from the public, corporations, clubs, associations, retailers and organizations. The great success of Crime Stoppers is due to the support of all who contribute to the program. Cash rewards are paid to people who provide information leading to the arrest of felony crime offenders and to the capture of felony fugitives. Callers reporting a crime always remain anonymous; and

WHEREAS, Crime Stoppers of Lake County has been in existence for more than 20 years. With the cooperation of citizens and the police departments, Crime Stoppers has proven to be successful in combating crime and has more than 4,100 arrests for recovery of stolen property and illicit narcotics. It should be noted that, since the program’s inception on April 26, 1983, Lake County Crime Stoppers has led law enforcement officers to more than $13 million worth of contraband and recovered stolen property throughout Lake County, Northern Illinois and Wisconsin; and

WHEREAS, Lake County benefits when concerned citizens look out for each other and report a crime to the appropriate authorities. It is this type of support between concerned citizens and the law enforcement agencies that improves the quality of life and safety for all communities within Lake County:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2004 as CRIME STOPPERS OF LAKE COUNTY MONTH in Illinois.

Issued by the Governor December 17, 2003.

Filed by the Secretary of State. December 18, 2003

We Honor Haiti Day

WHEREAS, the state of Illinois is proud of its diversity and recognizes the value it brings to our communities; and

WHEREAS, as is evidenced by the famous Haitian citizen, Jean Baptiste Point Du Sable, who established the first permanent settlement in the city of Chicago in 1779; the country of
Haiti, its citizens and Haitian-Americans have played an important role in the history of our state and our nation; and

WHEREAS, the Midwest Association of Haitian American Women (MAHAW) is a non-profit group established in 1994, that strives to reclaim their heritage and to sponsor and promote educational, cultural, social and economic growth in the American Dream; and

WHEREAS, this year, MAHAW will celebrate 200 years of Haiti’s independence at a “We Honor Haiti” fundraising Bicentennial Gala:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 31, 2003 as WE HONOR HAITI DAY in Illinois, and encourage all citizens to recognize the impact on Illinois’ history that Haitians have had.

Issued by the Governor December 17, 2003.

Filed by the Secretary of State. December 18, 2003

2003-318

Teachers’ Retirement System

WHEREAS, the Teachers’ Retirement System of Illinois, through its various school districts and employers, desires to provide Hospital Insurance (Medicare) coverage for its members who do not have mandatory coverage for Hospital Insurance, pursuant to Public Law 99-272 and pursuant to Public Law 101-508; and

WHEREAS, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the Teachers’ Retirement System be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects Hospital Insurance coverage; and

WHEREAS, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her and allowed 90 days notice prior to the exercise of his/her right to choose; and

WHEREAS, I, hereby designate the Executive Secretary of the State Employees’ Retirement System and the Executive Director of the Teachers’ Retirement System as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I, hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of February 15, 2004 - May 16, 2004 to eligible employees of the various school districts and
employers of the Teachers’ Retirement System that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Teachers’ Retirement System and the referendum concluded not later than May 16, 2004.

Issued by the Governor December 18, 2003.

Filed by the Secretary of State. December 19, 2003
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 28, Issue 1 are listed in the Issues Index by Title number, Part number, Volume and Issue.
Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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(Processing fee for credit cards purchases, if applicable.) $1.50

**TOTAL AMOUNT OF ORDER** $ __________

☐ Check  Make Checks Payable To: **Secretary of State**

☐ VISA  ☐ Master Card  ☐ Discover  
(There is a $1.50 processing fee for credit card purchases.)

Card #: ____________________ Expiration Date: _______

Signature: ____________________

**Send Payment To:** Secretary of State  
Department of Index  
Administrative Code Division  
111 E. Monroe  
Springfield, IL 62756

**Fax Order To:** (217) 524-0308

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