

# 2004

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)
- 2) Code Citation: 14 Ill. Adm. Code 527
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
527.20	Amendment
527.30	Amendment
- 4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80].
- 5) A Complete Description of the Subjects and Issues Involved PA 93-882 (effective 1-1-05) amends the Economic Development for a Growing Economy (EDGE) Tax Credit Act so that companies with 100 or fewer employees may now qualify for the credit. The applicant's project must involve an investment of at least \$1 million and employ at least five new, full-time employees within Illinois. Manufacturing-related activities, product warehousing or distribution, research and development, or agricultural processing companies can qualify for this EDGE expansion.
- 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 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 Mandates Act (30 ILCS 805/3(b)).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Jolene Clarke  
Department of Commerce and Economic Opportunity  
620 E. Adams Street  
Springfield, Illinois 62701  
Phone: 217/557-1820  
Fax: 217-782-0038

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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e-mail: [Jolene\\_Clarke@commerce.state.il.us](mailto:Jolene_Clarke@commerce.state.il.us)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: These amendments update the operation of the program so as to comply with the provisions of PA 93-882, which are intended to make it easier for the state to attract and retain jobs by providing additional incentives for growing small businesses.
  - B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, program administration and reporting of approved tax credits.
  - C) Types of professional skills necessary for compliance: Applicants would already possess the skills necessary for compliance.
- 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 changes.

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY  
COMMUNITY AFFAIRS

## PART 527

## ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

## Section

527.10	Purpose
527.20	Definitions
527.30	Eligibility Determination
527.40	Form of Application
527.50	Application Review
527.60	Application Denial/Approval
527.70	Determination of Amount and Term of the Credit
527.80	Tax Credit Agreement
527.90	Certificate of Verification
527.100	Noncompliance with the Agreement

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] (see Public Act 91-476).

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 527.20 Definitions**

The following definitions are applicable to this Part.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Agreement" means the Tax Credit Agreement created pursuant to 35 ILCS 10/5-50.

"Capital Improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and

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furnishings in an approved Project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

*"Credit" means the amount agreed to between the Department and Applicant under the Act, but not to exceed the Incremental Payroll attributable to the Applicant's Project. [35 ILCS 10/5-15]*

["Department" means the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.](#)

["Director" means the Director of the Illinois Department of Commerce and Economic Opportunity, formerly known as the Illinois Department of Commerce and Community Affairs.](#)

*"Full-time Employee" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full time employment.*

*"Incremental Income Tax" means the Incremental Payroll attributable to a Project that is the subject of an Agreement.*

*"Incremental Payroll" means the total amount withheld by the Taxpayer during the taxable year from the compensation of New Employees and Retained Employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a Project that is the subject of an Agreement.*

*"New Employee" means a Full-time Employee first employed by a Taxpayer in the project that is the subject of an Agreement and who is hired after the Taxpayer enters into the Tax Credit Agreement.*

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*The term "New Employee" does not include:*

*an employee of the Taxpayer who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;*

*an employee of the Taxpayer who was previously employed in Illinois by a Related Member of the Taxpayer and whose employment was shifted to the Taxpayer after the Taxpayer entered into the Tax Credit Agreement;*

an employee of the Taxpayer who was previously employed in Illinois by the Taxpayer and whose employment was shifted to the Taxpayer Project after the Taxpayer entered into the Tax Credit Agreement; or

*a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.*

*An employee may be considered a New Employee under the Agreement if the employee performs a job that was previously performed by an employee who was treated under the Agreement as a New Employee and promoted by the Taxpayer to another job. [35 ILCS 10/5-5]*

An employee shall be considered a New Employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Placed in Service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Services" means a Taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more Taxpayers at multiple sites if the economic activities

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are vertically integrated.

"Project Costs" includes cost of the Project incurred or to be incurred by the Taxpayer including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs*, but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Retained Employee" means a Full-time Employee employed by a Taxpayer during the term of the agreement whose job duties are directly and substantially-related to the Project. For purposes of this definition, "directly and substantially-related to the Project" means at least two-thirds of the employee's job duties must be directly related to the Project and the employee must devote at least two-thirds of his or her time to the Project. The term "Retained Employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, capital, or value of the Taxpayer.

*"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability.* [35 ILCS 10/5-5]

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 527.30 Eligibility Determination**

- a) *Any Taxpayer that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services is an Eligible Business.*
- b) A Taxpayer who is operating an Eligible Business that is located, or plans to be located, in the State of Illinois may be an "Applicant." *Applicant does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State.*

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- 1) *This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced within the last two years. For the purpose of this Section, "substantially reduced" means a reduction in employment of 33.33% or more.*
- 2) *This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation, provided that the Department determines that the expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located. A determination under this subsection (b)(2) shall be made by the Department after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-15]*
- c) *In order to qualify for Credits under the Act, an Applicant's Project must:*
  - 1) *if the Applicant has more than 100 Employees at the time of the EDGE Application, involve an investment of at least \$5,000,000 in capital improvements to be placed in service and to employ at least 25 New Employees within the State as a direct result of the Project; or*
  - 2) *involve an investment at a level specified by the Department in capital improvements to be placed in service; employ New Employees within the State at a level specified by the Department; and provide a substantial economic benefit to the State [35 ILCS 10/5-20], as determined by the Department.*
    - A) The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30(c)(1) for an applicant meeting all other requirements in the Act and this Part provided that one or more of the following conditions are met:
      - i) the applicant business is located in a distressed community with an unemployment rate that is higher than the State's

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average;

- ii) the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;
- iii) approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or
- iv) approval would avert loss of one of the area's major sources of employment.

B) The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application; ~~or-~~

3) *if the Applicant has 100 or fewer Employees at the time of the EDGE Application, involve an investment of at least \$1,000,000 in capital improvements to be placed in service and to employ at least 5 New Employees within the State as a direct result of the Project.*

- d) The Applicant must demonstrate *that if not for the Credit the Project would not occur in Illinois* by providing documentation evidencing that:
- 1) *the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State; or*
  - 2) *at least one other state is being considered for the Project; or*
  - 3) *receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois; or*
  - 4) *the Credit is essential to the Applicant's decision to create or retain new jobs in the State.*
- e) Identify a *cost differential, using best available data, in the projected costs for the Applicant's Project compared to the costs in the competing state, including the*

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*impact of the competing state's incentive programs* [35 ILCS 10/5-25], for example, by demonstrating:

- 1) specific costs of labor, utilities, taxes and other costs of an out-of-state site or the industry's cost structure in the competing region; or
- 2) specific cost differential due to the impact of a competing state's incentive programs.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
25.11	Amendment
25.100	Amendment
25.315	Amendment
25.335	Amendment
25.425	Amendment
25.450	Amendment
25.464	Amendment
25.720	Amendment
25.725	Repeal
25.800	Amendment
25.805	Amendment
25.810	Amendment
25.815	Repeal
25.820	Repeal
25.825	Repeal
25.830	Amendment
25.832	Amendment
25.835	Amendment
25.840	Amendment
25.845	Amendment
25.848	Amendment
25.850	Amendment
25.855	Amendment
25.860	Amendment
25.865	Amendment
25.872	Amendment
25.875	Amendment
25.880	Amendment
25.885	Repeal
25.900	Amendment
25.905	Amendment
25.910	Amendment
25.915	Amendment
25.920	Amendment
25.925	Amendment

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25.930	Amendment
25.935	Amendment
25.942	New Section
25.945	Amendment
25.Appendix D	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 set of amendments arises almost entirely from enactment of P.A. 93-679, which was signed by the Governor on June 30, 2004, and took effect immediately. That legislation made significant changes in the requirements for renewal of teaching and administrative certificates, teachers' movement from the initial to the standard certificate, and certification testing for out-of-state applicants. Many procedural requirements for certificate renewal have been eliminated, and additional activities have been identified as options for meeting the respective requirements. One of these is to meet the requirements for being considered "highly qualified" for purposes of the No Child Left Behind Act in an additional teaching field, necessitating the addition of the Illinois criteria for this federal consideration into the State Board's rules.
- Refinements are also being made in several other Sections of Part 25 to make the rules more workable or to correct oversights.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
Yes
- 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 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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

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](mailto: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) This rule was not included on either of the 2 most recent agendas because: P.A. 93-679 was signed into law just after ISBE's submission of the July 2004 agenda.

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

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## STATE BOARD OF EDUCATION

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|               |  |
| 25.APPENDIX A | Statistical Test Equating – Certification Testing System   |
| 25.APPENDIX B | Certificates Available Effective February 15, 2000   |
| 25.APPENDIX C | Exchange of Certificates   |
| 25.APPENDIX D | <u>Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances</u> <del>National Board and Master Certificates (Repealed)</del> |
| 25.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].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022,

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effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CERTIFICATES

**Section 25.11 New Certificates (February 15, 2000)**

Section 21-2 of the School Code [105 ILCS 5/21-2] ~~established~~establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that ~~were~~will ~~be~~ available as of that date is found in Appendix B to this Part. The transition to the new system ~~affected~~will affect certified individuals as set forth in subsection (a) of this Section; under the new system, and candidates for certification shall be treated in accordance with the remaining provisions of~~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.

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- 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(l) 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 (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection (b)(3) of this Section, 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. (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])~~
  - 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.
    - A) 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, including the time taught outside Illinois 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.
    - B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option

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discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching. The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

3) The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state. (Section 21-2(b-5) of the School Code) A "second-tier certificate" is one that is issued after a teacher has:

A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and

B) met specified additional requirements for professional development or induction to the profession of teaching.

4) Certificates will be endorsed in accordance with the provisions of Sections 25.100 and ~~Section~~ 25.425 of this Part.

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.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A holder of an initial certificate who has not completed four years of teaching within four years may renew and register the certificate for additional four-year periods without limitation. (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)]~~A candidate who does not complete~~

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~~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 12-year period shall toll (i.e., the 12-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. [\(Section 21-14\(b\) of the School Code\)](#) 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.
- 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.

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A letter signed by an official of the state education agency in another state may be substituted for an employer's letter when the latter cannot be secured. 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. 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 25.100 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. Any semester hours of credit presented toward fulfillment of the requirements of this Section may be earned in on-line or electronically-mediated courses, provided that college credit is awarded for the coursework by a regionally accredited institution of higher education.

- 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 not teach honors courses, as these are defined by the employing district, or Advanced Placement courses in a subject for which he or she does not hold the specific designation, unless he or she holds an applicable master certificate. For example, a secondary science teacher with a biology

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designation may not teach honors physics or chemistry unless he or she holds a master certificate endorsed for sciences.

- 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) 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 content-area test or test of subject matter knowledge passed by the candidate and, except as provided in subsections (g), (h), (i), (j), and (k) of this Section:
    - A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript; and
    - B) any additional area in which the individual presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); and
    - C) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section.
  - 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

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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.

- 4) To account for the differing stages of preparation attained by candidates who were already enrolled in approved programs as of July 1, 2004, each institution may, through June 30, 2006, recommend to the State Board of Education the issuance of one or more endorsements under the structure in effect prior to July 1, 2004, to a candidate who has completed the coursework required for those endorsements and, in the judgment of the institution's certification officer, did not have a sufficient opportunity to complete the requirements for the comparable new endorsements instead.
- c) 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.
- 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.

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- 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].
- 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) Applications received through June 30, 2005, shall, at the request of the applicant, be reviewed against the requirements in place immediately prior to July 1, 2004, and deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Each deficiency statement shall be honored by the State Board of Education for a period of one year from the date of issue, except in the case of reading as provided in subsection (i)(1)(C) of this Section. Applicants will receive the

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endorsements only 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 subsections (g), (h), (i), (j), and (k) of this Section, for applications received on or after July 1, 2005, 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 a regionally accredited institution on the individual's official transcript; or
  - B) presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); or
  - C) has met the applicable requirements of subsection (e) of this Section.
- 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. Fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement. However, an individual with an early childhood or 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. An individual who elects to receive a separate certificate pursuant to this subsection (g) shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a standard certificate as explained in Section 25.720 of this Part.

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- 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 pass the content-area test for the designation sought and either:
    - A) be recommended for the endorsement and the designation by an institution with an approved program in the subject area based on having completed coursework sufficient to address the applicable content-area standards; or
    - B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:
      - i) at least 12 semester hours of credit must have been earned in the subject area of the designation sought; and
      - ii) some portion of the coursework completed must have addressed at least two additional designations within the field.
  - 2) The requirement stated in subsection (h)(1) of this Section shall apply whenever 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 holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004, may receive an endorsement and a designation in that field under the new structure by passing the content-area test for the designation sought. He or she may

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then qualify for additional designations in the field pursuant to subsection (h)(3) of this Section.

- i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.
  - 1) Reading Teacher

This endorsement shall not be issued as an individual's first teaching credential. An individual who holds or receives an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this additional endorsement on that certificate (and on any other certificate held or subsequently earned) when he or she presents evidence of:

    - A) having passed the applicable content-area test (or test of subject matter knowledge) and having been recommended for the endorsement by virtue of completing an approved reading teacher's preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at an institution that is recognized to offer teacher preparation programs in Illinois; or
    - B) having passed the applicable content-area test (or test of subject matter knowledge) and having completed 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:
      - i) foundations of reading,
      - ii) content-area reading,
      - iii) assessment and diagnosis of reading problems,
      - iv) developmental and remedial reading instruction and support,

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- v) developmental and remedial materials and resources, and
  - vi) literature appropriate to students across all grade ranges; or
- C) having completed, on or before June 30, 2005, the 18 semester hours of college coursework in reading described at 23 Ill. Adm. Code 1.740(a), in which case passage of the content-area test or test of subject matter knowledge shall not be required and no deficiency statement shall extend the timeline for completion of the coursework beyond June 30, 2005.
- 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 on that certificate or on a separate special K-12 certificate 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 and leads to the issuance of a master's or higher degree; and
  - 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) An individual who elects to receive a separate special K-12 certificate pursuant to subsection (i)(2) of this Section shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a standard certificate as explained in Section 25.720 of this Part.
- j) 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

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concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual's official transcript.

- 2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual presents evidence of having accumulated 20 semester hours of college credit in the language, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge). 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). ~~Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).~~
  - 3) Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).
  - 4) Sections 25.85 and 25.86 of this Part set forth additional provisions for certification in foreign languages under specified circumstances.
- k) The requirements of 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades), rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, including reading assignments in the middle grades. The requirements of 23 Ill. Adm. Code 1.780, 1.781, and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second (New) Language.
- l) Each individual who is first assigned to teach a particular subject on or after July 1, 2004, based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach

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the subject in question in any subsequent semester, unless he or she later receives the endorsement.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY STAFF

**Section 25.315 Renewal of Administrative Certificate**

The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code [105 ILCS 5/21-7.1].

- a) Professional Development Required
- Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions requiring administrative certification is contingent upon certificate-holders' presentation of evidence of continuing professional education. For the purposes of this Section, the terms "continuing professional education" and "continuing professional development" shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder's: ~~1) preparation of an individual plan for continuing professional development that conforms to the requirements of subsection (b) of this Section and submission of the plan for review as set forth in subsection (f) of this Section (unless the individual is exempted from the requirement for a plan as provided in subsection (c-15) of Section 21-7.1 of the School Code or is subject to the limits on employment set forth in Section 16-118 of the Illinois Pension Code [40 ILCS 5/16-118] and will use the administrative certificate only within those limits);~~ 2) completion of professional development activities sufficient to satisfy the requirements of Section 21-7.1 of the School Code enumerated in the plan (or completion of a reduced quantity of activities as applicable to the validity or remaining validity of the certificate, if subsection (c-15) of Section 21-7.1 of the School Code applies); and 3) presentation, upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section, of evidence of completion of the activities enumerated in the plan or completed pursuant to subsection (c-15) of Section 21-7.1 of the School Code, in accordance with subsection (h) of this Section.

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- b) ~~Requirements of the Plan 1)Each plan shall include at least three goals developed by the individual administrator related to continuing professional development. 2)Each plan shall include at least five professional development activities that will be completed during the period of the certificate's validity (see subsection (c) of this Section), for a total of not fewer than 100 continuing professional development hours, unless otherwise provided in subsection (k) of this Section. Each plan shall describe how each of these activities will address one or more of the administrator's goals, how it will contribute to the achievement of one or more of the Illinois Professional School Leader Standards (see 23 Ill. Adm. Code 29.100), and how it will~~ Each activity shall be required to address one or more of the following purposes:
- ~~1)A)~~ *improving the administrator's knowledge of instructional practices and administrative procedures;*
  - ~~2)B)~~ *maintaining the basic level of competence required for initial certification; and*
  - ~~3)C)~~ *improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance. (Section 21-7.1 of the School Code)*
  - ~~3)~~ *In addition to the activities required under subsection (b)(2) of this Section, each administrator's plan shall provide for annual completion of a course conducted by the Illinois Administrators' Academy established pursuant to Section 2-3.53 of the School Code [105 ILCS 5/2-3.53] (see subsection (d) of this Section), resulting in the accumulation of no fewer than 36 continuing professional development hours during the period of the certificate's validity, unless otherwise provided in subsection (k) of this Section.*
  - ~~4)~~ *Each plan shall identify at least one activity from among those completed pursuant to this Section that will address a need identified in the certificate holder's school improvement plan at either the district or the school level or, for a regional administrator, the applicable regional improvement plan.*
- c) Activities selected to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code) requirements of

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~~subsection (b)(2) of this Section~~ shall be subject to the provisions of this subsection (c).

- 1) Activities chosen for this purpose may include but need not be limited to:
  - A) Completion of college/university courses;
  - B) Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;
  - C) Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events;
  - D) Providing formal mentoring to one or more other administrators;
  - E) Independent study; and
  - F) Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, participating in Administrators' Academy courses, research, and other, similar projects.
  
- 2) ~~For each activity completed, the certificate holder must either: A) apply what he or she has learned in his or her practice and create a written record of its application for submission to the responsible reviewer; or B) disseminate an analysis of what was learned to some other group of educators, including its results, benefits, and/or implications for the needs of one or more districts, schools, or individual administrators.~~ 3) Continuing professional development hours for the activities chosen pursuant to this subsection (c) required by subsection (b)(2) of this Section shall be credited as follows.
  - A) Fifteen hours shall be credited for each semester hour of college credit earned.
  - B) One hour shall be credited for each hour of the administrator's direct participation in a relevant activity other than college

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coursework, as verified by a log the administrator shall maintain and present upon request by the regional superintendent or a representative of the State Board of Education, or if required as part of an appeal under this Section ~~to the responsible reviewer,~~ describing what was done with respect to each activity, with dates and amounts of time spent in each case.

- d) Required Administrators' Academy Courses ~~courses may be used to fulfill the requirements of subsection (b)(2) as well as subsection (b)(3) of this Section.~~
- 1) An individual who fails to complete an Administrators' Academy course in a given year as required by Section 21-7.1(c-10)(B) ~~21-7.1(c-10)(2)(B)~~ of the School Code shall be required to complete two courses for each one missed. He or she may make these up at any time during the remainder of the certificate's validity or while holding a reinstated certificate pursuant to subsection (e)(5)(i)(7) of this Section.
  - 2) Each administrator who completes an Administrators' Academy course shall receive written, dated verification that indicates the title of the course and the number of hours to be credited toward the applicable requirement.

e) Reviewers, Designees, and Panels

~~Section 21-7.1(c-10)(3) of the School Code identifies the individual reviewers or review panels that will be responsible for considering the plans of administrators who are subject to the requirements of this Section except that, for assistant regional superintendents, the respective regional superintendents shall serve as the responsible reviewers. For purposes of this Section, the term "responsible reviewer" includes both individuals and review panels.~~

- 1) ~~Each regional superintendent of schools shall establish one or more panels that will be responsible for reviewing the plans of the region's district superintendents and directors of special education programs, cooperative programs, and State-operated schools.~~
  - A) ~~Each panel shall consist of at least three members and an alternate. No individual shall serve on a panel that reviews his or her plan.~~
  - B) ~~Each member of a panel shall be employed as a district superintendent or director of a special education program,~~

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~~cooperative program, or State-operated school in the region for which the regional superintendent is responsible.~~

- ~~C) Each panel shall choose one member to serve as facilitator. This individual shall be responsible for providing a signature on behalf of the panel when called for pursuant to this Section.~~
- ~~D) Panels may conduct their reviews of administrators' plans electronically, provided that at least three members of a panel participate in the determination as to whether each individual's plan conforms to the applicable requirements of this Section.~~

- ~~2) The State Superintendent of Education shall establish one or more panels to review the plans of regional superintendents. Each panel shall be made up of three members and an alternate, each of whom shall be a regional superintendent. No regional superintendent shall serve on a panel that reviews his or her plan. The provisions of subsections (e)(1)(C) and (D) of this Section shall apply to the operation of panels under this subsection (e)(2) as well.~~
- ~~3) A responsible reviewer, other than a review panel, may identify one or more designees to assist him or her with this function, provided that each designee shall be an individual who serves in a position requiring administrative certification and is employed by the same entity as the responsible reviewer.~~

~~f) Submission and Review of the Plan~~

~~Each certificate holder shall submit his or her plan, in a format specified by the State Board of Education, to the responsible reviewer.~~

- ~~1) An administrator may submit his or her plan during the semester preceding the beginning of the certificate's period of validity and shall submit the plan no later than 120 days after the beginning of the certificate's period of validity or after the date on which the individual assumes employment requiring administrative certification, whichever occurs later. An administrator shall not accrue credit for activities that are completed outside the certificate's period of validity or begin before submission of the plan to the responsible reviewer.~~

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- 2) ~~The responsible reviewer shall respond within 60 days after receiving an individual's plan as to whether that plan conforms to the requirements of subsection (b) of this Section. Failure of the responsible review to respond within the required time shall entitle the certificate holder to request a determination from:~~
  - A) ~~the regional superintendent, if the certificate holder is other than a regional superintendent or assistant regional superintendent; or~~
  - B) ~~the State Superintendent, if the certificate holder is serving as a regional superintendent or assistant regional superintendent.~~
- 3) ~~Within 30 days after receiving a notice that his or her plan does not conform to the requirements of subsection (b) of this Section, the affected administrator shall either:~~
  - A) ~~revise the plan to provide for compliance with subsection (b) of this Section and resubmit it; or~~
  - B) ~~submit an appeal to the regional superintendent of schools or the State Superintendent of Education, as applicable under subsection (c-10)(4) of Section 21-7.1 of the School Code.~~
- 4) ~~The regional superintendent or State Superintendent shall respond to the certificate holder within 30 days after receipt of an appeal.~~
  - A) ~~If the regional superintendent or State Superintendent disagrees with the original determination, the individual's plan shall stand as originally submitted.~~
  - B) ~~If the regional superintendent or State Superintendent agrees with the original determination, the certificate holder shall submit a revised plan to the original reviewer or review panel.~~
  - C) ~~The regional superintendent or State Superintendent shall notify both the certificate holder and the original reviewer or review panel of his or her determination, using a format made available by the State Board of Education, and shall facilitate any necessary revisions to a plan so that it will be acceptable.~~

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- ~~5) Administrators' plans for continuing professional development and all other documents relating to them shall be considered part of those individuals' certification files. Each certificate holder's file shall be maintained by the responsible reviewer separately from other employee and/or personnel files. Access to these documents shall be limited to the certificate holder and to the individuals who are responsible for reviewing them pursuant to this Section. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.~~
- g) ~~Review or Revision of the Plan~~
- ~~1) A certificate holder may submit proposed revisions to a plan to the responsible reviewer at any time.~~
- ~~2) A certificate holder shall submit his or her plan to the new responsible reviewer if he or she accepts employment in a different district, special education or cooperative program, or State-operated school, or when he or she assumes or resumes employment requiring the administrative certificate. All activities credited as of the date of submission to a new reviewer shall continue to be credited toward meeting the requirements of this Section, and the new responsible reviewer may indicate that changes are needed to the plan only:~~
- ~~A) to ensure that the certificate holder will meet the requirement of subsection (b)(4) of this Section, if that requirement has not already been met; or~~
- ~~B) to correct an area of noncompliance with the requirements of this Section or Section 21-7.1 of the School Code.~~
- ~~3) The provisions of subsection (c) of this Section shall apply when review of a plan is sought pursuant to subsection (g)(2) of this Section and when revisions to an existing plan are proposed.~~
- h) ~~Evidence of Completion~~
- ~~1) When a certificate holder has completed any of the activities set forth in his or her plan, he or she may transmit to the appropriate reviewer a copy~~

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~~of the standard format supplied by the State Board of Education for this purpose.~~

- ~~A) The standard format shall require the certificate holder to describe how he or she met the requirement of subsection (c-10)(2)(A)(v) of Section 21-7.1 of the School Code for communication, dissemination, or application of the knowledge or skills acquired.~~
- ~~B) For at least one activity completed under either subsection (b)(2) or subsection (b)(3) of this Section, each certificate holder shall include in his or her evidence of completion an analysis of what was presented or learned in terms of its implications for serving students with disabilities in the least restrictive environment as required by the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14].~~
- 2) ~~The responsible reviewer shall respond to each submission of evidence of completion within 30 days after receiving it.~~
  - ~~A) If the reviewer determines that the activity meets an applicable requirement of this Section, the reviewer shall sign the evidence to confirm that the activity has been credited and return it to the certificate holder. The reviewer shall also maintain a summary in a format provided by the State Board of Education that verifies the certificate holder's progress toward fulfillment of the requirements of this Section.~~
  - ~~B) If the reviewer determines that the activity does not meet any applicable requirement of this Section, the reviewer shall notify the certificate holder to this effect.~~
- 3) ~~A certificate holder shall have 30 days to appeal an unfavorable determination by the responsible reviewer with regard to evidence of completion.~~
  - ~~A) A certificate holder other than a regional superintendent of schools or assistant regional superintendent shall submit his or her appeal to the regional superintendent for the region in which he or she is employed. A regional superintendent or assistant regional~~

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~~superintendent shall submit his or her appeal to the State Superintendent of Education. The certificate holder shall provide a written indication of how the activity in question or the evidence of completion corresponds to an applicable requirement of this Section.~~

~~B) The regional superintendent or State Superintendent, as applicable, shall respond to the certificate holder and the original reviewer within 30 days after receipt of an appeal. If the reviewer at this level disagrees with the original determination, the activity shall be credited toward fulfillment of the requirements of this Section. If the reviewer at this level agrees with the original determination, the certificate holder shall not receive credit for the activity.~~

~~4) Failure of the responsible reviewer to respond within the required time shall entitle the certificate holder to request a determination from the regional superintendent or the State Superintendent, as applicable under subsection (h)(3)(A) of this Section.~~

e)† Application for Renewal of Certificate

1) Each application for renewal of an administrative certificate, other than an application of a regional superintendent of schools, shall be submitted to the regional superintendent and shall be accompanied by the appropriate fee and a verification format developed by the State Board of Education certifying that the required number of hours of professional development activities and the required number of Administrators' Academy courses have been completed. (Section 21-7.1(c-10) of the School Code) A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than April 30 may not be able to preserve his or her right of appeal under subsection (f) of this Section. During the final year of his or her administrative certificate's period of validity, each certificate holder other than a regional superintendent of schools shall request from the responsible reviewer a signed copy of the summary format required pursuant to subsection (h)(2) of this Section, confirming that the certificate holder has met the requirements of this Section. A certificate holder who does not make this request by March 1 of the final year may not be able to preserve his or her right of appeal under subsection (j) of this Section.

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- 2) ~~Within 30 days after receipt of a request for verification, the reviewer shall either sign the summary format and provide it to the certificate holder or provide it unsigned and notify the certificate holder and the regional superintendent in writing of the basis for refusal to sign.~~
- 3) ~~If the reviewer has signed the verification format, the certificate holder shall enclose it with his or her application for certificate renewal and forward these materials along with the required fee to the regional superintendent of schools.~~ Based on the individual's compliance with the requirements for certificate renewal set forth in this Section, the regional superintendent shall, within 30 days after receipt of an individual's application, forward a recommendation for renewal or non-renewal of the administrative certificate to the State Superintendent of Education and notify the certificate-holder in writing of that recommendation.
- 4) ~~If the reviewer declines to sign the verification format but the certificate holder believes that he or she is nevertheless eligible for renewal of the certificate, he or she may request the regional superintendent's reconsideration of his or her eligibility for certificate renewal by submitting, along with the renewal application and the required fee, a letter outlining the basis for his or her assertion of eligibility and evidence supporting it. A certificate holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than May 31 may not be able to preserve his or her right of appeal under subsection (j) of this Section.~~
- 3)5) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (e)(1)(h)(2) of this Section to the State Superintendent of Education along with his or her application for certificate renewal and shall deposit the applicable fee in the region's institute fund.
- 4)6) Within 30 days after receiving an application, the State Superintendent of Education shall notify any certificate-holder whose certificate will not be renewed, including the rationale for nonrenewal.
- 5)7) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Section may apply for a reinstated certificate valid for one year. With respect to the year of reinstatement, completion of one Administrators'

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Academy course and one or more additional professional development activities meeting the requirements of subsections ~~(b)(b)(2)~~ and (c) of this Section and totaling no fewer than 20 hours shall be required. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable administrative certificate only if he or she has also made up activities missed during the preceding renewal cycle by completing the requirements of subsection ~~(e)(5)(A)(i)(7)(A)~~ of this Section, subsection ~~(e)(5)(B)(i)(7)(B)~~ of this Section, or both, as applicable.

- A) The certificate-holder shall complete two Administrators' Academy courses for each year during which he or she failed to complete one, if not already made up as discussed in subsection (d)(1) of this Section.
- B) If the certificate-holder failed to complete the applicable number of professional development activities or hours ~~pursuant to subsections (b)(2) and (k) of this Section~~, he or she shall complete the balance of that requirement and ten additional hours of professional development meeting the requirements of subsections ~~(b)(b)(2)~~ and (c) of this Section.

~~6)8)~~ The period of validity of an administrative certificate issued after a year of reinstatement shall be adjusted to coincide with the validity of the holder's teaching certificate.

~~f)j)~~ Appeal to State Teacher Certification Board

Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, 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 Superintendent'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

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Secretary  
100 North First Street  
Springfield, Illinois 62777

- B) No electronic or facsimile transmissions will be accepted.
  - C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.
- 2) In addition to the appeal letter, the certificate-holder ~~shall~~may submit the following material when the appeal is filed:
- A) evidence that he or she has satisfactorily completed the required types and quantity of activities ~~set forth in his or her approved certificate renewal plan~~; and
  - B) any other relevant documents.
- 3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:
- A) the regional superintendent's~~original reviewer's~~ rationale for ~~refusing to sign the verification form or otherwise~~ recommending nonrenewal of the certificate, if applicable;
  - B) any evidence submitted to the State Superintendent along with the individual's application for renewal; and
  - C) the State Superintendent's rationale for non-renewal of the certificate.
- 4) 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.

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- 5) 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.
- 6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision.
- 7) The decision of the State Teacher Certification Board 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].

~~g)~~ Proportionate Reduction; Part-Time Service

The requirements of this Section regarding continuing professional development are subject to reduction in accordance with ~~subsection (e-15) of~~ Section 21-7.1(~~c-~~15) of the School Code.

- 1) The requirements of this Section shall be subject to reduction on the same annual basis as provided in ~~subsection (e-15) of~~ Section 21-7.1(~~c-~~15) of the School Code in relation to years when a certificate-holder is not employed in a position requiring administrative certification.
- 2) The number of hours required under subsection (~~c~~)~~(b)~~~~(2)~~ of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and performing services for less than 50 percent of the school day or school term, unless the individual is one whose continued retirement status is subject to the limitations of Section 16-118 of the Illinois Pension Code. Each such individual shall be subject only to the requirement for completion of one Administrators' Academy course for each year during which he or she is employed on the administrative certificate, provided that his or her employment does not exceed the limitations of Section 16-118.
- 3) Further, special provisions shall apply when an individual is performing services on more than one type of certificate. The certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.

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- A) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time shall be subject only to the requirements of this Section with regard to continuing professional development.
- B) Example: An individual who teaches for 60 percent of the time and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Subpart J of this Part with regard to continuing professional development.
- C) Example: An individual who performs services for 50 percent of the time on an administrative certificate and 50 percent of the time on a standard or master teaching certificate shall choose either the requirements of this Section or the requirements of Subpart J of this Part to fulfill. Completion of one set of requirements shall suffice for renewal of both types of certificates. ~~h)~~An individual who chooses to fulfill the requirements of this Section shall notify the local professional development committee that is responsible for his or her teaching certificate, if any, that he or she will be completing continuing professional development with respect to the administrative certificate.

~~ii) An individual who chooses to fulfill the requirements of Subpart J of this Part shall notify the reviewer responsible for the administrative certificate that he or she will be completing continuing professional development with respect to a teaching certificate.~~

~~h)~~ Section 21-7.1(c-10) of the School Code provides that *those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates.* The certificates that are subject to this provision include:

- 1) Limited Supervisory (Type 60);
- 2) All-Grade Supervisory (Type 61);
- 3) Limited Elementary Supervisory (Type 62);
- 4) Limited High School Supervisory (Type 63);

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- 5) Life General Supervisory (Type 70); and
- 6) Life Supervisory (Type 71).

(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 and shall have completed~~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.
- e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART F: GENERAL PROVISIONS

**Section 25.425 Individuals Prepared in Out-of-State Institutions**

An applicant who holds or is eligible to hold another state's or another country'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; or citizenship or legal presence) and the requirements for the certificate sought, as specified in the applicable Sections of this Part.

- a) The certificate sought must be comparable to the out-of-state certificate for which the applicant is eligible. 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-). See Section 25.245 of this Part for requirements applicable to out-of-state applicants for certification in school nursing.
- b) Each out-of-state applicant for an Illinois teaching certificate must have met certification requirements that are similar to Illinois requirements.
  - 1) For those who have completed traditional preparation programs, these requirements include college coursework in professional education, including pre-student teaching clinical experiences or equivalent experience, student teaching or equivalent experience, and a major in a subject area that is relevant to the area of certification.
  - 2) For those who have completed alternative certification programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree, an intensive course of study approved by that state for this purpose, and student teaching or another structured teaching experience that forms part of the approved alternative program.
  - 3) An applicant who holds a certificate from another state, territory, or possession (state) of the U.S. but has not completed a preparation program approved by that state shall be required to present a written statement, signed by a representative of the agency issuing the certificate indicating that, at the time when the applicant was certified, the state of certification had certification requirements related to general education, professional

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education, and an area of specialization for the certificate issued and the applicant met the requirements in all three areas.

- c) An individual may receive additional endorsements by meeting the applicable requirements of Section 25.100 of this Part.
- d) Special provisions apply to applicants from states that do not require certification of school psychologists or school social workers or for administrative positions for which certification is required in Illinois. When an applicant presents evidence of having served in such a position in a state where certification for the position is not required, eligibility for the Illinois certificate sought shall be contingent upon evidence that the applicant:
- 1) has met all applicable requirements of Illinois law relative to the certificate and endorsement sought;
  - 2) has passed the Illinois test of basic skills and the relevant Illinois content-area test; and
  - 3) has met any three of the conditions described in subsections (d)(3)(A) through (E) of this Section.
    - A) The individual has completed a degree program that prepares candidates for service in the endorsement area sought in the public schools of the state where the program was completed or the state where the service was provided.
    - B) The individual has completed a program that was accredited by NCATE at the time of completion.
    - C) The individual has completed a program that formerly served as a basis for certification in the state where the program was completed.
    - D) The titles or content descriptions of courses listed on the individual's official transcript indicate that the courses were designed to address standards substantially comparable to those that apply to the Illinois certificate or endorsement sought.

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E) The individual presents evidence of work experience in the public schools in the position for which Illinois certification is sought.

e) 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 (f)(e) of this Section.

1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service 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 (e)(1)(d)(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.

f)e) 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.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.450 Lapsed Certificates**

a) A lapsed certificate, one that has not been registered or renewed for a period of five or more years since expiration of last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.

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- b) The Regional Superintendent shall notify the holder of a reinstated certificate of:
- 1) The specific time of reinstatement, including beginning and ending dates.
  - 2) The requirement that during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:
    - A) Earn five semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or
    - B) Present evidence of holding a valid regular Illinois certificate of some other type.
- c) As a reinstated certificate is a reissued certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.
- d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.
- e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.
- f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.
- 1) Subsequent renewals of such an individual's certificate(s) shall be contingent upon his or her completion of continuing professional development activities in accordance with the requirements of Subpart J of this Part~~preparation of a continuing professional development plan that meets the requirements of Section 25.805 of this Part, completion of the activities set forth in that plan during the certificate's period of validity, and presentation of the required evidence of completion for each such activity.~~
  - 2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall

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not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended 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 teaching position, other than a special education teaching position, when the employing entity has been unable to recruit a fully qualified candidate for that position.

Short-term authorization as described in this Section shall be available not only with respect to individuals who lack full qualifications in a subject area, but also with respect to individuals who have not completed the six semester hours of coursework specified at 23 Ill. Adm. Code 1.720 for teachers of middle grades (see Section 1.720(a)(2)(A) and (B)).

- 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 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) one of the following:

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- A) 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 coursework that is courses that are designed to meet the standards applicable to that subject area, or
- B) a written assurance from the certification officer of another institution of higher education that offers one or more approved educator preparation programs that the individual is enrolled in courses that will enable him or her to qualify for the endorsement,  
or
- C) other evidence of enrollment in relevant coursework supplied by the individual who will be employed; 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 of this Part or 23 Ill. Adm. Code 1.720, as applicable) within three school years after the issuance of authorization under this Section.
- 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.
- c) 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.

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- 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 of the third school year following the date of issuance.
- e) After the end of the validity of authorization received under 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: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

**Section 25.720 Applicability of Testing Requirement and Scores**

The provisions of subsections (d) through (i) of this Section shall apply with respect to applications for certification that are received or processed on or after July 1, 2004.

- a) Beginning July 1, 1999, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary, or special certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge. Beginning with the 2002-2003 academic year, however, passage of those tests shall be required as specified in Section 21-1a(d) of the School Code. Beginning October 1, 2003, each person seeking an initial early childhood, elementary, secondary, or special certificate shall also be required to pass the applicable assessment of professional teaching, which shall be based upon the standards set forth in "Standards for All Illinois Teachers" (23 Ill. Adm. Code 24). An individual seeking a standard certificate shall be required to pass the test of basic skills, the test of subject matter knowledge, or (beginning October 1, 2003) the applicable assessment of professional teaching only if:

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- 1) he or she has not already passed that examination (except that an individual who met all applicable requirements for certification and applied for an initial certificate before October 1, 2003, shall not subsequently be required to take the assessment of professional teaching for that certificate); or
  - 2) he or she has passed that examination but the score is more than five years old and no certificate has been issued on the basis of that score; or
  - 3) in the case of the basic skills test, the score is more than five years old and the individual was not admitted to an Illinois teacher preparation program on the basis of that score.
- b) The required test of subject matter knowledge is ~~the~~ ~~that~~ test ~~that~~ ~~which~~ corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.
- c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills, the subject matter knowledge test ~~that~~ ~~which~~ corresponds to the Illinois certificate or endorsement sought, and, beginning October 1, 2003, the assessment of professional teaching relevant to the certificate sought. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences and the assessment of professional teaching for the secondary certificate.
- d) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- e) Basic Skills Test  
Except as provided in subsections (e)(1) and (3) of this Section, each candidate seeking his or her first Illinois certificate (teaching, administrative, or school service personnel) shall be required to pass the test of basic skills. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program beginning with the 2002-2003 academic year.

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- 1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.
  - 2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.
  - 3) A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills. (Section 21-1a of the School Code [105 ILCS 5/21-1a]) For purposes of this subsection (e)(3), a "comparable certificate" is one that either:
    - A) was issued on or before June 30, 2004; or
    - B) was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.
  - 4) The provisions of subsection (e)(3) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.
  - 5) When a person who was not required to take the basic skills test pursuant to subsection (e)(3) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills.
- f) Content-Area Tests
- 1) Except as provided in subsection (f)(2) of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to student teaching in Illinois beginning with the 2004-2005 academic year.
  - 2) A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a certification test in another state or territory that is directly related in

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content to the specific area of certification. (Section 21-1a of the School Code) For purposes of this Section, a test is "directly related in content" if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement.

- g) Assessment of Professional Teaching (APT)  
Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:
- 1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or
  - 2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.
- h) Except as provided in subsections (e)(1) and (g)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.
- i) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart I.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.725 Applicability of Scores (Repealed)**

- a) ~~Each person seeking certification in Illinois must pass the test of basic skills.~~
- b) ~~Each person seeking certification must pass the appropriate test of subject matter knowledge, as set forth in Section 25.720(b) and (c) of this Part, for each certificate sought.~~
- e) ~~Beginning October 1, 2003, each person seeking an early childhood, elementary, secondary, or special certificate must also pass the assessment of professional teaching relevant to the certificate sought, unless he or she has already passed an~~

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- ~~assessment of professional teaching that encompasses the grade levels of the certificate sought or is subject to the exception stated in Section 25.720(a)(1) of this Part.~~
- d) ~~Except as provided in subsections (c), (e) and (f) of this Section, for each person seeking an Illinois certificate, neither the score on the basic skills test, nor the score on the assessment of professional teaching, nor the score on the subject matter test may be more than five years old at the time application is made. The five-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.~~
- e) ~~A person who has passed the test of basic skills as a condition of admittance to an Illinois teacher education program approved pursuant to Subpart C of this Part shall not be required to retake that test.~~
- f) ~~A person who has passed the basic skills test and has been issued a certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.~~
- g) ~~Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

**Section 25.800 Professional Development Required**

- a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders' presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms "continuing education" and "professional development" shall be considered synonymous. ~~The terms "certificate renewal plan", "plan for continuing professional development", "continuing professional development plan", and "plan" shall also be considered synonymous.~~
- b) Except as provided in Section 25.880 of this Part and in subsection (d) of this Section, renewal of an individual's standard or master certificate(s) shall require the certificate-holder's ~~1) preparation of an individual plan for continuing professional development that conforms to the requirements of Section 25.805 of this Part and submission of the plan for approval to the local professional development committee (LPDC) in accordance with Section 25.815 of this Part;~~

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~~2) completion of the professional development activities enumerated in the plan; and sufficient to satisfy the requirements of Section 21-14 of the School Code [105 ILCS 5/21-14], as modified by Section 21-2(c)(8) of the School Code [105 ILCS 5/21-2(c)(8)] if applicable. Each certificate-holder shall:~~

- ~~1) maintain the required form of evidence of completion for each activity, as specified in Sections 25.805, 25.865, and 25.875 of this Part, throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and~~
- ~~2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart J.~~
- ~~3) presentation of the required form of evidence of completion for each such activity, as specified in Sections 25.865 and 25.875 of this Part.~~

c) *A certificate-holder with multiple certificates shall complete professional development activities that address~~develop a certificate renewal plan that addresses only~~ that certificate or certificates that are required for his or her certificated teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)].*

d) *A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and has met the continuing professional development requirements of that Act and the rules of the Illinois Department of Professional Regulation at 68 Ill. Adm. Code 1465 shall be deemed to have satisfied the requirements of this Subpart J. (Section 21-14(e)(2) of the School Code)*

- 1) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) shall provide to the regional superintendent of schools a copy of his or her currently valid license and a written assurance that the professional development requirements for that license were met.

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- 2) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) who held a valid and active standard certificate issued before July 1, 2002, shall also be required to demonstrate to the regional superintendent that he or she has completed the prorated portion of continuing professional development that was required for the period of the certificate's validity prior to that date.
- 3) ~~Speech language pathologists licensed as provided in this subsection (d) whose standard certificates are issued or renewed on or after July 1, 2002, shall not be required to submit plans for continuing professional development.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.805 Continuing Professional Development Options ~~Requirements of the Plan~~**

Except as provided in subsections (a) through (g) of this Section, professional development activities shall generate credit for purposes of certificate renewal only if they address one or more of the purposes identified in Section 21-14(e)(2) of the School Code.

- a) Completion of an advanced degree from a regionally accredited institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)])
- b) Eight semester hours of college coursework in an undergraduate or graduate-level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in Section 21-14(e)(2)(A) of the School Code. (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14(e)(3)(B)])
- c) Completion of all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D)]). The presence of an individual's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.

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- d) Receipt of a subsequent Illinois certificate or endorsement may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(K) of the School Code [105 ILCS 5/21-14(e)(3)(K)])
- e) Becoming "highly qualified" in an additional teaching area may be used to fulfill 100% of the requirement for continuing professional development. (Section 21-14(e)(3)(L) of the School Code [105 ILCS 5/21-14(e)(3)(L)]) The criteria applicable to Illinois teachers and the required evidence of completion shall be as set forth in Appendix D to this Part. Each individual using this option shall have completed at least some portion of the requirements in the additional field during the period of validity to which the professional development credit is attributed.
- f) Successful completion of four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)] and Section 25.915 of this Part. (Section 21-14(e)(3)(M) of the School Code [105 ILCS 5/21-14(e)(3)(M)])
- g) Successful completion of four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards may be used to fulfill 100% of the requirement for continuing professional development, provided that the coursework meets the requirements of Section 21-2(c)(2)(C) of the School Code [105 ILCS 5/21-2(c)(2)(C)] and Section 25.920 of this Part. (Section 21-14(e)(3)(N) of the School Code [105 ILCS 5/21-14(e)(3)(N)])
- a) The continuing professional development plan of each affected certificate holder shall include at least three individual improvement goals reflecting the purposes enumerated in subsection (b) of this Section (Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]). Each goal shall include a brief statement of the knowledge and skill(s) to be enhanced, which shall reflect relevant professional teaching or content area standards set forth in the applicable rules of the State Board of Education (see 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers); 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education); 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields)) or the policies of the State Board of Education related to certification in special education under the federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education

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~~of the City of Chicago, et al.~~

- b) ~~Each continuing professional development plan shall include activities that:~~
- ~~1) *Advance the certificate holder's knowledge and skills in his or her area(s) of certification, endorsement, or teaching assignment in relationship to the relevant standards set forth in this Part;*~~
  - ~~2) *Develop the certificate holder's knowledge and skills in one or more areas identified by the State Board of Education as "State priorities" (see Section 25.810 of this Part); and*~~
  - ~~3) *Address the knowledge, skills, and goals that are relevant to the certificate holder's local school improvement plan, if the individual is employed in a school that is required to have such a plan.*~~
- e) ~~A continuing professional development plan may also include activities that expand the certificate holder's knowledge and skills in an additional teaching field or advance the individual toward acquisition of an additional teaching certificate, endorsement, or degree in the field of education.~~
- d) ~~Completion of all required activities in pursuit of certification by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(D) of the School Code [105 ILCS 5/21-14(e)(3)(D) ]). The presence of an individual's name on the National Board's composite list of those who have completed the certification process (as distinct from having received certification) shall be considered evidence of completion.~~
- e) ~~Completion of an advanced degree from an approved institution in an education-related field may be used to fulfill 100% of the requirement for continuing professional development (Section 21-14(e)(3)(A) of the School Code [105 ILCS 5/21-14(e)(3)(A)]). Eight semester hours of college coursework in an undergraduate or graduate level program related to education may be used to fulfill 100% of the requirement for continuing professional development, provided that at least 2 semester hours are chosen to address the purpose described in subsection (b)(1) of this Section (Section 21-14(e)(3)(B) of the School Code [105 ILCS 5/21-14(e)(3)(B)]).~~
- h) f) Twenty-four continuing education units ("CEUs"; see Sections 25.865 and 25.870

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of this Part) may be used to fulfill 100% of the requirement for continuing professional development, ~~provided that:~~

- 1) ~~at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;~~
- 2) ~~an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate holder is not employed in or assigned to a school that is required to have a school improvement plan; and~~
- 3) ~~any remaining units address the purpose specified in subsection (c) of this Section.~~

~~i)g)~~ Completion of 120 continuing professional development units ("CPDUs"; see Section 25.875 of this Part) may be used to fulfill 100% of the requirement, ~~provided that:~~

- 1) ~~at least half of such units are earned in activities relevant to the purposes described in subsections (b)(1) and (2) of this Section;~~
- 2) ~~an identified portion of at least one activity addresses the purpose specified in subsection (b)(3) of this Section, unless the certificate holder is not employed in or assigned to a school that is required to have a school improvement plan; and~~
- 3) ~~any remaining units address the purpose specified in subsection (c) of this Section.~~

~~j)h)~~ A certificate-holder may choose any combination of the types of activities described in subsections ~~(b), (h), and (i)(e), (f), and (g)~~ of this Section, provided that the total effort represents the equivalent of 120 CPDUs or 24 CEUs ~~and the distribution of such units conforms to the requirements of subsection (g) of this Section.~~ For purposes of calculating ~~approvable~~ combinations from different categories:

- 1) one semester hour of college credit shall be considered the equivalent of 15 CPDUs or three CEUs; and
- 2) one CEU shall be considered the equivalent of 5 CPDUs.

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- ~~k)i~~) The provisions of subsections ~~(b), (h), (i), and (j)(e) through (h)~~ of this Section, ~~other than the option for completion of an advanced degree~~, shall be subject to the proportionate reductions specified in Section 21-14 of the School Code with respect to part-time teaching and periods when certificates have been maintained valid and exempt and shall also be subject to any applicable reductions provided in Section 21-2(c)(8) of the School Code. (See Section 25.880 of this Part.)
- ~~j~~) ~~Each plan shall be submitted on a form supplied by the State Board of Education and shall:~~
- ~~1) identify the certificate holder;~~
  - ~~2) list all certificates and endorsements held;~~
  - ~~3) indicate the period of validity;~~
  - ~~4) identify the certificate holder's current position or assignment;~~
  - ~~5) identify the certificate holder's improvement goals;~~
  - ~~6) list and briefly describe the certificate holder's planned or potential activities or types of activities, relating each to the improvement goal(s) and purpose(s) it will fulfill; and~~
  - ~~7) provide a timeline that will ensure the completion of the plan during the certificate's period of validity.~~
- ~~l)k~~) A given professional development activity may be attributed to all of the purposes ~~enumerated in subsections (b) and (c) of this Section~~ to which it relates. However, the units of credit awarded for a particular activity may be counted only once in calculating the total earned.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.810 State Priorities**

The "State priorities" referred to in Section ~~21-14(e)(2)(B) of the School Code~~25.805(b)(2) of this Part shall periodically be identified by the State Board of Education.

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- a) No later than 60 days after the State Board votes to establish or change the list of such priorities, the agency shall so notify each school district superintendent, each regional superintendent of schools, and any organization that requests such notification. This notice shall include a list of the priorities and state the date upon which the list takes effect.
- b) A certificate-holder ~~who has completed whose approved plan for professional development contains~~ activities that address one or more of the State priorities ~~may complete those activities and~~ shall be allowed to count their completion toward fulfilling the requirements of this Subpart J, even if changes are made to the list of priorities during his or her certificate's period of validity.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.815 Submission and Review of the Plan (Repealed)**

- a) ~~Each certificate holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(j) of this Part. Except as provided in subsection (d)(3) of this Section, each such certificate holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held. Submission and approval of this plan shall not entitle the certificate holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.~~
- 1) ~~Each certificate holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105 ILCS 5/21-14(d)], other than a State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("LPDC") that is responsible for certificates of the relevant type. (See Section 25.845 of this Part.)~~
- 2) ~~Each certificate holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in Section 21-14 of the School Code) is done. Certificate holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article~~

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- ~~13A of the School Code [105 ILCS 5/Art. 13A] shall be subject to this subsection (a)(2).~~
- ~~3) Each certificate holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.~~
  - ~~4) Each certificate holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.~~
  - ~~5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (a)(2) through (4) of this Section.~~
- b) ~~An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.~~
- e) ~~Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (e).~~
- ~~1) Fewer than three personal goals for improvement are set forth in the plan.~~
  - ~~2) A proposed activity does not relate to any of the certificate holder's goals for improvement.~~
  - ~~3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate holder.~~
  - ~~4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.~~
  - ~~5) The projected timeline for completion of the proposed activities will not permit their completion within the period of validity of the individual's certificate(s).~~
- d) ~~A certificate holder may either await approval of his or her plan before engaging in the activities it contains or engage in activities while the plan is pending.~~
- ~~1) If a certificate holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.~~

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- 2) ~~Except as provided in subsection (d)(3) of this Section, if an individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this Subpart J.~~
- 3) ~~An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before January 1, 2001, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.~~
- 4) ~~In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate holder shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.~~
- e) ~~Upon notification that his or her proposed plan has been disapproved, a certificate holder may either:~~
  - 1) ~~modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or~~
  - 2) ~~appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25.850 of this Part.~~
- f) ~~An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved.~~
  - 1) ~~If the RPDRC disagrees with the LPDC, the plan shall be approved.~~
  - 2) ~~If the RPDRC agrees with the LPDC, the plan shall be disapproved and the certificate holder shall submit a revised plan to the responsible LPDC.~~
  - 3) ~~The RPDRC shall notify both the certificate holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of Education.~~
- g) ~~Each certificate holder's plan for continuing professional development and all other documents relating to it shall be considered part of the individual's certification file and shall not be used in the employer's evaluation of the certificate holder. Each certificate holder's file shall be stored separately from other employee and/or personnel files and shall be maintained by the LPDC. Access to these documents shall be limited to the certificate holder and to those~~

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~~members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.820 Review of Approved Plan (Repealed)**

- ~~a) A certificate holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.~~
- ~~b) A certificate holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:
  - ~~1) a certificate holder accepts employment in a different district;~~
  - ~~2) a certificate holder is assigned to teach at a different attendance center;~~
  - ~~3) a certificate holder is assigned to teach in a different subject area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or~~
  - ~~4) a certificate holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.~~~~
- ~~e) The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.825 Progress Toward Completion (Repealed)**

~~When a certificate holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the required evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable the certificate holder to identify all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.~~

- ~~a) The LPDC shall review the evidence of completion in the context of the certificate holder's approved plan and shall notify the certificate holder within 45 days whether the credits claimed have been awarded.~~

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- b) ~~Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:~~
- 1) ~~the activity in question does not relate to any of the individual's goals for improvement;~~
  - 2) ~~the activity does not relate to one or more of the purposes identified by the certificate holder;~~
  - 3) ~~the number of credits claimed by the certificate holder does not conform to the applicable provisions of Section 25.875 of this Part;~~
  - 4) ~~the activity was not conducted by an approved provider, if approval of the provider is required;~~
  - 5) ~~the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or~~
  - 6) ~~the certificate holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.~~
- e) ~~If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.~~
- d) ~~The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)].~~
- e) ~~A disagreement between a certificate holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPDRC.~~
- 1) ~~If the RPDRC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate holder.~~
  - 2) ~~If the RPDRC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).~~
  - 3) ~~The RPDRC shall notify both the certificate holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.~~
- f) ~~Awarding of credit shall not entitle the certificate holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.~~
- g) ~~Credit earned for any activity that is completed (or for which the certificate holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the~~

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~~activity in question satisfies the requirements of the plan applicable to that period.~~

(Source: Repealed at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.830 Application for Renewal of Certificate(s)**

No sooner than September 1 and no later than ~~April 1~~~~March 1~~ of the final year of his or her certificate's period of validity and using a form or format supplied by the State Board of Education, each certificate-holder shall submit to the responsible LPDC, if any, on a form provided by the State Board of Education, a unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.) Any individual for whom no responsible LPDC is in operation, including any individual who is not employed in the public schools at the time of application, shall submit the required materials to the regional superintendent of schools, accompanied by the fee required under Section 21-16(b) of the School Code. Access to these documents shall be limited to the certificate-holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

- a) The application shall identify by certificate number all the certificates the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.
  - 1) If the standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.
  - 2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.
  - 3) If the certificates that are due to expire are not renewed, the original period of validity of any more recently issued standard certificate shall continue to apply to that certificate only.
- b) The application shall provide a statement of assurance regarding~~summary of~~ the professional development activities completed, including a list of the activities, the provider offering each, the number of credits earned for each, and the purpose or purposes to which each activity is attributed~~and the credit awarded or~~

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~~claimed for them. (Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)])~~

- c) ~~The application may transmit the required evidence of completion for any activities not yet reviewed and acknowledged by the LPDC that are needed for the certificate holder's satisfaction of the requirements of Sections 21-2 and 21-14 of the School Code.~~
- d) A certificate-holder who wishes to receive evidence of ~~an~~the LPDC's receipt of his or her application shall include a receipt for the LPDC's use.
- d)e) Submission of this application form shall not entitle the certificate-holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.
- e)f) A certificate-holder who does not apply by ~~April 1~~March 1 may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.832 Validity and Renewal of Master Certificates**

- a) Each application for renewal of a master teaching certificate shall be subject to the provisions of Section 25.830 of this Part.
- b) An Illinois master certificate shall have a ten-year period of validity. When an individual receives an Illinois master certificate, any standard certificate(s) held by the same individual shall be renewed as of the date of issuance of the master certificate. Any such standard certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.
- c) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew his or her Illinois master certificate and any other certificate(s) held if the applicable requirements of this Subpart J have also been met. However, a holder of a master certificate may also use completion of the NBPTS' process for renewal of certification (as distinct from renewal of NBPTS certification) to fulfill 100% of the requirement for continuing professional development.

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- d) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Subpart J have been met during the master certificate's period of validity.
- e) A holder of a standard teaching certificate endorsed for speech-language pathology who has also received a Certificate of Clinical Competence from the American Speech-Language Hearing Association shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code [105 ILCS 5/21-2(d)], provided that his or her ~~certificate renewal plan is based upon an assignment that~~ requires the speech-language pathology endorsement. Each such individual shall be required to renew his or her standard teaching certificate at the end of its original five-year period of validity and to pay the applicable registration fee but shall not be required to submit evidence of continuing professional development in order to qualify for renewal of the certificate at that time.
- 1) An individual who held both a standard teaching certificate endorsed for speech-language pathology and a Certificate of Clinical Competence on June 1, 2002, shall become subject to the ten-year renewal cycle set forth in Section 21-2 (d) of the School Code, beginning with the first year of the teaching certificate's validity. ~~No revision to the individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the~~ The individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, under cover of a letter calling the LPDC's or regional superintendent's attention to the applicability of the ten-year cycle.
  - 2) An individual who holds a standard certificate and later receives a Certificate of Clinical Competence shall be subject to the ten-year renewal cycle set forth in Section 21-2(d) of the School Code, beginning with the first year of the certificate's then-current period of validity. ~~No revision to an individual's approved certificate renewal plan shall be required to reflect the ten-year cycle. However, the~~ The individual shall supply a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, under cover of a letter calling the LPDC's or regional superintendent's attention to the applicability of the ten-year cycle.

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- 3) An individual who holds a Certificate of Clinical Competence and later receives a standard teaching certificate shall ~~prepare a plan for certificate renewal that reflects the ten-year cycle set forth in Section 21-2(d) of the School Code and shall~~ submit a copy of the Certificate of Clinical Competence to the responsible LPDC or regional superintendent, as applicable, to support the applicability of the ten-year cycle.
- 4) All standard certificates held by an individual to whom this subsection (e) applies shall qualify for renewal along with the standard teaching certificate endorsed for speech-language pathology.
- 5) At the conclusion of a ten-year renewal cycle, an individual who renews his or her standard teaching certificate shall be subject to another ~~submit a new certificate renewal plan, which shall be based upon a~~ ten-year cycle only if the individual submits to the responsible LPDC or regional superintendent, as applicable, a copy of a then-current Certificate of Clinical Competency.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.835 Review of and Recommendation Regarding Application for Renewal**

- a) ~~An~~The LPDC shall review each application it receives that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, ~~shall use a form supplied by the State Board of Education to provide 30 days' written notification to the certificate holder of the recommendation it will~~ forward the application to the regional superintendent of schools accompanied by the LPDC's recommendation regarding certificate renewal, provided on a form supplied by the State Board of Education. ~~Such notification shall include a copy of the summary form referred to in Section 25.830(b) of this Part, signed by the chair of the LPDC and indicating whether the quantity and distribution of credit displayed thereon demonstrate that the certificate holder has met the requirements of his or her approved plan.~~
- b) If the recommendation is ~~will be~~ for nonrenewal of the affected certificate(s), ~~such~~ notification to this effect shall be provided concurrently to the certificate-holder, including ~~include~~ a return receipt and an explanation of the LPDC's rationale for recommending nonrenewal.
- b) ~~At any time before the recommendation is to be forwarded to the regional~~

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~~superintendent, the certificate holder may submit a written request to appear before the committee or a written request that the LPDC reconsider its intention to forward an unfavorable recommendation.~~

- e) ~~If requested to do so, the LPDC shall:~~
- 1) ~~permit the certificate holder to appear before it to justify his or her contention that the certificate(s) held should be renewed; or~~
  - 2) ~~reconsider its recommendation.~~
- d) ~~The committee shall forward a recommendation to the regional superintendent, on a form provided by the State Board of Education, no later than 30 days after receipt of the certificate holder's request pursuant to subsection (b) of this Section. The committee shall provide concurrent notification to the certificate holder that:~~
- 1) ~~states the recommendation and the rationale for it;~~
  - 2) ~~indicates the date on which the recommendation was forwarded to the regional superintendent; and~~
  - 3) ~~includes a return receipt if the recommendation is for nonrenewal.~~
- c)e) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the regional superintendent the fee required pursuant to Section 21-16(b) of the School Code [105 ILCS 5/21-16(b)].
- d)f) The certificate-holder may appeal to the responsible RPDC for consideration of his or her application for renewal if the LPDC does not respond within the time allowed under subsection (a)~~any of the timelines set forth in subsections (a) and (d)~~ of this Section.
- e)g) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded by an LPDC, the certificate-holder may appeal the recommendation to the RPDC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and shall include~~may include any supporting documentation the certificate holder deems relevant.~~

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- 1) the required evidence of completion for the activities upon which the appeal is based; and
  - 2) any other relevant documents.
- h) ~~Within seven business days after receipt of such an appeal, the RPDC shall request the LPDC's record of review. The LPDC's record shall be forwarded to the RPDC within seven business days and shall include:~~
- 1) ~~the individual's approved plan for continuing professional development and any amendments that have been made thereto;~~
  - 2) ~~any evidence of completion for activities submitted by the certificate-holder that has been maintained by the LPDC, and the summary form that shows how credits were awarded; and~~
  - 3) ~~copies of any determinations made by the LPDC not to award credit as claimed by the certificate-holder and any evidence that supports such determinations.~~
- f) Within 45 days after receiving such an appeal, the RPDC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDC shall also forward to the regional superintendent the material received from the certificate-holder under subsection (e) of this Section~~LPDC's record of review, as well as any supporting documentation supplied by the certificate-holder.~~
- g) Within 14 days after receiving the last recommendation required under subsections (a) through (f) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of ~~any~~ the recommendation for nonrenewal shall be sent to the certificate-holder concurrently. If the recommendation is not to

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renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder's copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.

- 1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC's recommendation for certificate renewal or is recommending renewal without the involvement of any LPDC. This list shall be prepared on a form supplied by the State Board of Education.
- 2) If the regional superintendent is recommending certificate renewal despite a local or regional committee's recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the material received from the certificate-holder under subsection (e) of this Section~~LPDC's record of review~~;
  - B) the RPDRC's recommendation and any additional~~the~~ material received by the RPDRC pursuant to~~called for in~~ subsection (f)~~(f)(i)~~ of this Section, ~~if any~~; and
  - C) the regional superintendent's rationale for recommending renewal.
- 3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:
  - A) the LPDC's recommendation, if any~~record of review~~;
  - B) the RPDRC's recommendation, and the material called for in subsection (e)~~(e)~~ of this Section, and the material received pursuant to subsection (f) of this Section, if any; and
  - C) the regional superintendent's rationale for recommending nonrenewal.

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- ~~h)k)~~ Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.
- 1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must 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.
    - C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice 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 activities sufficient to meet the requirements of Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable~~set forth in his or her approved certificate renewal plan;~~
    - B) any other relevant documents.
- ~~i)j)~~ Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete ~~the~~ activities sufficient to meet the requirements of set forth in an approved certificate renewal plan, i.e., to accumulate sufficient units of credit for activities distributed as required among the purposes enumerated in Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.840 Action by State Teacher Certification Board; Appeals**

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- a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(h) of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)], subject to the certificate-holder's right of appeal as specified in that Section.
- b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent's recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.
- 1) 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.
  - 2) *The State Teacher Certification Board may request that the certificate-holder appear before it.* (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]) The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
  - 3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, *the State Teacher Certification Board shall review:*
    - A) *the recommendation of the regional superintendent of schools;*
    - B) *the Regional Professional Development Review Committee's recommendation, if any;*
    - C) *the Local Professional Development Committee's recommendation, if any; and*
    - D) *all relevant documentation.*
- c) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that

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decision.

- 1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Subpart J may apply for a reinstated certificate valid for one year.
- 2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she has:
  - A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
  - B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.
- 3) ~~In order to comply with the requirement set forth in subsection (c)(2)(A) of this Section, an individual may either complete the plan that was previously in place or submit proposed revisions to the responsible LPDC in order to align the balance of the activities with his or her current teaching assignment.~~
- d) The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education 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 25.845 Responsibilities of School Districts**

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As used in this Section, the term "school district" shall be understood to include charter schools, cooperatives, and joint agreements.

- a) Each school district shall designate an employee who will have the responsibility for making all forms required pursuant to this Subpart J available to certificate-holders, members of local professional development committees, and others who need to use them.
- b) Each school district, in conjunction with its exclusive representative, if any, shall determine the number and type(s) of any LPDCs ~~that will~~ be established at the local level.
  - ~~1) The number of committees that will operate in a district shall be sufficient to comply with the requirements of Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)] regarding the maximum number of plans for which each committee is to be responsible and to permit the committees to accomplish the functions assigned to them in accordance with the timelines set forth in this Subpart J. The maximum number of plans established in Section 21-14(f) of the School Code shall be observed inclusive of the number of initial certificate holders who notify an LPDC that they have chosen accumulation of continuing professional development units as the requirement they will meet for standard certification under Section 21-2(c)(2) of the School Code [105 ILCS 5/21-2(c)(2)].~~
  - ~~2) Distribution of responsibility among LPDCs may be according to building, grade level, type of certificate, subject matter area, or any other factor that seems appropriate.~~
- c) ~~Each school district shall name the administrator and at large member who will serve on each LPDC. A district superintendent or other chief administrator may identify a designee to represent him or her on an LPDC.~~
- d) Each school district shall publicize to certificate-holders:
  - 1) the number and respective areas of responsibility of the district's LPDCs, if any;
  - 2) the name of each committee's chairperson; and

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- 3) the method by which individuals may contact the LPDCs and the address to which materials shall be submitted.
- e) ~~Each school district shall convene the first meeting of one LPDC.~~
- d)f) Each school district shall file with the regional superintendent, on a form supplied by the State Board of Education, a list of its LPDCs, indicating for each LPDC the area(s) of responsibility, the chairperson's name, and the other members' names. Revisions to these lists shall be submitted as changes occur. Each district shall notify the regional superintendent whenever there is a change in this information.
- g) ~~Each school district without an exclusive representative shall make available an opportunity for those classroom teachers who are employed in the district and who are subject to the requirements of this Subpart J to select an adequate number of classroom teachers to serve on the district's LPDCs. For purposes of this Subpart J, "classroom teachers" includes all individuals who are subject to the requirements of this Subpart J.~~
- h) ~~Each school district shall arrange for secure storage of the files required pursuant to this Subpart J.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**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(c)~~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 participates in recommending renewal or nonrenewal of his or her own certificate or that 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

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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.
- 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

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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 RPDC 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(g)~~25.835(i) of this Part as applicable in each case.
- ~~f)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 (ef) of this Section, calling the Secretary's attention to the potential noncompliance.
- g)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.
- h)i) Based upon information provided by the certificate-holders in his or her region,

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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 \_\_\_\_\_)

**Section 25.855 Approval of Illinois Providers**

Illinois-based entities that offer professional development activities, such as training organizations, institutions, school districts, regional offices of education, firms, teacher unions and professional associations, and universities and colleges, may apply to the State Board of Education and the State Teacher Certification Board for approval to issue CEUs or CPDUs for conferences, workshops, institutes, seminars, symposia, or other similar training events whose goal is the improvement of teaching skills and knowledge. A certificate-holder may not receive credit for CEUs or CPDUs with respect to activities offered by Illinois-based entities that are not so approved, unless Section 25.872 of this Part applies.

- a) Except as provided in subsection (b) of this Section, each provider wishing to receive such approval shall submit an application on a form supplied by the State Board of Education. For each area of professional knowledge or skill in which the provider wishes to secure approval, the application shall include:
  - 1) a description of the intended offerings in terms of relevant standards to be addressed;
  - 2) the qualifications and experience the provider will require of presenters to be assigned in each area;
  - 3) an indication as to whether the application is for approval to issue CEUs or CPDUs and, if approval is sought for both, identification of the activities that will generate each form of credit; and
  - 4) assurances that the requirements of subsection (c) of this Section and the requirements of Section 25.870 of this Part will be met.
- b) An organization that has affiliates based in Illinois may apply for approval on their behalf.
  - 1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to

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subsection (a) of this Section with respect to each one.

- 2) The applicant organization's provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.
  - 3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be added to or removed from the list of approved providers or that the areas of training should be changed for one or more of the affiliates. For affiliates to be added, the applicant organization shall supply the information required pursuant to subsection (a) of this Section.
  - 4) The approval status of the applicant organization shall be contingent upon its affiliates' compliance with the applicable requirements of this Subpart J.
- c) Each provider approved to issue CEUs or CPDUs shall:
- 1) submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it;
  - 2) verify attendance at its training activities, provide to participants the standard forms referred to in Section 25.865 of this Part, and require completion of the evaluation portion of these forms;
  - 3) maintain participants' evaluation forms for a period of not less than three years and make them available for review upon request by staff of the State Board of Education;
  - 4) maintain attendance records for each event or activity it conducts or sponsors for a period of not less than five years; and
  - 5) include in each announcement regarding an event or activity whether CEUs or CPDUs will be available.
- d) Applicants may be asked to clarify particular aspects of their materials.

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- e) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- f) A provider shall be approved to issue CEUs for a given type of activity only if the provider's application provides evidence that:
  - 1) the activities will be developed and presented by persons with education and experience in the applicable subject matter area(s);
  - 2) the activities will include an activity such as discussion, critique, or application of what has been presented, observed, learned, or demonstrated; and
  - 3) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- g) A provider shall be approved to issue CPDUs for a given type of activity only if the provider's application provides evidence that:
  - 1) the activities and events it sponsors or conducts will be developed and presented by persons with education and experience in the applicable subject matter area(s); and
  - 2) there is an apparent correlation between the proposed content of the training activities, the relevant standards set forth in Subpart B of this Part, and one or more of the purposes the recipients are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
- h) The State Board of Education shall maintain and publicize the list of all approved providers. The list shall indicate any limitations on the type(s) of activities for which an entity has received approval.
- i) Approval of a provider shall be valid for three years. To request renewal of such approval, a provider shall, no later than March 1 of the year of expiration, submit

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an application on a form supplied by the State Board of Education and containing:

- 1) a description of any significant changes in the material submitted as part of its approved application; or
  - 2) a certification that no such changes have occurred.
- j) A provider's approval shall be renewed if the application conforms to the requirements of subsection (i) of this Section, provided that the Boards have received no evidence of noncompliance with the requirements of this Subpart J.
- k) The State Board of Education may evaluate any approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of training events, which the State Board may, at its discretion, monitor at any time.
- 1) In the event ~~such~~ an evaluation indicates that applicable standards have not been met, the State Board of Education and the State Teacher Certification Board may jointly withdraw approval for one or more types of activities or of the provider.
  - 2) Staff of the State Board of Education shall periodically report to the State Teacher Certification Board on the providers reviewed and any changes in their approval status.
  - 3) Pursuant to Section 21-14(e)(3)(H) of the School Code [105 ILCS 5/21-14(e)(3)(H)], a teacher may not receive credit for any activity that is designed for entertainment, promotional, or commercial purposes or that is solely inspirational or motivational, and the State Board and the State Teacher Certification Board may jointly disapprove any activity found to be of this nature.
    - A) When an activity is disapproved under this subsection (k)(3), the provider may continue to offer the activity but shall immediately revise all relevant notices and advertisements to indicate the nature of the activity. The provider shall be required to state in each such notice or advertisement that the activity generates no credit applicable to certificate renewal. Individuals who complete the activity once it is accurately described shall not claim credit for it.

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- B) Individuals who have completed an activity that is later disapproved under this subsection (k)(3) shall not be penalized with respect to continuing professional development credit accrued for that activity.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.860 Out-of-State Providers**

The requirements for approval of providers not based in Illinois shall be as set forth in this Section unless Section 25.872 of this Part applies.

- a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.
- b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:
- 1) the certificate-holder documents his or her participation by maintaining on filesubmits to the LPDC:
    - A) the program, agenda, or other announcement of the event; and
    - B) a completion form supplied by the provider to indicate the certificate-holder's attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and
  - 2) if the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, the LPDC determines that the program, agenda, or other announcement of the event is found to demonstrate demonstrates that:
    - A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient must address has addressed in his or her continuing professional development plan; and

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- B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).
- c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:
  - 1) the requirements of subsection (b) of this Section are met; and
  - 2) ~~the LPDC determines that~~ each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.
- d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.865 Awarding of Credit for Activities with Providers**

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use, other than providers who are subject to the requirements of Section 25.872 of this Part.

- a) This form shall be provided to each participant who completes the activity, who shall ~~maintain it present it to the LPDC~~ as evidence of completion (see Section 25.875(k) of this Part).
  - 1) In the case of a conference, workshop, or other event having more than one session, each session shall be considered an "activity" for purposes of this Subpart J.
  - 2) In the case of a conference, workshop, or other event having more than

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one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

- b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.
- c) The provider shall indicate the number of CEUs issued, if applicable.
- d) ~~Local professional development committees shall credit CEUs in the amount issued by the approved provider.~~ e) Local professional development committees shall examine completion forms to determine the ~~The~~ number of CPDUs to be credited ~~shall be~~; in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.
- e)f) ~~If the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, With respect to activities held in Illinois, LPDCs shall credit CEUs or CPDUs~~ claimed shall be affirmed only when the standard form is presented.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development**

The requirements of this Section shall apply to the approval of providers and the awarding of credit for activities that are electronically delivered, such as electronically mediated study groups, seminars, and conferences, interactive CD-ROMs, and on-line professional development curricula. The provisions of Sections 25.855, 25.860, 25.865, and 25.870 of this Part shall apply to such activities only to the extent set forth in this Section.

- a) A certificate-holder may accrue professional development credit for an activity under this Section if the provider of the activity is approved for the applicable subject area pursuant to subsections (b) through (f) of this Section. Alternatively, a certificate-holder may accrue credit for an activity without an approved provider by meeting the requirements of subsection (h) of this Section.
- b) Each provider wishing to receive approval under this Section shall submit an application using a format prescribed by the State Board of Education. For each

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area of professional knowledge or skill in which the provider wishes to secure approval, the application shall describe:

- 1) the intended offerings in terms of relevant standards to be addressed;
  - 2) the qualifications and experience the provider will require of the presenters, moderators, and facilitators to be assigned in each area;
  - 3) the means by which individuals' participation and participants' identities will be verified, consistent with subsection (e)(4) of this Section;
  - 4) the assistance that the provider will furnish to participants to foster their understanding of the material covered in the activity and their ability to complete the activity's requirements successfully;
  - 5) the documentation that the provider will furnish to each individual who completes a continuing professional development activity; and
  - 6) whether the provider intends for CEUs or CPDUs to be available to participants.
- c) Each application shall provide assurances that the following requirements will be met.
- 1) The provider shall submit written notice to the State Board of Education no later than 30 days prior to the initial date of each of its training activities, including the title, description, target audience, instructional method, and intended learning outcomes of the activity, along with a sample of the syllabus, program, or outline for it.
  - 2) The provider shall verify individuals' participation in its training activities, provide documentation indicating whether those who participated in a particular activity have completed it, and require participants to complete evaluations of the activities that will gather at least such information as specified by the State Board of Education. The provider shall issue CEUs, if applicable, based upon the average or expected time required to complete a given activity and in accordance with Section 25.870 of this Part. For activities generating CPDUs, the evidence of completion provided to participants shall indicate the average or expected time

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required so that ~~LPDCs may award~~ one CPDU per hour of participation may be documented.

- 3) The provider shall maintain participants' evaluations for a period of not less than three years and make them available for review upon request by staff of the State Board of Education.
  - 4) The provider shall maintain records of participation and completion for each activity it conducts or sponsors for a period of not less than five years.
- d) Applicants may be asked to clarify particular aspects of their materials.
- e) A provider shall be approved under this Section only if all of the following conditions are met.
- 1) There is an apparent correlation between the content of the training activities, the standards applicable to their intended participants, and one or more of the purposes the participants are required to address in their continuing professional development plans pursuant to Section 21-14(e)(2) of the School Code.
  - 2) The activities will be developed and presented by persons with education and experience in the applicable subject area(s).
  - 3) The provider makes available to participants a mentor or facilitator who is qualified by education and experience to serve as a presenter of the activity.
  - 4) Participation in or completion of any portion of the activity that is not designed to be attended in person is verified by some other means. That is, each individual's participation yields either a product (e.g., a lesson plan, a tape of teaching performance, a completed test) or a record of interaction with a representative of the provider or with other participants (e.g., a discussion board). These products and records are available for evaluation by the provider, and each participant's receipt of the evidence of completion for the activity is contingent upon their presentation to the provider along with a brief written statement in which the certificate-holder discusses the skills and/or knowledge acquired and indicates, where applicable, how the skills or knowledge will be applied in the context of

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his or her teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.

- 5) Each participant who completes the activity receives verification from the provider to that effect.
- f) The State Superintendent of Education, on behalf of the State Board of Education and the State Teacher Certification Board, shall respond to each application for approval no later than 30 days after receiving it.
- g) A certificate-holder may receive continuing professional development credit for an activity conducted by a provider approved under this Section ~~by submitting to the responsible LPDC the evidence of completion furnished by the provider,~~ to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder.
- h) A certificate-holder may receive continuing professional development credit for an activity not conducted by a provider approved under this Section (to the extent that the activity is relevant to one of the purposes applicable to the certificate-holder) by meeting the requirements of this subsection (h).
  - 1) The certificate-holder shall ~~maintain~~~~provide to the responsible LPDC~~ a syllabus, program, or summary prepared by the provider or a summary written by the certificate-holder.
  - 2) The certificate-holder shall ~~maintain~~~~provide to the LPDC~~ any documents or other products developed during the activity and any verification of completion supplied by the provider.
  - 3) The certificate-holder shall ~~maintain~~~~provide to the LPDC~~ a brief written statement meeting the requirements of subsection (e)(4) of this Section.
  - 4) The certificate-holder shall ~~maintain~~~~provide to the LPDC~~ a statement issued by the provider indicating the average or expected amount of time required for completion of the activity, which ~~shall serve as the basis for credit LPDC shall credit~~ in the form of CPDUs at a rate of one per hour of direct participation or CEUs in accordance with Section 25.870(a) of this Part, as applicable.

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(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.875 Continuing Professional Development Units (CPDUs)**

The number of CPDUs to be awarded for completion of specific activities and the required evidence of completion for each shall be as set forth in this Section. ~~In addition to the specific requirements described in the various subsections of this Section, the evidence of completion required for each of the activities listed shall include a brief written statement prepared by the certificate holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case.~~

- a) *Participation on collaborative planning and professional improvement teams and committees* [105 ILCS 5/21-14(e)(3)(E)(i)]
  - 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.
  - 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: Written description of the purpose and intended product of the team or committee; a record of the team's meetings demonstrating the member's attendance; and the plan, activity description, or other product that results from the group's work.
- b) *Peer review and coaching* [105 ILCS 5/21-14(e)(3)(E)(ii)]
  - 1) Definitions
    - A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being

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reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher's performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

- B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other's teaching and discuss the observations made.
- 2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.
  - 3) Evidence of Completion
    - A) For peer review: The school's, district's, or exclusive representative's written program description or policy; a record of the certificate-holder's assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
    - B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
- c) *Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]*
    - 1) Definitions
      - A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the

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classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.

- B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and
- i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or
  - ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher's progress or classroom observation; or
  - iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.
- C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher's future work.
- 2) Credit
- A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in

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which there are six or more observations.

- B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.
- 3) Evidence of Completion
- A) For a mentor or for a recipient or remediating teacher: The school's, district's, or institution's written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
  - B) For a consulting teacher: The district's written description of its remediation process; a record of assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.
- d) *Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.
  - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team's

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meetings; and a copy of the product or recommendation developed by the team or committee.

- e) *Coordinating community resources in schools, if the project is a specific goal of the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(v)]
- 1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school's or district's staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.
  - 2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.
  - 3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities' involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual's assignment to or performance of this function.
- f) *Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan* [105 ILCS 5/21-14(e)(3)(E)(vi)]
- 1) Definitions
    - A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a school improvement plan.
    - B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children's achievement or to another need identified in a

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school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder's assignment).

- 2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.
- 3) Evidence of Completion
  - A) For coordinating: The sponsoring entity's written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual's assignment as facilitator or coordinator or indicating that he or she performed these duties.
  - B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.
- g) *Participating in business, school, or community partnerships directly related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(E)(vii)]
  - 1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.
  - 2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.
- h) *Supervising a student teacher or teacher education candidate in clinical*

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*supervision, provided that the supervision may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(E)(viii)]*

- 1) Definitions
    - A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.
    - B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.
  - 2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.
  - 3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.
- i) *Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois professional teaching standards or Illinois content-area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(e)(3)(F)(i)]*
- 1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual's certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder's field(s) of teaching or

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assignment.

- 2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.
- j) *Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(F)(ii)]*
- 1) Definition: Teaching a college-level course in a field that is related to an individual's certificate(s) and results in the granting of college credit to those enrolled.
  - 2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered "the same" if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.
  - 3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.
- k) *Completing non-university credit directly related to student achievement, school improvement plans, or State priorities [105 ILCS 5/21-14(e)(3)(G)(i)]; participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-14(E)(3)(G)(ii)]*
- 1) Definitions
    - A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses educational concerns.
    - B) Making a presentation at a conference, workshop, institute,

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seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.

- 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
- 3) Evidence of Completion
  - A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, ~~including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching~~; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
  - B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.
- l) *Training as external reviewers for quality assurance* [105 ILCS 5/21-14(e)(3)(G)(iii)]
  - 1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
  - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
  - 3) Evidence of Completion: A certificate issued by the State Board.
- m) *Training as reviewers of university teacher preparation programs* [105 ILCS 5/21-14(e)(3)(G)(iv)]

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- 1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.
  - 2) Credit: Ten CPDUs shall be credited for the first instance of an individual's participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate's validity.
  - 3) Evidence of Completion: A certificate issued by the State Board.
- n) *Participating in action research and inquiry projects* [105 ILCS 5/21-14(e)(3)(H)(i)]
- 1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.
  - 2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder's own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder's own class(es).
  - 3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual's future teaching.
- o) *Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal* [105 ILCS 5/21-14(e)(3)(H)(ii)]
- 1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder's area(s) of certification.
  - 2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per

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quarter.

- 3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual's future teaching.
- p) *Traveling related to one's teaching assignment, directly related to student achievement or school improvement plans and approved by the responsible LPDC, if any, or, if no LPDC is responsible, by the regional superintendent or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(e)(3)(H)(iii)]*
- 1) Definition: Travel lasting no less than three consecutive, full days, ~~that which the LPDC~~ has been approved based on a plan submitted by the certificate-holder. The plan shall ~~relate the travel to one or more of the individual's improvement goals,~~ identify the activities or aspects of the travel that will contribute to his or her professional development, and describe what is to be accomplished through the travel experience. (Approval by the LPDC or the regional superintendent, as applicable, shall be understood to mean that CPDUs will be awarded if the planned travel is completed upon submission of the required evidence of completion.)
  - 2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.
  - 3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of

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his or her teaching.

- q) *Participating in study groups related to student achievement or school improvement plans* [105 ILCS 5/21-14(e)(3)(H)(iv)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
  - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.
- r) *Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education Strategic Agenda Teams, or the State Advisory Council on Education of Children with Disabilities* [105 ILCS 5/21-14(e)(3)(H)(v)]
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.
  - 2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.
  - 3) Evidence of Completion: Minutes of the group demonstrating the individual's attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.
- s) *Participating in work/learn programs or internships* [105 ILCS 5/21-14(e)(3)(H)(vi)]
- 1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the

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certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.

- 2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).
  - 3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the length and frequency of the certificate-holder's direct contact with other individuals from whose knowledge or experience he or she was to benefit.
- t) *Developing a portfolio of student and teacher work* [105 ILCS 5/21-14(e)(3)(H)(vii)]
- 1) Definition: Preparation of at least five portfolio "artifacts" or "entries", each of which relates to a different assignment and consists of:
    - A) samples of at least three students' work that responds to the specified assignment; and
    - B) a written analysis prepared by the certificate-holder that describes:
      - i) the assignment to which the work responds and the teacher's goal(s) for that assignment;
      - ii) the instructional strategies and materials used and the reasons for their selection;
      - iii) what the students' work reveals about whether the teacher's goal(s) for the assignment were met; and
      - iv) the successful and less-than-successful elements of the assignment and changes the teacher might make in the assignment or in his or her teaching in order to reach the specified instructional goal(s).

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- 2) Credit: 15 CPDUs.
  - 3) Evidence of Completion: The materials referred to in subsection (t)(1) of this Section.
- u) *Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level* [105 ILCS 5/21-14(e)(3)(I)(i)]
- 1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group's working sessions.
  - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).
  - 3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder's presence and participation; and the product of the group's work, such as a curriculum guide or new assessment.
- v) *Participating in team or department leadership in a school or school district* [105 ILCS 5/21-14(e)(3)(I)(ii)]
- 1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.
  - 2) Credit: Five CPDUs shall be awarded per semester of service.
  - 3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role

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to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

- w) *Participating on external or internal school or school district review teams* [105 ILCS 5/21-14(e)(3)(I)(iii)]
- 1) Definitions
    - A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board's rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).
    - B) Participating on a curriculum review panel convened pursuant to Section 25.125(c) of this Part with respect to the approval of a teacher preparation program.
    - C) Participating on a review team convened pursuant to Section 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.
  - 2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school's internal quality review team, or four CPDUs per quarter.
  - 3) Evidence of Completion: Documentation of the individual's assignment by State Board staff (for an external review team, curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team's chair or convenor verifying the certificate-holder's participation for the duration of the process.
- x) *Publishing educational articles, columns, or books relevant to the certificate area being renewed* [105 ILCS 5/21-14(e)(3)(I)(iv)]

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- 1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.
  - 2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.
  - 3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of "publication".
- y) *Participating in non-strike-related professional association or labor organization service or activities related to professional development [105 ILCS 5/21-14(e)(3)(I)(v)]*
- 1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not be eligible.
  - 2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written description of the position or activity;

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if the purpose of the activity includes the preparation of a tangible product, a copy of that product.

- z) Other
- ~~1) Continuing An LPDC may award continuing~~ professional development units ~~shall be available~~ for activities not enumerated in subsections (a) through (y) of this Section based upon written evidence ~~maintained~~~~presented~~ by the certificate-holder that:
- ~~1)A)~~ describes the activity and its purpose, intensity, duration, and outcomes;
- ~~2)B)~~ discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;
- ~~3)C)~~ identifies which of the activities enumerated in subsections (a) through (y) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and
- ~~4)D)~~ proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (z)~~(3)(4)(C)~~ of this Section.
- ~~2) Any disagreement regarding the appropriate number of CPDUs to be awarded shall be resolved by appeal to the RPDRC as provided in Section 25.825(e) of this Part.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 25.880 "Valid and Exempt" Certificates; Proportionate Reduction; Part-Time Teaching

- a) The requirements of this Subpart J regarding continuing professional development are subject to proportionate reduction with respect to periods of time during which a certificate is maintained as valid and exempt.
- 1) ~~Each certificate holder shall notify the regional superintendent of schools each time there is a change in his or her teaching assignment, employer, or employment status. The State Board of Education shall make a form available for this purpose that will allow the regional superintendent to~~

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~~determine whether an individual's certificates will be considered valid and active or valid and exempt for any given semester. A) A certificate holder may notify the regional superintendent either when a change occurs or whenever it becomes apparent that a particular semester will qualify or has qualified as a period of exemption. B) The regional superintendent shall verify the certificate holder's employment status and shall return to the certificate holder a signed copy of the form indicating whether a period of exemption has been recorded. 2) Periods of exemption shall be established in one-semester increments. A period of exemption shall be available only for a semester during which a certificate-holder is employed and performing services for fewer than 45 school days. Each one-semester period of exemption shall result in a ten-percent reduction in the requirement for continuing professional development (for holders of standard certificates) or a five-percent reduction in the requirement (for holders of master certificates).~~

- ~~2)3) When applying for renewal of his or her certificate(s), each certificate-holder shall identify for the LPDC the periods of exemption that occurred during the period of validity and the proportionate reduction that applies to the requirements for continuing professional development. The certificate holder shall present a copy of the form referred to in subsection (a)(1) of this Section to document any period of exemption claimed.~~
- 4) ~~If proportionate reduction in the requirements for continuing professional development results in a conflict between the total number of units of credit earned and the distribution of those units, a certificate holder shall be required to conform as closely as possible to the required distribution of units but shall not be obligated to accumulate units of credit in excess of the applicable reduced total.~~
- A) ~~Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 60 CPDUs attributable to the purpose identified in Section 25.805(b)(3) of this Part ("Purpose 3"). The individual then maintains the certificate as valid and exempt for the remaining three years. By proportionate reduction, the total number of CPDUs required of this individual is 48. Because the individual has earned 60 CPDUs, he or she shall be considered to have met the requirement for continuing professional development, even though no units of credit have been attributed to the purposes~~

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~~identified in Section 25.805(b)(1) and (2) of this Part ("Purposes 1 and 2").~~

~~B) Example: An individual teaches for the first two years of a standard certificate's five-year period of validity and accumulates 40 CPDUs attributable to Purpose 3. The individual maintains the certificate as valid and exempt for the third and fourth years and then returns the certificate to valid and active status for the fifth year because he or she resumes teaching. By proportionate reduction, the total number of units required of this individual is 72. Half of those units (36) are required to pertain to Purpose 1 or 2, but the individual only lacks 32 units for a total of 72. The certificate holder shall be required to use these 32 units to address Purposes 1 and 2 and shall amend his or her plan to include activities that comply with this requirement.~~

~~3)5) An individual whose certificate is valid and exempt may nevertheless keep an approved plan on file covering continuing professional development activities he or she wishes to complete during the period of exemption. Completion of professional development such activities during a period of exemption shall not affect ~~be appropriately credited by the responsible LPDC, without affecting~~ the proportionate reduction in the total number of units required.~~

- b) The requirement for continuing professional development shall be reduced by 20 percent for the first renewal cycle with respect to any individual who receives a standard certificate, or 10 percent for an individual who receives a master certificate, whose first year of validity expires on June 30, 2000.
- c) *The requirement for continuing professional development shall be reduced by 50 percent with respect to a period of time during which the certificate-holder has been employed on a part-time basis, i.e., has been teaching for less than 50 percent of the school day or school term. (Section 21-14(e)(1) of the School Code [105 ILCS 5/21-14(e)(1)])*
- d) The reduced requirements for continuing professional development that apply under Section 21-2(c)(8) of the School Code to certificate-holders who have acquired master's degrees, education specialists, doctorates, or master certificates shall be also be subject to proportionate reduction if applicable under this Section.

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(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.885 Funding; Expenses (Repealed)**

- a) ~~School districts, charter schools, cooperatives, and joint agreements may use the funds provided to them by the State Board of Education under Section 21-14(k) of the School Code [105 ILCS 5/21-14(k)] for such of the following expenditures as may be accommodated within the maximum amount available:~~
- ~~1) supplies;~~
  - ~~2) duplicating and postage;~~
  - ~~3) equipment and maintenance thereof;~~
  - ~~4) telecommunications; and~~
  - ~~5) other administrative costs reasonably associated with conducting the meetings of LPDCs.~~
- b) ~~Regional superintendents of education shall use the funds provided to them under Section 21-14(k) of the School Code to pay school districts, charter schools, cooperatives, and joint agreements for:~~
- ~~1) travel costs incurred in staff attendance at the meetings of RPDRCs and the training seminar that is required pursuant to Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)], including lodging, mileage, per diem (or meal reimbursement, as applicable), and incidentals; and~~
  - ~~2) other costs reasonably associated with staff attendance at the meetings of RPDRCs and the required training seminar.~~

(Source: Repealed 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. Beginning July 1, 2004, however, the requirements of this Subpart K shall not apply to any out-of-state candidate with four years of teaching experience. (Section 21-2(b-5) of the School Code)

- a) Each certificate-holder who is subject to the requirements of this Subpart K shall:

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- 1) maintain the required form of evidence of completion for the option chosen pursuant to Section 25.905 of this Part, as specified in Sections 25.910 through 25.942 of this Part, throughout the first period of validity of his or her standard certificate; and
  - 2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart K.
- b) 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 25.905 Choices Available to Holders of Initial Certificates**

Pursuant to Section 21-2(c) of the School Code, an individual who is subject to the requirements of this Subpart K shall successfully complete one of the options listed in this Section in order to qualify for a standard teaching certificate. Out-of-state applicants may qualify for a reduction in the requirements of subsection (d) or subsection (e) of this Section; see Section 25.11(b)(2)(B) of this Part. Each affected individual may choose to:

- a) *Complete a program of induction and mentoring that meets the requirements of Section 25.910 of this Part;*
- b) *Complete at least four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) that meets the requirements of Section 25.915 of this Part;*
- c) *Complete at least four semester hours of graduate-level coursework addressing the requirements for certification by the National Board for Professional Teaching Standards that meets the requirements of Section 25.920 of this Part;*
- d) Complete at least 12 semester hours of graduate-level coursework towards, or either hold or receive, Receive an advanced degree from an accredited institution of higher education in an education-related field, provided that the coursework completed meets the requirements of Section 25.925 of this Part;

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- e) *Accumulate 60 continuing professional development units (CPDUs), or such quantity as may be applicable under Section 21-2(c)(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)], by completing selected activities as specified in Section 25.930 of this Part; ~~or~~*
- f) *Complete a nationally normed, performance-based assessment, if such an assessment is made available pursuant to Section 25.940 of this Part;*
- g) *Complete the requirements for being considered "highly qualified" in an additional teaching field (see Section 25.942 of this Part);*
- h) *Receive a post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education in accordance with Section 25.942 of this Part;*
- i) *Complete all required activities in pursuit of certification by the National Board for Professional Teaching Standards (see Section 25.942 of this Part); or*
- j) *Receive a subsequent certificate or an additional endorsement (see Section 25.942 of this Part).*

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.910 Requirements for Induction and Mentoring**

Completion of a program of induction and mentoring as a means of qualifying for the standard teaching certificate shall be subject to the requirements of this Section.

- a) The program selected by a certificate-holder must have been approved for this purpose by the State Board of Education in consultation with the State Teacher Certification Board. Two or more school districts or other organizations may jointly offer a program of induction and mentoring under this Section. An entity or group of entities that wishes to offer an approved program of induction and mentoring shall submit to the State Superintendent of Education a written plan for the program that conforms to the requirements of Section 21-2(c)(2)(A) of the School Code [105 ILCS 5/21-2(c)(2)(A)]. A program shall be approved if the plan demonstrates that the program will meet the specifications of subsections (b) through (g) of this Section. Entities that were conducting programs of induction and mentoring prior to July 1, 2003, may apply to the State Superintendent under

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this Section for verification that those programs met the requirements of this Section so that individuals who have completed them may fulfill the requirements of this Subpart K on that basis. The State Board of Education shall annually publish a list of induction and mentoring programs that have been approved for this purpose.

- b) A formally trained mentor shall be assigned to assist each new teacher, and no mentor shall be assigned to assist more than five new teachers during any given school year. To the extent possible, mentor teachers shall hold the same type of certificate as the new teachers with whom they will work. Each mentor teacher assigned shall hold, or shall have retired while holding, a standard or master certificate and shall have completed a training program that addresses all the following topics:
- 1) Content Knowledge and Pedagogy;
  - 2) Adult Learning Theory;
  - 3) Verbal and Non-Verbal Communication Skills;
  - 4) Attributes and Styles of Positive Critiques;
  - 5) Classroom Observation Skills Related to Assessment of Performance;
  - 6) Strategies for Providing Constructive Feedback and Social Support;
  - 7) Problem-Solving Skills; and
  - 8) Formative Assessment and Self-Assessment.
- c) Each new teacher shall receive formal mentoring, which may include mentoring conducted electronically, consisting of an established sequence of sessions no less than two school years in duration. The planned sequence for each teacher shall comprise no fewer than three episodes of observation, which may be conducted using videoconferencing or videotaping, that include preparation with the mentor teacher prior to observing the new teacher in the classroom; observation of the new teacher's teaching practice; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.

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- d) The program shall afford mentor teachers and new teachers systematic opportunities for contact with each other so that new teachers will receive professional and social support in the school environment. The program shall include a formal mechanism for orienting new teachers to the school improvement and professional development plans that apply and for assisting them in understanding their respective employers' expectations with regard to the Illinois Professional Teaching Standards and the relevant content-area standards.
- e) New teachers shall be afforded at least one opportunity during each semester to participate in professional development opportunities that involve:
- 1) observing teaching practice modeled by experienced teachers and discussing selected aspects of teaching practice with these teachers; or
  - 2) participating in workshops, conferences, symposia, seminars, or other, similar training events that are designed to increase teachers' knowledge and skills with respect to the Illinois Professional Teaching Standards or the content-area standards that apply to their respective areas of certification or assignment.
- f) The program shall require formative assessment of new teachers' professional development. The mentor teacher shall participate in formative assessment by providing written feedback after observing the teaching performance of the new teacher and by providing written analysis of written materials prepared by the new teacher. The new teacher shall participate in formative assessment by preparing at least one written reflection on his or her teaching practice for each quarter of a school year, for review by the mentor teacher. New teachers' written reflections shall be required to focus on relevant aspects of the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) and the content-area standards that apply to their assignments and areas of certification and to issues identified in the feedback received from mentor teachers.
- g) Each plan for an induction and mentoring program shall include a specific method for collecting and maintaining information that will permit evaluation of the program and will contribute to an overall assessment of the effectiveness of induction and mentoring. For each program, at least the following information shall be collected and supplied to the State Board of Education upon request:

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- 1) the length of time during which recipients of the program remain employed as teachers (if known) or remain employed as teachers in the district where mentoring and induction were received;
  - 2) the percentage of recipient teachers who received ratings of “satisfactory” or “excellent” each year since completing the program;
  - 3) any savings realized in the cost of recruiting new teachers due to increased retention; and
  - 4) any decrease in the number or percentage of teachers teaching outside their respective fields.
- h) ~~A certificate holder who elects to complete a program of induction and mentoring as the means of qualifying for the standard teaching certificate shall notify the local professional development committee (LPDC) that is responsible for comparable standard certificates to this effect and identify the program selected. Within 30 days after receipt of this notification, the LPDC shall respond to the certificate holder in writing, either confirming that the selected program has been listed by the State Board of Education as approved for this purpose or notifying the certificate holder that the program has not been approved and that completion of the program will not result in eligibility for the standard certificate.~~
- i) As evidence of completion for this requirement, the candidate for a standard certificate shall ~~maintain~~submit to the responsible LPDC verification, in a format specified by the State Board of Education, signed by the administrator of the approved mentoring and induction program.
- ij) An individual may transfer between programs approved under this Section.
- j) Each holder of an initial certificate who chooses the option described in this Section shall be required to complete:
- 1) an approved program of at least one year's duration, if his or her initial certificate was issued before September 1, 2007;
  - 2) an approved program of at least two years' duration, if his or her initial certificate was issued on or after September 1, 2007.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 25.915 Requirements for Coursework on the Assessment of One's Own Performance**

Completion of at least four semester hours of graduate-level coursework on the assessment of one's own performance 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)(B) of the School Code [105 ILCS 5/21-2(c)(2)(B)])
- 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 includes the activities required by Section 21-2(c)(2)(B) of the School Code.
- 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, as well as demonstration of professional expertise on the part of each participant in reflecting on his or her own practice, in accordance with the requirements of this subsection (c).
  - 1) Each participant's teaching practice shall be observed on at least one occasion, either in person or through videoconferencing or videotapes, either by the course instructor or by a designee identified by the instructor who:
    - A) holds, or at the time of his or her retirement held, a standard or master teaching certificate; or
    - B) has completed training covering the topics listed in Section 25.910(b) of this Part; or

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- C) in the judgment of the course instructor, has the knowledge and skills required in order to provide appropriate feedback to new teachers regarding their teaching practice.
- 2) Each participant shall assemble sufficient written lesson plans, assignments to students, samples of students' work responding to the assignments, and assessment instruments used with respect to the assignments to provide evidence of his or her performance with respect to all the standards set forth in 23 Ill. Adm. Code 24.100(a) through (i), provided that the material required by this subsection (c)(2) shall be presented for no fewer than two separate lessons, at least one of which is the subject of an observation conducted pursuant to subsection (c)(1) of this Section. The participant shall also provide a written discussion of how the material assembled relates to each of the Illinois Professional Teaching Standards referred to in this subsection (c)(2), with emphasis on the aspects listed in Section 21-2(c)(2)(B)(ii) of the School Code [105 ILCS 5/21-2(c)(2)(B)(ii)]. In using students' work for this purpose, participants shall ensure that students are not identifiable or shall obtain consent for the release of the students' work in keeping with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the rules for Student Records (see 23 Ill. Adm. Code 375).
- 3) The course instructor or a designee who meets the requirements of subsection (c)(1) of this Section shall review the documentation submitted by the participant and provide written feedback regarding the new teacher's strengths and weaknesses, factors to consider, and techniques with potential for improving the new teacher's practice.
- 4) For each of the two lessons documented under subsection (c)(2) of this Section, each participant shall prepare his or her own written analysis of the strengths and weaknesses revealed by the applicable documentation and the implications of that analysis for improving his or her teaching in relation to the Illinois Professional Teaching Standards.
- 5) 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.

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- d) As evidence of completion, the candidate for a standard certificate shall ~~maintain~~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)(B) 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 25.920 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

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demonstrating that the coursework addresses the five "core propositions" that guide the National Board's certification initiatives:

- 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 maintain ~~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.

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- 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 25.925 Requirements Related to Advanced Degrees and Related Coursework**

Qualification for the standard teaching certificate based upon receipt of an advanced degree in an education-related field, or upon completion of at least 12 semester hours of graduate credit toward such a degree, shall be subject to the requirements of this Section.

- a) For purposes of this Section, an "advanced degree" is a master's degree, a doctoral degree, a certificate of advanced study, or an education specialist *that is earned by the individual either while he or she holds an initial teaching certificate or prior to his or her receipt of that certificate.* (Section 21-2(c)(2)(C-5) of the School Code [105 ILCS 5/21-2(c)(2)(C-5)])
- b) For purposes of this Section, an "education-related field" is one related to the requirements for the early childhood, elementary, secondary, special, or special preschool-age 21 certificate, the school service personnel certificate, the administrative certificate, or any endorsement available on any of these certificates pursuant to the rules of the State Board of Education (see 23 Ill. Adm. Code 23, 23 Ill. Adm. Code 24, 23 Ill. Adm. Code 25, 23 Ill. Adm. Code 26, 23 Ill. Adm. Code 27, and 23 Ill. Adm. Code 29) or the policies of the State Board of Education related to certification in special education under the federal court

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order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.

- c) ~~Regardless of the degree earned, at least eight semester hours of graduate-level credit must be earned by the certificate-holder for coursework that would count toward a degree, certificate, or endorsement in a teaching field [105 ILCS 5/21-2(e)(2)(D)].~~ d) As evidence of completion, the candidate for a standard certificate shall ~~maintain either~~ submit to the responsible LPDC:
- 1) documentation provided by a regionally accredited institution of higher education indicating the individual's admission to the degree program and an official transcript showing that no fewer than 12 semester hours of graduate credit were earned toward that degree while the individual held the initial certificate; or
  - 2) ~~an official transcript showing that the degree was issued and that the requirements of subsection (e) of this Section were met.~~

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.930 Requirements for Continuing Professional Development Units (CPDUs)**

The applicability of CPDUs toward receipt of the standard teaching certificate shall be subject to the requirements of this Section and Section 25.935 of this Part.

- a) Each candidate for the standard certificate shall be required to accumulate 60 CPDUs in conformance with this Section, *unless the candidate held an initial teaching certificate on August 10, 2002. (Section 21-2(c)(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)])* A candidate who held an initial teaching certificate on that date shall be required to accumulate:
- 1) 45 CPDUs, if at least three but fewer than four years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time when the certificate remains valid between the candidate's completion of four years of teaching experience and the following June 30 (see Section 25.11(d)(4) of this Part);
  - 2) 30 CPDUs, if at least two but fewer than three years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including

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the time between the candidate's completion of four years of teaching experience and the following June 30; or

- 3) 15 CPDUs, if at least one year but fewer than two years of teaching time remain on the initial certificate as of July 1, 2003, calculated by including the time between the candidate's completion of four years of teaching experience and the following June 30.
- b) *Persons who elect to satisfy the requirements of this Section may earn credit At least one-half the CPDUs a person must accrue in order to qualify for a standard teaching certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards. (Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)])*
- c) The activities selected by a certificate-holder pursuant to subsection (b) of this Section shall conform to the requirements of clauses (A) through (D) of Section 21-2(c)(3) of the School Code [105 ILCS 5/21-2(c)(3)] and may have been completed at any time while the individual held an initial teaching certificate.
- d) Any school district, nonpublic school, cooperative or joint agreement, regional office of education, institution of higher education, teacher union or professional association, non-profit organization or corporation, for-profit entity, member of the International Association for Continuing Education and Training (IACET), or individual may apply for approval to offer activities that will be creditable under this Section. Each application shall include at least the following information:
  - 1) a description of the organization's or individual's experience in providing training of a similar nature;
  - 2) the qualifications that will be required of presenters who conduct the activities;
  - 3) the specific standards proposed to be addressed in each activity; and
  - 4) an outline, syllabus, videotape, or other descriptive material that demonstrates how each activity will fulfill the requirements and offer the components required by Section 21-2(c)(3) of the School Code.

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- e) The State Board of Education, in consultation with the State Teacher Certification Board, shall approve the provision of an activity for purposes of this Section if the application provides evidence that:
- 1) the activity will be presented or conducted by persons with education and experience in assisting teachers to focus on the fundamental aspects of their teaching practice, including:
    - 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; and
    - F) reflection on and analysis of teaching practice and success in assisting students to reach instructional goals.
  - 2) The application demonstrates that the activity will address one or more of the Illinois Professional Teaching Standards or the content-area standards that are relevant to the participating teachers' areas of certification and assignment.
  - 3) The application demonstrates that the activity requires performance on the part of each participating teacher with respect to reflecting on his or her own teaching practice.
  - 4) The applicant provides assurances that attendance records for the activity will be maintained for a period of not less than five years and each participant will receive evidence of completion in a standard format required by the State Board of Education.
- f) A certificate-holder may use one activity or several activities to fulfill the requirements of this Section, provided that all applicable standards are addressed. A certificate-holder who chooses this method of qualifying for the standard

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certificate shall use a standard format (matrix) made available by the State Board of Education to correlate the activities completed with the standards they addressed. In addition, the certificate-holder shall maintain the documents supplied by providers under subsection (e)(4) of this Section as evidence of completion, as required by Section 25.900(a) of this Part~~prepare a brief written statement describing new knowledge or skills he or she has gained as a result of each activity completed.~~

- g) *One CPDU shall be available for each hour of direct participation by a holder of an initial teaching certificate in a qualifying activity under this Section. (Section 21-2(c)(3)(E) of the School Code [105 ILCS 5/21-2(c)(3)(E)])*
- h) The balance of the CPDUs an individual is required to accrue in combination with those earned pursuant to subsection (f) of this Section may be earned by completing activities chosen from among those described in Section 25.935 of this Section.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.935 Additional Activities for Which CPDUs May Be Earned**

At the option of the certificate-holder, CPDUs in addition to those available~~required~~ under Section 25.930(b) of this Part may be earned for activities under this Section to complete the total number needed by the individual, provided that each activity is designed to advance a person's knowledge and skills in relation to one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section. The permissible activities, the number of CPDUs to be credited for each, and the required evidence of completion for each shall be as described in Section 25.875(b), (c), (f), (g), (j), ~~(k)~~, (m), (n), (o), (s), (t), (u), (v), ~~(w)~~, (x), and (y) of this Part and in subsections (a) and (b) of this Section. In addition to the specific requirements described in those provisions, the evidence of completion required for each of the activities shall include a brief written statement prepared by the certificate-holder which summarizes the activity or experience, discusses the skills and/or knowledge acquired, and indicates, where applicable, how the skills or knowledge will be applied in the context of the participant's teaching. Alternatively, if the certificate-holder determines that the experience has not yielded knowledge or skills that can be used in his or her teaching, he or she shall indicate that fact and briefly explain why this is the case. Activities

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shall only be creditable under this Section if completed while the individual held an initial certificate or a comparable certificate issued by another state or territory.

- a) *Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards [105 ILCS 5/21-2(c)(4)(C)(i)] participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-2(c)(4)(C)(ii)]*
  - 1) Definitions
    - A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part ~~and addresses student achievement and/or one or more of the standards set forth in the rules of the State Board of Education at 23 Ill. Adm. Code 24, 26, or 27 (Standards for All Illinois Teachers; Standards for Certification in Early Childhood Education and in Elementary Education; and Standards for Specific Teaching Fields) or the policies of the State Board of Education related to certification in special education described in Section 25.925(b) of this Section.~~
    - B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.
  - 2) Credit: One CPDU shall be credited for each hour of a certificate-holder's attendance or participation. Eight CPDUs shall be credited for an individual's first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.
  - 3) Evidence of Completion
    - A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part, including a statement regarding how the certificate-holder will use what he or she learned in the context of his or her teaching; and the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.

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- B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.
- b) *Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards [105 ILCS 5/21-2(c)(4)(D)(iii)]*
- 1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of student achievement, the Illinois Professional Teaching Standards, or the content-area standards relevant to its members in a series of regular, structured, collaborative interactions with a view to improving the members' practice or related outcomes among their students.
  - 2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
  - 3) Evidence of Completion: A written statement of purpose for the group; a list of the group's members; and summaries of the meetings showing attendance by the certificate-holder.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 25.942 Requirements for Additional Options**

- a) **"Highly Qualified"**  
An individual who wishes to qualify for a standard certificate by becoming "highly qualified" for purposes of the federal No Child Left Behind Act of 2001 in an additional teaching area shall maintain official transcripts or other documentation demonstrating that he or she completed at least a portion of the applicable requirements (see Appendix D to this Part) while holding the initial certificate.
- b) **Professional Development Certificates**  
The "professional development certificate" discussed in Section 21-2(c)(2)(H) of the School Code represents verification by a regionally accredited institution of

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higher education that an individual has completed an organized program of study consisting of no fewer than 12 semester hours of graduate credit that may or may not be linked to pursuit of a specific graduate degree but is designed to lead to the individual's acquisition of a specific set of skills or knowledge. The required evidence of completion for this "certificate" is a notation on the individual's official transcript indicating that the "certificate" has been awarded.

c) Completion of NBPTS Process

An individual who wishes to qualify for a standard certificate by completing all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS) shall maintain evidence that his or her name was included on the NBPTS' composite list of those who have completed the certification process (as distinct from having received certification) during the time that he or she held the initial certificate.

d) Acquisition of Subsequent Certificate or Endorsement

An individual who wishes to qualify for a standard certificate by acquiring a subsequent certificate or endorsement shall maintain evidence that the certificate or endorsement was issued during the time that he or she held the initial certificate.

(Source: Added 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, 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(e) 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~~

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~~select a method that, upon successful completion, will contribute towards the acquisition of a standard teaching certificate.~~

- ~~be)~~ *A person must complete his or her chosen requirement before the expiration of his or her initial teaching certificate and must submit a statement of assurance, using a format developed by the State Board of Education, that he or she has done so to the responsible local professional development committee, if any, or to the regional superintendent of schools, along with his or her application for a standard certificate and the required fee-evidence of having done so to the Local Professional Development Committee. An LPDC shall review each assurance it receives and, within 30 days after receipt, shall forward the materials submitted by the individual to the regional superintendent along with the LPDC's recommendation as to whether the person is eligible to receive a standard teaching certificate. [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.*
- ~~cd)~~ *Within 30 days after receipt of a person's statement of assurance, the regional superintendentevidence of completion, the LPDC shall review the assurance and, based upon compliance with all of the requirements for receipt of a standard certificate, including the completion of four years of teaching, shall forward to the State Board of Education his or her recommendationthe 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 or regional superintendent shall provide a copy of this recommendation to the affected person if the recommendation is for non-issuance. [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*

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~~superintendent shall notify the affected person of the recommendation forwarded. [105 ILCS 5/21-2(e)(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].~~

- ~~d)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.
- ~~e)~~ Within 14 days after receiving notice that a recommendation for non-issuance has been forwarded, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and may include any supporting documentation the certificate-holder deems relevant.
- ~~f)~~ Within 45 days after receiving an appeal, the RPDRC shall forward its recommendation to the State Board of Education, along with the RPDRC's rationale for the recommendation and any supporting documentation. To assist it in arriving at its recommendation, the RPDRC may require the submission of additional information or may request that the certificate-holder appear before it.
- ~~gh)~~ Upon review of regional superintendents' recommendations *and any recommendations by RPDRC's*, including any rationales provided pursuant to subsection ~~(d)(1) or (f)(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

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*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.

[hi](#)) 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.

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.

[ij](#)) 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:

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- 1) the individual's application for a standard certificate, along with his or her signed statement of assurance;
- 2) the rationale for the State Board's refusal to issue a standard certificate;
- 3) the required available evidence of completion for the option chosen by the individual for fulfilling the requirements of this Subpart K;
- 4) the appeal form; and
- 5) any additional information submitted by the individual to support the appeal.

jk) 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.

kt) 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.

lm) 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.

ma) 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 \_\_\_\_\_)

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**Section 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances**

Fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for acquisition of the standard teaching certificate after four years of teaching experience (see Section 25.901(b) of this Part) or as the basis for renewal of the standard or master teaching certificate (see Section 25.801(b) of this Part).

Group I – Requirements for "Current" Teachers

A teacher who received his or her first Illinois certificate on or before June 30, 2002, will be considered "highly qualified" with respect to each core academic area of assignment for which he or she holds a certificate that is valid for that assignment and:

- a) has passed the relevant content-area test for the area of assignment, which may include the Elementary/Middle Grades Test as applicable (see Section 25.710 of this Part or, for special education teachers, the policies of the State Board of Education that are the subject of a federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.); or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a graduate degree in a field directly related to the area of assignment; or
- d) has been certified in a comparable field by the National Board for Professional Teaching Standards (NBPTS); or
- e) holds an endorsement or the coursework that, prior to June 1, 2004, was considered the "minimum requirements" for the assignment under 23 Ill. Adm. Code 1.710, 1.720, 1.730, 1.735, or 1.736 and either:
  - 1) has five years' teaching experience in the area of assignment; or
  - 2) has accumulated 100 points based on completion of any combination of the following requirements.
    - A) Completion of semester hours of graduate or undergraduate credit in the subject area in addition to the number required for the endorsement: 10 points per semester hour.

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- B) Teaching experience, regardless of subject: five points per year, up to a maximum of 25 points.
- C) Teaching experience in the subject area: 15 points per year, up to a maximum of 60 points.
- D) Completion of professional development activities.
- i) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events, each at least three hours in length and directly related to the area of teaching assignment: 15 points per activity (no maximum).
  - ii) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p) of this Part: 12 or 15 points, in accordance with Section 25.875(p)(2) of this Part.
  - iii) Participation in a study group directly related to the area of teaching assignment: six or eight points, in accordance with Section 25.875(q) of this Part.
  - iv) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s) of this Part: points shall accrue in relation to contact hours as set forth in Section 25.875(s)(2) of this Part.
  - v) Work experience directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience.

Group II – Requirements for "New" Teachers, by Area of AssignmentElementary Grades (K-4)

A teacher in the elementary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in core academic subjects in a self-contained classroom will be considered "highly qualified" if he or she:

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- a) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test; or
- b) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and holds certification from NBPTS as a Middle Childhood Generalist; or
- c) holds an early childhood (Type 04) certificate and has passed the Early Childhood test (applicable only through Grade 3); or
- d) holds an early childhood (Type 04) certificate and holds certification from NBPTS as an Early Childhood Generalist (applicable only through Grade 3); or
- e) holds a provisional early childhood (Type 04), elementary (Type 03), or special K-12 (Type 10) certificate that is based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Early Childhood test, the Elementary/Middle Grades test, or another content-area test, as applicable, within nine months after receipt of the provisional certificate); or
- f) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the content-area test applicable to that endorsement.

Middle Grades (5-8)

A teacher in the middle grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a middle-grades setting, whether self-contained or departmentalized, will be considered "highly qualified" if he or she:

- a) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in any of Grades 5-8:
  - 1) has passed the relevant content-area test (which may include the Elementary/Middle Grades test); or
  - 2) has completed a major or coursework equivalent to a major; or

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- 3) holds a graduate degree in a field directly related to the area of assignment; or
- 4) has been certified in a comparable field by NBPTS; or
- b) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility in any of Grades 6-8:
  - 1) has passed the relevant content-area test; or
  - 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS; or
- c) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content-area test; or
- d) holds a provisional elementary (Type 03), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Elementary/Middle Grades test or the other relevant content-area test for each area of teaching responsibility within nine months after receipt of the provisional certificate).

Secondary Grades (9-12)

A teacher in the secondary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a secondary setting will be considered "highly qualified" if he or she:

- a) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility:
  - 1) has passed the relevant content-area test; or
  - 2) has completed a major or coursework equivalent to a major; or

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- 3) holds a graduate degree in a field directly related to the area of assignment; or
- 4) has been certified in a comparable field by NBPTS; or
- b) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in Grade 9:
  - 1) has passed both the Elementary/Middle Grades test and the relevant content-area test; or
  - 2) has passed the Elementary/Middle Grades test and has completed a major or coursework equivalent to a major; or
- c) holds a provisional elementary (Type 03, applicable only for Grade 9), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the content-area test relevant to each core subject area of teaching responsibility within nine months after receipt of the provisional certificate).

Special Education

A teacher who has primary responsibility for providing direct content instruction in a core academic area in a special education program at any grade level and who received his or her first Illinois certificate on or after July 1, 2002, will be considered "highly qualified" if he or she:

- a) holds a special preschool-age 21 (Type 10) certificate, or an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate endorsed for a special education field, and has passed the content-area test relevant to the area of endorsement on that certificate; or
- b) holds a provisional certificate with an endorsement in a special education field based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the relevant content-area test within nine months after receipt of the provisional certificate); or
- c) holds an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate with teaching approval in special education, or holds short-term emergency certification in special education; and

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- 1) has passed the content-area test applicable to the core academic subject area of the teaching assignment; or
- 2) has completed a major or the coursework equivalent to a major in the core academic subject area of the teaching assignment; or
- 3) holds a graduate degree in a field directly related to the area of assignment; or
- d) holds NBPTS certification in special education.

Bilingual Education; English as a Second Language (ESL)

A teacher who has primary responsibility for teaching content in any of the core academic subjects to students with limited proficiency in English in a bilingual education or ESL program will be considered highly qualified if he or she:

- a) holds an early childhood (Type 04), elementary (Type 03), secondary (Type 09), special K-12 or preschool-age 21 (Type 10) certificate, as appropriate to the grade level of the teaching assignment; and
- b) holds an approval or endorsement for bilingual education or ESL, as applicable; and
- c) meets one of the following additional requirements for each core subject area of teaching responsibility:
  - 1) has passed the relevant content-area test; or
  - 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS.

Group III – Requirements for Teachers in Special CircumstancesTeachers in Charter Schools

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A teacher who is employed in a charter school and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she either:

- a) holds a certificate applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or
- b) holds a bachelor's degree, has passed the relevant content-area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].

Teachers Who Hold Alternative Certificates

A teacher who holds an alternative certificate (see Sections 21-5b and 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c]) that was attained through completion of an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the certificate was issued will be considered highly qualified because he or she has passed the applicable content-area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an alternative secondary certificate will be considered highly qualified if he or she has either passed the relevant content-area test or has completed a major or coursework equivalent to a major in that subject.

Teachers Who Hold Resident Teacher Certificates

A teacher who holds a resident teacher certificate (see Sections 21-11.3 and 21-11.4 of the School Code [105 ILCS 5/21-11.3 and 21-11.4]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content-area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or has completed a major or coursework equivalent to a major in that area.

Teachers Who Hold Visiting International Teacher Certificates

A teacher who holds a visiting international teacher certificate (see Section 25.92 of this Part) will be considered highly qualified, provided that the certificate held is valid for the grade level or levels of his or her teaching assignment.

Vocational Education Teachers

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A teacher in a vocational education program who has primary responsibility for teaching content for which students receive credit in a core academic subject (e.g., a teacher of an agricultural education course whose students receive credit in science) will be considered highly qualified if he or she holds a secondary (Type 09) certificate appropriately endorsed for the vocational area of assignment.

Teachers Who Hold Transitional Bilingual (Type 29) Certificates

A teacher who holds a transitional bilingual certificate and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she:

- a) for each core subject area of teaching responsibility, has either:
  - 1) passed the Elementary/Middle Grades test or the other relevant content-area test (if applicable, must pass the content-area test within nine months after receipt of the transitional bilingual certificate); or
  - 2) completed a major or coursework equivalent to a major; and
- b) participates in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A); and
- c) is continuously enrolled in a program that will lead to the elementary, secondary, or special certificate.

(Source: Section repealed at 28 Ill. Reg. 8556, effective June 1, 2004; new Section added at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill Adm. Code 113
- 3) Section Number: 113.260                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. A. 93-774.
- 5) A Complete Description of the Subjects and Issues: Pursuant to provisions of P.A. 93-774, this rulemaking increases the sheltered care rates by 10%.
- 6) Will this proposed amendment replace any emergency amendment currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.1	Amendment	28 Ill. Reg. 10885; 8/6/04
113.245	Amendment	28 Ill. Reg. 10885; 8/6/04
113.264	New Section	28 Ill. Reg. 10885; 8/6/04

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 Harris Building, 3<sup>rd</sup> Floor

## DEPARTMENT OF HUMAN SERVICES

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Springfield, Illinois 62762  
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Sheltered care homes
  - 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 2004

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page \_\_\_\_\_.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.170                      Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 200/4-20 (as amended by Public Act 93-0643)
- 5) A Complete Description of the Subjects and Issues Involved: Subsection (a): Explains which year will be used to set the applicable uniformity criteria when population in a jurisdiction is shown to have increased to over 50,000 inhabitants or decreased to 50,000 or fewer inhabitants beginning with the next federal decennial census in 2010. Extends the filing deadline for eligible assessing officials to submit Form PTAX-205, Assessor's Additional Compensation, to the Department to apply for an additional \$3,000 monetary award based on performance under 35 ILCS 200/4-20.

Subsection (b): Updates year references in examples. Adds language to clarify permissible trending techniques if there is an insufficient number of sales for a sales ratio study. Corrects citation to list a more recent publication on edit standards for sales ratio studies.

- 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
110.160	Amendment	28 Ill. Reg. 9237, 07/09/04

- 10) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

## DEPARTMENT OF REVENUE

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Karen Alice Kloppe  
Associate Legal Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-2844

- 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 assessing officials must timely submit Form PTAX-205, Assessor's Additional Compensation, to the Department to apply for an additional \$3,000 monetary award based on performance under 35 ILCS 200/4-20.
  - C) Types of professional skills necessary for compliance: Assessing officials may need to trend sales in order to complete an assessment/sales ratio study.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2004

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 110  
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of Chief County Assessment Officers
110.135	Review of Assessments – Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records – Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code
110.ILLUSTRATION A	State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

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SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. 3727, effective February 26, 2002; emergency amendment at 27 Ill. Reg. 17094, effective October 24, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1395, effective January 9, 2004; amended at 28 Ill. Reg. 2257, effective January 22, 2004; emergency amendment at 28 Ill. Reg. 9690, effective June 28, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 110.170 Assessors' Bonus**

- a) Section 4-20 of the Property Tax Code [35 ILCS 200/4-20] provides a \$3,000 bonus for township and multi-township district assessors, including supervisors of assessments, who meet specified uniformity criteria in counties with fewer than 3,000,000 inhabitants. Application for the bonus shall be made to the Department on Form No. PTAX-205. In all cases, it is incumbent upon the applicant to provide all data and information necessary to substantiate eligibility for the bonus. The information requested on Form No. PTAX-205 is mandatory and failure to

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provide accurate and complete data as specified shall result in rejection of the application. Additional information may be requested by the Department to aid in the determination of whether or not the coefficient of dispersion and level of assessment meet the legal requirements. Beginning with the 2010 federal decennial census, however, if the population in an assessment jurisdiction has increased to over 50,000 inhabitants or decreased to 50,000 or fewer inhabitants, then the Department will continue to determine bonus eligibility of any affected assessor on the basis of the uniformity criteria originally applicable to the assessment jurisdiction before the reported population change for all applications submitted in the year during which the official federal decennial census population count is released (e.g., if data is released in 2011 showing a population change for a county, then, on the 2011 bonus application, the assessor must meet the uniformity criteria applicable to the assessment jurisdiction in 2010 and only satisfy the new requirements for the county with the bonus application submitted in 2012). The need for additional information, as well as the type of supporting documentation that may be required, is dependent upon the approach and methodology selected by the applicant to document their eligibility for the bonus. The filing time frame for submitting the application and supporting documentation shall begin April 15 and continue until 60 days after the original hearing date in the county for the tentative equalization factor ~~is certified to the county~~. Applications for the \$3,000 bonus and all necessary documentation must be received within the specified time frame for the assessment year in question.

- b) In determining the current level of assessments for the jurisdiction, the Department shall use the most recent three-year adjusted median as determined by the assessment/sales ratio study, e.g., for the ~~2004-1995~~ bonus, the Department shall use the 2001, 2002, and 2003~~1992, 1993 and 1994~~ levels of assessment. Adjustments to the study data may be made on the basis of changes reported by the assessor on the application form and on any alternative sales ratio data submitted. For an application by a township or multi-township assessor, the average of the most recent three-year levels shall be adjusted only to reflect action by the township or multi-township assessor. Adjustments to the Department's most recent urban weighted three-year average county level for an application submitted by a Supervisor of Assessments shall be made on the basis of assessment information provided on Form Nos. PTAX-280-A (Tentative Abstract of Assessments), PTAX-280-R (Reclassification Table) and PTAX-204-S/A (Report on Equalization of Local Assessment by Supervisor of Assessments). Decisions relating to the coefficient of dispersion for purposes of qualifying for the bonus shall be made using the Department's most recent single year assessment/sales ratio data, e.g., for the ~~2004-1995~~ bonus award, the Department

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shall use the ~~2003~~1994 single-year sales ratio study. More recent or supplemental data shall be accepted from the applicant to aid in determining whether or not the uniformity criteria for the assessment year being applied for meets the legal requirement. Alternate or supplemental data may take the form of current year sales from the jurisdiction matched with prior year assessments. If there is an insufficient number of sales in an assessment jurisdiction, appraisals may also be used when provided by an objective source having no personal, business, or monetary interest in the Department's decision to award or withhold the bonus. If appraisals are submitted, the properties involved must be shown to have been selected in a random manner that adequately represents the jurisdiction or assessment district. As an alternate to appraisals in cases where there is an insufficient number of sales for any of the applicable years in the assessment/sales ratio study, a trending technique may be used to adjust the sale price for time by first augmenting the study year at issue with only sales from the most recent year in comparison before adding any other sales from the remaining year in the three-year period, e.g., for the 2004 bonus award, if sales are needed for 2001, first trend 2002 sales back, then trend 2003 sales back if necessary; if sales are needed for 2002, first trend 2003 sales back, then trend 2001 sales forward if necessary; and if sales are needed for 2003, first trend 2002 sales forward, then trend 2001 sales forward if necessary. Whenever alternate sales ratio study data are submitted, the sales used must conform to those edit standards commonly accepted in the appraisal field for determining "arms length" transactions, as detailed in the publication "Standard on Ratio Studies" (International Association of Assessing Officers – ~~1999~~1990 edition). This incorporates no later amendment or edition.

## c) Department Audits

- 1) The Department may conduct field audits to determine the validity and accuracy of information and data provided on or with the application. Field audits shall be conducted under two circumstances:
  - A) on a random basis;
  - B) whenever the petitioner's study data qualifies for the bonus but Department sales data do not indicate compliance with bonus requirements.
- 2) The audit may include but not be limited to the assessor's books, abstracts, and property record cards. Failure to provide or have available

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information deemed necessary for the audit shall result in denial of the bonus application.

- d) The Department may utilize assessment/sales ratio data from its annual study to evaluate the need for an in-depth review, pursuant to subsections (a), (b) and (c), of a bonus application and supporting data. In situations where Department data are sufficient in quantity (i.e., 25 useable sales per township, other than townships for which 25 sales are not normally available), representative of the district (i.e., sufficient sales by geography and class of property), and clear as to both the current level and uniformity of assessments within the jurisdiction as required by Section 4-20 of the Property Tax Code, decisions regarding eligibility for the bonus may be made without review or audit of data presented with the application. Unless the petitioner can provide additional information which changes the Department of Revenue study so as to qualify the applicant for the bonus or information that reveals an error or omission in the Department's study, the petition shall be denied (assuming the Department's study does not indicate eligibility for the bonus).
- e) Decisions by the Department of Revenue shall be made in writing to the applicant within the latest of the following time periods:
- 1) for applications based on prior year sales, within 120 days after the Department's certification of the results of the hearing on the tentative multiplier; or
  - 2) for applications based on prior year sales, within 120 days after receipt of all supporting documentation, including any additional information required by the Department under the preceding provisions of this Section; or
  - 3) for applications based on current year sales, within 120 days after the Department's completion of the assessment/sales ratio study for the current year; or
  - 4) for applications based on current year sales, within 120 days after receipt of all supporting documentation, including any additional information required by the Department under this Section.

Decisions affecting levels of assessment or coefficients of dispersion made in consideration of eligibility for the \$3,000 bonus are non-binding upon the

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Department's equalization factor computation process. All Department decisions regarding eligibility for the bonus shall be final for the assessment year involved.

- f) Federal and State income taxes, the employee's share of Social Security taxes and, if applicable, the employee's share of contributions to the Illinois Municipal Retirement Fund shall be withheld from such \$3,000 bonus. An employee's withheld Social Security tax and Illinois Municipal Retirement Fund contribution shall be forwarded to the township, multi-township or county that employs the assessor for proper accounting and forwarding to the appropriate authorities. The township, multi-township or county that employs the assessor shall pay the employer's share of Social Security taxes and, if applicable, contributions to the Illinois Municipal Retirement Fund.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1001.441	Amend
1001.442	Amend
- 4) Statutory Authority: Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implements Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/ 2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments achieve the following objectives: Section 1001.441(i) and (j) are being amended to impose the immediate cancellation of a BAIID permit if a BAIID permittee fails to take in a vehicle equipped with the interlock device for timely monitor reports or send the appropriate portion of the device to the BAIID provider or installer for timely monitor reports. The Secretary will first send a letter to the BAIID permittee indicating that if the device is not taken in for a monitor report within 10 days after the date of the letter, then the failure to comply will result in the cancellation of the permit or permits, prior to imposing the cancellation. (Currently, this violation results in a notation in the permittee's record. See Section 1001.441(i)(1). This language is to be stricken and the violation is moved to a new Section 1001.441(j)(3).)

Section 1001.441(j)(3), which will become (j)(4) as a result of the aforementioned amendment to Section 1001.441(j), is being amended by adding that an immediate cancellation will be imposed if the Secretary of State receives or obtains a law enforcement report which indicates that a BAIID permittee has been arrested or involved in an incident which involved the use of other drugs, in violation of the rules of the Secretary of State (see Section 1001.440, as amended (Subpart D)). Currently, the rule limits cancellations to arrests or incidents which involve the use of alcoholic beverages. This amendment makes the rule consistent with Section 1001.440, which requires abstinence from the use of all alcohol/drugs of those petitioners who are classified as High Risk/Dependent. Furthermore, any use of alcohol/drugs while driving a motor vehicle pursuant to the conditions of a BAIID permit should not be tolerated.

Section 1001.442 (e)(14) is being added to eliminate a current anti-circumvention technology utilized by one of the six approved BAIIDs by the Secretary of State's BAIID Program. This elimination comes as a result of concerns by the Secretary that a BAIID

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permittee could effectively bypass the device by purchasing a relatively easy to obtain and inexpensive portable 12-volt air pump whose sustained air pressures are similar to those of a human breath sample. In place of this eliminated technology the proposed rule change requires all BAIIDs to use one of the two anti-circumvention methods utilized by the other five approved devices. The proposed rule change also allows for expanding the list of approved anti-circumvention technologies to include new technologies which are currently being field-tested.

- 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 amendments to this Part pending? No
- 10) Statement of Statewide Policy Objective: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments no later than 45 days after the publication of this Notice to:  

Marc Christopher Loro, Legal Advisor  
Department of Administrative Hearings  
200 Howlett Building  
Springfield, Illinois 62756  
(217) 785-8245  
Fax: (217) 782-2192  
mloro@ilsos.net
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: A small number of interlock device service providers may be affected by this rulemaking.
  - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: June 2004

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1001  
PROCEDURES AND STANDARDS

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

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1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Providers Certification Procedures and Responsibilities; Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's Responsibilities; Disqualification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
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- 1001.520 Procedure
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SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;  
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT  
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## Section

- 1001.600 Applicability
- 1001.610 Definitions
- 1001.620 Burden of Proof
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- 1001.640 Implied Consent Hearings; Medical Exception
- 1001.650 Rebuttable Presumption
- 1001.660 Alcohol and Drug Education and Awareness Program
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SUBPART G: MOTOR VEHICLE FRANCHISE ACT

## Section

- 1001.700 Applicability
- 1001.710 Definitions
- 1001.720 Organization of Motor Vehicle Review Board
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- 1001.780 Mandatory Settlement Conference
- 1001.785 Technical Issues
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1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is

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authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective

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March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

**Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs**

- a) BAIID Required for RDP; Fee Required
  - 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by Sections 6-205, 6-206 and/or 11-501 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$20 per month on an annual basis, for a total annual payment of \$240. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State. This fee must be paid by all petitioners for the issuance of restricted driving permits at any hearing conducted on or after 9 November 2001. The payment of the fee also applies to any petitioner who was issued a BAIID permit prior to 9 November 2001 and whose driving record requires that he/she install an interlock device according to the definition set forth in P.A. 92-418 (see Sections 6-205(c) and (d) and 6-206(c)3 of the IVC), and who petitions for a hearing to renew his/her restricted driving permits on or after 9 November 2001. Anyone driving on a BAIID permit on 9 November 2001 and whose driving record does not require that he/she operate a vehicle with a BAIID according to the definition set forth in P.A. 92-418, must nonetheless drive with the BAIID until the expiration of his/her permits (without payment of the above-referenced fee). Thereafter, such a petitioner is entitled to renew the restricted driving permits without the installation of the interlock device.
  - 2) A BAIID petitioner who is renewing restricted driving permits and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time he/she renews the permits, shall not be required to

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make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$20. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.

- b) Notification of BAIID Requirements. The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) Type of Hearing Required. All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any extension or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) Petitioner Must Meet Requirements of Subpart D. The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a device in all motor vehicles operated by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on and BAIID permittees shall not operate motorcycles or motor driven cycles.
- e) Hearing Officer's Responsibilities; Petitioner's Responsibilities. Prior to the taking of evidence at the hearing:
  - 1) The hearing officer shall make sure that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 of this Subpart D and install and utilize the device; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the device are the

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responsibility of the BAIID petitioner; and

- 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the device, or comply with this Section, he/she shall be advised that restricted driving permits cannot be granted.
- f) Decision. After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
  - 2) If the hearing officer determines that an RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device. All RDPs issued under this Section shall require continued use of the device until the driving privileges of the petitioner are reinstated.
- g) Installation of BAIID. Upon the issuance of an RDP under this Section, the Secretary shall send a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID Permittee may operate the vehicle for 14 days from the issuance of the RDP without the device installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the device. The installer or BAIID provider must notify the Secretary that a device has been installed in the vehicles designated by the BAIID permittee within 7 days from the date of the installation of the device. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Petitioner's Responsibilities – Driving with BAIID. Any BAIID petitioner receiving an RDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or

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otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.

- 2) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the device, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the BAIID provider or installer.
  - 3) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.
  - 4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device, and recording the name of the driver operating the vehicle at the time of the event.
  - 5) May not have an interlock device removed or deinstalled from his or her vehicle without first notifying the Secretary and surrendering to the Secretary or his designee the permittee's restricted driving permit.
- i) Review of Monitor Reports; Sanctions for Failure to Comply. Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAIID permittee to comply with the requirements of this Subpart D will be made part of his/her record of performance to be considered at future formal hearings.
- 1) ~~For any BAIID permittee who fails to take a vehicle with the device in for timely monitor reports or send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, send a letter to the BAIID permittee indicating that if the device is not taken in for a monitor report within 10~~

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~~days after the date of the letter, the failure to comply will be made part of his/her record of performance;~~

- 12) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;
- 23) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 34) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonable assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 45) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent). In every case, the Secretary shall send a letter asking for an

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explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. If a response from a BAIID permittee whose alcohol/drug use was classified at High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID. If a response from a BAIID permittee whose alcohol/drug use was classified at something other than High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

56) For any BAIID permittee who was arrested/stopped by the police for an alcohol/drug related offense, failed a running retest, or failed to take a running retest, if the police officer's report indicates the use of alcoholic beverages and/or drugs, the Secretary shall send the BAIID permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;

67) For any BAIID permittee whose initial monitor or monitor reports show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device, the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device.

j) Immediate Cancellation of BAIID Permit. Receipt of any one of the following shall also be grounds for immediate cancellation of an RDP issued under this Section:

1) Any law enforcement report showing operation of a vehicle by a BAIID permittee without a device as required by the RDP issued under this Section. The law enforcement officer shall, at the time of the stop,

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confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;

- 2) Notification from a BAIID provider or installer on a removal/deinstallation report form stating that the device installed in a BAIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees due to the BAIID provider, unless the permittee has notified the Secretary that he or she is no longer utilizing the device and surrendered the BAIID permit to the Secretary as required in subsection (h);
- 3) [Unless notified by a BAIID provider pursuant to subsection \(j\)\(2\), if any BAIID permittee fails to take in a vehicle with the device for timely monitor reports or send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, the Secretary will send a letter to the BAIID permittee stating that if the device is not taken in for a monitor report within 10 days after the date of the letter, then any permits issued to the BAIID permittee will be cancelled;](#)
- 43) Any law enforcement report involving a DUI arrest or other law enforcement report indicating use of alcohol [or other drugs](#) in violation of Subpart D.
- k) Hearing to Contest Cancellation of BAIID Permit. Any BAIID permittee whose RDP is cancelled as provided for in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID permittee whose RDP is cancelled under the provisions of this Section and who is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent) and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.
- l) No Hearing for 12 Months After Cancellation. Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k). This

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provision does not apply to BAIID permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct ~~that~~which otherwise would be grounds for the cancellation of his/her RDPs.

- m) Formal Order – Content. Any formal order entered ~~that~~which grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
- 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
  - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.
- n) RDPs – Content. Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
- 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be equipped with an installed, properly operating device;
  - 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the device within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) Use of Monitor Reports. The Secretary shall gather all monitor reports and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) Modification or Waiver of BAIID. The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section.
- q) Employment Exemption from BAIID Requirements. In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in Sections 6-205 and 6-206 of the IVC, the following shall apply:

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- 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
  - 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee and used solely for commuting to and from employment.
- r) Decertification of BAIID Providers and BAIID Device. The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.
- s) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1001.442 BAIID Providers Certification Procedures and Responsibilities;  
Approval of Breath Alcohol Ignition Interlock Devices; Inspections; BAIID Installer's  
Responsibilities; Disqualification of a BAIID Provider**

- a) [Certification Required to Provide BAIID Services](#). No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. The Secretary shall begin accepting applications for

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certification immediately after August 1, 2003. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than December 1 of each year. Upon the certification of one or more BAIID providers under this amended Subpart D, the Secretary will cease assigning BAIID permittees to BAIID manufacturers pursuant to the geographic districts set forth in previous rules.

- b) [Who May Provide BAIID Services.](#) BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.
- c) [Information Required in Application for Certification.](#) Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time after August 1, 2003. An application for certification or recertification as a BAIID provider shall include all of the following information:
- 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
  - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
  - 3) A description of each BAIID ~~which~~ the applicant proposes to install, including the name and address of the manufacturer and the model of the unit. Unless the BAIID has been certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

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- 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. Such proof may include a letter (composed on letterhead stationary), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
  - 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and submit reports to the Secretary within the time frames established by this Subpart D;
  - 6) Proof ~~that~~ the applicant possesses the minimum liability insurance coverage required by this Section, and a statement agreeing to the indemnification and hold harmless provisions of this Section;
  - 7) In the event an original or amended application to be certified or recertified as a BAIID provider is denied, the Secretary shall limit additional applications from that applicant to one every 12 months;
  - 8) In deciding whether to grant or deny an application to be a BAIID provider, the Secretary may take into consideration the applicant's past performance in manufacturing, distributing, installing or servicing BAIIDs if the applicant has previously engaged in this type of business;
  - 9) A BAIID provider who has been certified pursuant to this Section may at any time submit an amended application seeking approval to distribute and install a type of BAIID in addition to or other than the types previously approved for that BAIID provider;
  - 10) The Secretary shall notify the applicant in writing of his decision regarding the application for certification as a BAIID provider.
- d) Services that Must be Provided. After certification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
- 1) The BAIID provider shall submit proof of liability insurance with its application to the Secretary. General commercial liability and/or product liability insurance, which shall include coverage for installation services,

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shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the BAIID provider is not both the manufacturer and installer of the device, proof of liability insurance must be provided showing coverage of both the manufacturer and the installers. If proof of separate policies for the manufacturer and installers is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;

- 2) As a condition of being certified as a BAIID provider, the BAIID provider shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident thereto, relating to bodily injuries to persons (including death) and for loss of, damage to, or destruction of real and/or tangible personal property (including property of the State) resulting from the negligence or misconduct of the BAIID provider, its employees, agents, or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;
- 3) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;
- 4) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
- 5) Any BAIID provider that sells, rents, and/or leases ignition interlock devices in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the name of the individual, his or her driver's license number, the installer, the installer's

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location, the make and serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle;

- 6) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 7) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee on operation, maintenance, and safeguards against improper operations. The BAIID provider shall warn the BAIID permittee that any tampering with or unauthorized circumvention of the device will result in the immediate cancellation of his or her RDP. The BAIID provider shall instruct the BAIID permittee to maintain a journal of events surrounding failed readings or problems with the device. Copies of all materials used in this course of training shall be provided to the Secretary;
- 8) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the device is required to be installed in a motor vehicle;
- 9) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the device and how the device functions;
- 10) If a BAIID provider requires a security deposit by a BAIID permittee and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon his request;
- 11) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring or whenever a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (d)(11), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is

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brought in or an appropriate portion of the BAIID is sent to the BAIID provider. All BAIIDs shall be recalibrated whenever they are brought in for any type of service or monitoring using a wet bath simulator or other approved equivalent procedure; i.e., dry gas standard;

- 12) The BAIID provider shall report to the Secretary within two business days the discovery of any evidence of tampering with or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering circumvention and shall make that evidence available to the Secretary;
- 13) BAIID providers shall provide to the Secretary, upon request, additional reports, to include but not be limited to, records of installation, reinstallations, deinstallations, calibrations, maintenance checks and usage records on devices placed in service in the State;
- 14) The BAIID provider shall provide service to all BAIID permittees who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider;
- 15) The BAIID provider must immediately notify the Secretary in writing if it or its manufacturer or installer becomes unable to produce, supply, service, repair, maintain, or monitor BAIIDs in a manner ~~that~~<sup>which</sup> enables it to service BAIID permittees as required and within the deadlines specified in this Subpart D;
- 16) The BAIID provider shall provide the Secretary a list of all locations in Illinois where the device may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations ~~that~~<sup>which</sup> are closed;
- 17) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration,

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verification, tampering or circumvention, and removal or deinstallation report forms;

- 18) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees ~~that~~which will be charged to BAIID permittees, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;
  - 19) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (i)(2);
  - 20) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any devices present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify in writing and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary in writing of any corrective action taken;
  - 21) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model ~~that~~which is certified under this Section. These models will be used for demonstration and training purposes.
- e) Criteria for Certification of Interlock Devices. Only BAIIDs ~~that~~which have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees by BAIID providers. Certification of a BAIID may be granted by the Secretary based on the following criteria:
- 1) Approval of a device may be granted by the Secretary, based on a review and evaluation of test results from any nationally recognized and certified laboratory test facility ~~that~~which is accredited by one of the following: International Standards Organization (ISO-25), National Voluntary Lab Accreditation Program – National Institutes of Standards & Technology (NVLAP), or Clinical Laboratory Improvement Amendments – U.S. Department of Health and Human Services (CLIA). The evaluation and

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test results must affirm the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 400 S. 7<sup>th</sup> St. SW, Washington, D.C. 20590, (202)366-5593, 57 Fed. Reg. 1172, April 7, 1992 (no subsequent dates or editions), except for:

- A) 1.4.S, Power, if the device is not designed to be operated from the battery;
  - B) 1.5.2.S, Extreme Operating Range, if the device is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
  - C) 2.3.S, Warm Up, if the device is not designed to be operated below  $-20^{\circ}$  C;
  - D) 2.5.S, Temperature Package, if the device is not designed to be operated below  $-20^{\circ}$  C and above  $+70^{\circ}$  C;
- 2) The BAIID provider must certify that the BAIID:
- A) Does not impede the safe operation of a vehicle;
  - B) Minimizes opportunities to bypass the device;
  - C) Performs accurately and reliably under normal conditions;
  - D) Prevents a BAIID permittee from starting a vehicle when the BAIID permittee has a prohibited BrAC; i.e.,  $P \geq 0.025$ ;
  - E) Satisfies the requirements for certification set forth in this Section;
- 3) No device shall be given approval if it demonstrates an accuracy rate  $\geq 0.01$  in unstressed conditions or  $\geq 0.02$  in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (e)(1);
- 4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.025;

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- 5) Any device to be approved shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
- 6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:
  - A) The running retest is not performed;
  - B) The BrAC readings of the running retest is 0.05 or more; or
  - C) Tampering or circumvention attempts are detected;
- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee if it is not serviced or calibrated within that five day period. The BAIID shall give service or inspection notification to the BAIID permittee upon the occurrence of any of the following events:
  - A) Every instance in which the device registers 3 BrAC readings of .05 or more within a 30 minute period;
  - B) Any attempted tampering or circumvention;
  - C) The time for the BAIID permittee to take the vehicle for the initial monitor report;
  - D) Every 60 days after the initial monitor report;

In addition, the BAIID shall record and communicate to the BAIID permittee and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;

- 8) The device shall be required to have 24 hour lockout anytime the BAIID permittee registers 3 BrAC readings of 0.05 or more within a 30 minute period;

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- 9) Approval of a device may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the device's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering;
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees. The BAIID provider shall also provide the Secretary, upon request, the following materials:
  - A) A detailed description of the device, including complete instructions for installation, operation, service, repair and removal of the BAIID;
  - B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, and environmental features;
- 12) Any device [thatwhich](#) is not approved shall be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
- 13) After August 1, 2003, the Secretary shall not accept for approval any BAIID [thatwhich](#) uses Taguchi cell technology to determine BrAC. By September 1, 2003, the Secretary shall publish an initial list of BAIIDs that do not utilize Taguchi cell technology and that have been approved

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for use in Illinois by the Secretary. The devices on this list shall meet all standards set forth in this Section. Between January 1, 2004 and December 31, 2004, approved BAIID service providers shall only install approved devices ~~that~~<sup>which</sup> do not utilize Taguchi cell technology. Taguchi cell devices installed before January 1, 2004 may remain installed until the end of the contract period or until January 1, 2005, whichever occurs first. Beginning January 1, 2005, no devices using Taguchi cell technology shall be permitted in BAIID permittee vehicles:-

- 14) After January 1, 2005, new BAIID installations must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive air pressure test requirements, or a mid-test hum tone requirement. BAIIDs installed and in use as of January 1, 2005 that do not use one of these anti-circumvention methods must be replaced by March 1, 2005. After January 1, 2005, BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers.

## f) BAIID Installers

- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;
- 2) All BAIID installers shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) The installer shall provide adequate security measures to prevent access to the device (tamper seals or installation instructions);
- 4) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition,

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following accepted trade standards and the device manufacturer's instructions. All connections shall be soldered and covered with tamper seals. It is the BAIID permittee's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the device. The installer shall inform the BAIID permittee that a problem exists, but shall not be responsible for repairing the vehicle;

- 5) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;
- 6) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;
- 7) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
- 8) Where the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties ~~thatwhich~~ are associated with service after the installation and ~~thatwhich~~ are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring.

g) Disqualification of BAIID Providers. The Secretary shall disqualify a BAIID provider from providing BAIID services in Illinois, upon written notification and a 30 day opportunity to come into compliance, in any of the following cases:

- 1) Failure to submit monitor reports in a timely manner as provided in subsections (d)(11) and (d)(12). If the Secretary finds, through investigation, that the BAIID permittee did take the vehicle with the installed device to the BAIID provider, or sent the appropriate portion of the device to the BAIID provider for a monitor report in a timely manner, a warning notification shall be sent to the BAIID provider indicating that a third such occurrence within a 12 month period will result in decertification;

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- 2) Failure to maintain liability insurance as required;
  - 3) Failure to install approved devices within the time requirements of this Subpart D;
  - 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
  - 5) Failure to provide BAIID permittees with correct information regarding the requirements of this Subpart D.
- h) [Notification of Decertification](#). Upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees of the decertification of the BAIID or the decertification of or the cessation of the operation of a BAIID provider.
- i) Designation of Installation Sites
- 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees;
  - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (i)(2).

(Source: Amended at 28 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

<u>Section Numbers</u> :	<u>Emergency Action</u> :
25.12	New Section
25.316	New Section
25.464	Amendment
25.801	New Section
25.815	Repeal
25.820	Repeal
25.825	Repeal
25.901	New Section
25.Appendix D	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendments: August 20, 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: Not applicable
- 7) Date Filed with the Index Department: August 20, 2004
- 8) A copy of the adopted rules including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency rulemaking is needed because the changes made by P.A. 93-679 in several aspects of certification policy are already in effect but there are some portions that are not self-explanatory. These emergency amendments have been structured as completely new Sections whose goals are:
  - to highlight what is different between the existing rules and the relevant requirements as now set forth in the law; and
  - to provide enough detail to clarify how those provisions will be given effect.

It should be noted that the changes to Section 25.464 are not related to the recent legislative changes, however. Instead, this Section has been included in this rulemaking based upon the advice and requests of individuals responsible for certification matters in

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regional offices of education. Two problems identified by these colleagues are addressed.

First, the language of the rule as originally adopted omitted any provision for middle-level assignments on this short-term basis, because of its repeated references to “subject areas”. Additional language is needed to encompass deficiencies that are not in a subject area but rather in the other courses required for the middle-level endorsement.

Second, the recently adopted language unintentionally conveys the meaning that individuals may only obtain needed additional coursework through institutions with approved programs in the respective fields. It was pointed out that this will lead to teachers’ inability to qualify for the endorsements sought within the time available. Since it is generally not required elsewhere in the rules (see Section 25.100) that additional endorsements be acquired through approved programs, this rule should be similarly flexible.

The changes in this Section need to be accomplished via emergency rulemaking because of the urgency of school districts’ need to assign staff to the middle grades and the insufficiency of available teachers with full qualifications for this level. In addition, these changes will enable certain out-of-state candidates who were prepared for the middle grades to begin serving in Illinois while finishing the specific Illinois requirements.

- 10) A Complete Description of the Subjects and Issues Involved: This set of amendments arises almost entirely from enactment of P.A. 93-679, which was signed by the Governor on June 30, 2004, and took effect immediately. That legislation made significant changes in the requirements for renewal of teaching and administrative certificates, teachers’ movement from the initial to the standard certificate, and certification testing for out-of-state applicants. Many procedural requirements for certificate renewal have been eliminated, and additional activities have been identified as options for meeting the respective requirements. One of these is to meet the requirements for being considered “highly qualified” for purposes of the No Child Left Behind Act in an additional teaching field, necessitating the addition of the Illinois criteria for this federal consideration into the State Board’s rules.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

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- 13) Information and questions regarding this amendment shall be directed to:

Dennis Williams, Division Administrator  
Certification  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-7702

The full text of the Emergency 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

## SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

Section  
25.11 New Certificates (February 15, 2000)  
25.12 [Changes in Selected Provisions Applicable to Out-of-State Candidates Beginning July 1, 2004](#)  
EMERGENCY  
25.15 Standards for Certain Certificates  
25.20 Requirements for the Elementary Certificate  
25.22 Requirements for the Elementary Certificate (2004)  
25.30 Requirements for the Secondary Certificate  
25.32 Requirements for the Secondary Certificate (2004)  
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies  
25.37 Acquisition of Subsequent Teaching Certificates (2004)  
25.40 Requirements for the Special Certificate  
25.42 Requirements for the Special Certificate (2004)  
25.43 Standards for Certification of Special Education Teachers  
25.45 Standards for the Standard Special Certificate – Speech and Language Impaired  
25.50 General Certificate (Repealed)  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)  
25.65 Alternative Certification  
25.67 Alternative Route to Teacher Certification  
25.70 State Provisional Vocational Certificate  
25.75 Part-time Provisional Certificates  
25.80 Requirements for the Early Childhood Certificate  
25.82 Requirements for the Early Childhood Certificate (2004)

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- 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- 25.92 Visiting International Teacher Certificate
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
- 25.99 Endorsing Teaching Certificates
- 25.100 Endorsing Teaching Certificates (2004)

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

## Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Accreditation Review of the Educational Unit
- 25.127 Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Transitional Requirements for Unit Assessment Systems
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

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## Section

- 25.200 Relationship Among Credentials in Subpart D
- 25.210 Requirements for the Certification of School Social Workers
- 25.215 Certification of School Social Workers (2004)
- 25.220 Requirements for the Certification of Guidance Personnel
- 25.225 Certification of School Counselors (2004)
- 25.227 Interim Certification of School Counselor Interns (2004)
- 25.230 Requirements for the Certification of School Psychologists
- 25.235 Certification of School Psychologists (2004)
- 25.240 Standard for School Nurse Endorsement
- 25.245 Certification of School Nurses (2004)
- 25.252 Certification of Non-Teaching Speech-Language Pathologists

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY STAFF

## Section

- 25.300 Relationship Among Credentials in Subpart E
- 25.310 Definitions (Repealed)
- 25.311 Administrative Certificate (Repealed)
- 25.313 Alternative Route to Administrative Certification
- 25.315 Renewal of Administrative Certificate
- [25.316 Changes in Selected Administrative Certificate Renewal Requirements as of July 1, 2004](#)

EMERGENCY

- 25.320 Application for Approval of Program (Repealed)
- 25.322 General Supervisory Endorsement
- 25.330 Standards and Guide for Approved Programs (Repealed)
- 25.333 General Administrative Endorsement
- 25.335 General Administrative Endorsement (2004)
- 25.344 Chief School Business Official Endorsement
- 25.345 Chief School Business Official (2004)
- 25.355 Superintendent Endorsement
- 25.360 Superintendent (2004)
- 25.365 Director of Special Education

## SUBPART F: GENERAL PROVISIONS

## Section

- 25.400 Registration of Certificates; Fees

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25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College (Repealed)
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval (Repealed)
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE (Repealed)
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses (Repealed)
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled

EMERGENCY

25.465	Credit (Repealed)
25.470	Meaning of Experience on Administrative Certificates (Repealed)
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes (Repealed)
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs (Repealed)
25.497	Supervisory Endorsements

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND  
OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Paraprofessionals; Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section

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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].

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

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## SUBPART B: CERTIFICATES

**Section 25.12 Changes in Selected Provisions Applicable to Out-of-State Candidates  
Beginning July 1, 2004  
EMERGENCY**

The provisions of this Section supersede the corresponding requirements stated in Sections 25.11, 25.720, and 25.725 of this Part with respect to applications for certification of out-of-state candidates that are received or processed on or after July 1, 2004.

- a) An individual who holds a valid and comparable certificate from another state, possession, or territory of the U.S. shall not be required to take a test of basic skills. (Section 21-1a(a) of the School Code [105 ILCS 5/21-1a(a)])
- 1) For purposes of this subsection (a), a "comparable" certificate is one that either:
- A) was issued on or before June 30, 2004; or
- B) was issued on or after July 1, 2004, based on the individual's passage of a test of basic skills.
- 2) The provisions of subsection (a)(1) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.
- 3) When a person who was not required to take the basic skills test pursuant to subsection (a)(1) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills.
- b) An individual who holds a valid and comparable certificate from another state, possession, or territory of the U.S. shall not be required to take the content-area test applicable to the certificate sought, provided that he or she provides evidence of having passed a certification test in another state, possession, or territory of the U.S. that is directly related to the subject area of the certificate sought. (Section 21-1a(a) of the School Code)
- c) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section

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25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching. The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

(Source: Added by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY STAFF

**Section 25.316 Changes in Selected Administrative Certificate Renewal Requirements as of July 1, 2004**  
**EMERGENCY**

The provisions of this Section supersede the corresponding requirements stated in Section 25.315 of this Part with respect to applications for renewal of administrative certificates that are received or processed on or after July 1, 2004.

- a) The certificate-holder shall not be required to have an approved plan for continuing professional development as stated in Section 25.315(a) and (b) of this Part.
- b) The activities chosen to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code) shall not be required to include application or dissemination as stated in Section 25.315(c)(2) of this Part.
- c) The number of hours of participation in Administrators' Academy courses required under Section 25.315(b)(3) of this Part shall be 30 rather than 36. *An individual who is required to complete the Academy's introductory course on the evaluation of certified staff shall complete this requirement in addition to the 30 required hours.* (Section 21-7.1(c-15) of the School Code)
- d) The submission and review processes described in Section 25.315(e), (f), (g), and (h) of this Part shall not apply. Each certificate-holder shall instead be required to maintain the required evidence of completion on file throughout the renewal period of the administrative certificate and make it available for audit upon

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request by the regional superintendent or a representative of the State Board of Education.

- e) For any administrator other than a regional superintendent, renewal of the administrative certificate shall be accomplished by submission of the required application to the regional superintendent, accompanied by the appropriate fee and a verification format developed by the State Board of Education certifying that the required number of hours of professional development activities and the required number of Administrators' Academy courses have been completed. This procedure replaces the procedural requirements involving "responsible reviewers" stated in Section 25.315(i)(1)-(4) of this Part.

(Source: Added by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

## SUBPART F: GENERAL PROVISIONS

**Section 25.464 Short-Term Authorization for Positions Otherwise Unfilled****EMERGENCY**

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 teaching position, other than a special education teaching position, when the employing entity has been unable to recruit a fully qualified candidate for that position.

Short-term authorization as described in this Section shall be available not only with respect to individuals who lack full qualifications in a subject area, but also with respect to individuals who have not completed the six semester hours of coursework specified at 23 Ill. Adm. Code 1.720 for teachers of middle grades (see Section 1.720(a)(2)(A) and (B)).

- 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 interviewed, and the reason each was not interviewed or was not selected, as applicable;

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- 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) one of the following:
    - A) 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 coursework that is courses that are designed to meet the standards applicable to that subject area, or
    - B) a written assurance from the certification officer of another institution of higher education that offers one or more approved educator preparation programs that the individual is enrolled in courses that will enable him or her to qualify for the endorsement, or
    - C) other evidence of enrollment in relevant coursework supplied by the individual who will be employed; 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 of this Part or 23 Ill. Adm. Code 1.720, as applicable) within three school years after the issuance of authorization under this Section.
- 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;

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- 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.
- c) 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 of the third school year following the date of issuance.
- e) After the end of the validity of authorization received under 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: Amended by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

## SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

**Section 25.801 Changes in Selected Standard and Master Certificate Renewal Requirements as of July 1, 2004**  
**EMERGENCY**

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The provisions of this Section supersede the corresponding requirements stated elsewhere in this Subpart J with respect to applications for renewal of standard or master teaching certificates that are received or processed on or after July 1, 2004.

- a) The certificate-holder shall not be required to have an approved plan for continuing professional development as stated in Sections 25.800 and 25.805 of this Part. References to such plans elsewhere in this Subpart J shall have no further applicability.
- b) An individual may qualify for certificate renewal based on completion of any of the activities discussed in Section 21-14(e)(3)(K)-(N) of the School Code [105 ILCS 5/21-14(e)(3)(K)-(N)], in addition to any of the activities already described in Sections 25.805 and 25.875 of this Part.
- c) Conformance with the distribution of professional development credits among various purposes delineated in Section 25.805(f) and (g) of this Part shall not be required.
- d) Submission of the evidence of completion described in Section 25.875 of this Part shall not be required. Each certificate-holder shall instead be required to maintain this evidence on file throughout the renewal period of the standard certificate and make it available for audit upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart J.
- e) The certificate-holder shall be required to initiate the certificate renewal process as described in Section 25.830 of this Part only if a responsible Local Professional Development Committee (LPDC) is in operation. If no responsible LPDC is in operation, the certificate-holder shall submit his or her application, fee, and statement of assurance required by Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)] to the responsible regional superintendent of schools.
- f) Standard certificate-holders with advanced degrees and holders of master certificates shall be subject to reduced requirements for continuing professional development units or continuing education units, as set forth in Section 21-2(c)(8) of the School Code [105 ILCS 5/21-2(c)(8)].

(Source: Added by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

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**Section 25.815 Submission and Review of the Plan (Repealed)**  
**EMERGENCY**

- a) ~~Each certificate holder who is or chooses to be subject to the requirements of this Subpart J shall prepare a plan for continuing professional development that conforms to the requirements of Section 25.805(j) of this Part. Except as provided in subsection (d)(3) of this Section, each such certificate holder shall submit his or her plan to the responsible local professional development committee no earlier than one semester before and no later than 120 days after the beginning of the period of validity of the certificate(s) held. Submission and approval of this plan shall not entitle the certificate holder to earn credit for any coursework or activity described in the plan. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.~~
- ~~1) Each certificate holder employed in a charter school established pursuant to Article 27A of the School Code [105 ILCS 5/Art. 27A] or in a position that legally requires a teaching certificate in any of the other types of public schools enumerated in Section 21-14(d) of the School Code [105 ILCS 5/21-14(d)], other than a State-operated school, shall submit his or her plan to the chair or designee of the local professional development committee ("LPDC") that is responsible for certificates of the relevant type. (See Section 25.845 of this Part.)~~
  - ~~2) Each certificate holder employed in a State-operated school shall submit his or her plan to the regional superintendent of the educational service region in which the teaching (as defined in Section 21-14 of the School Code) is done. Certificate holders employed by regional offices of education to teach in regional safe schools operated pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] shall be subject to this subsection (a)(2).~~
  - ~~3) Each certificate holder employed in a nonpublic school who wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent of the educational service region in which the teaching is done.~~
  - ~~4) Each certificate holder not employed as a teacher who nevertheless wishes to maintain his or her certificate(s) as valid and active shall submit his or her plan to the regional superintendent responsible for the area in which he or she resides.~~
  - ~~5) For the purposes of this Subpart J, the responsible regional superintendent shall be considered the LPDC of any individual referred to in subsections (a)(2) through (4) of this Section.~~

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- b) ~~An LPDC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an individual's plan as to whether that plan is approved or disapproved. In the case of disapproval, the LPDC's response shall include the specific reasons for its refusal to approve the plan. Failure of an LPDC to respond within the required time shall entitle the certificate holder to appeal for approval to the regional professional development review committee as provided in subsection (e)(2) of this Section.~~
- e) ~~Grounds for an LPDC's refusal to approve a plan shall be limited to those enumerated in this subsection (e).~~
- ~~1) Fewer than three personal goals for improvement are set forth in the plan.~~
  - ~~2) A proposed activity does not relate to any of the certificate holder's goals for improvement.~~
  - ~~3) A proposed activity does not relate to one or more of the purposes identified for it by the certificate holder.~~
  - ~~4) The proposed distribution of activities among the various purposes does not comply with the requirements of Section 21-14 of the School Code, or the proposed quantity of activities will not generate sufficient units of credit.~~
  - ~~5) The projected timeline for completion of the proposed activities will not permit their completion within the period of validity of the individual's certificate(s).~~
- d) ~~A certificate holder may either await approval of his or her plan before engaging in the activities it contains or engage in activities while the plan is pending.~~
- ~~1) If a certificate holder engages in a professional development activity while approval of his or her proposed plan is pending, that activity shall be credited toward fulfillment of the requirements of this Subpart J if it is covered in the plan that is eventually approved for that individual.~~
  - ~~2) Except as provided in subsection (d)(3) of this Section, if an individual begins an activity without having either an approved plan in place or a proposed plan pending that covers that activity, or if the activity is not covered in the plan that is eventually approved for that individual, the activity shall not be credited toward fulfillment of the requirements of this Subpart J.~~
  - ~~3) An individual who receives a standard or master teaching certificate that is valid beginning July 1, 2000, may receive credit for activities that occur before January 1, 2001, without having either an approved plan in place or a proposed plan pending, provided that any such activity is covered in the plan that is eventually approved for that individual.~~
  - ~~4) In the semester before he or she will first receive a certificate whose renewal is subject to the requirements of this Subpart J, a certificate holder~~

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- ~~shall be entitled to file a plan for continuing professional development with the LPDC that is responsible for certificates of the relevant type, so that the certificate holder will be able to accrue credit for activities completed between the effective date of the standard certificate and the deadline for plan submission specified in subsection (a) of this Section.~~
- e) ~~Upon notification that his or her proposed plan has been disapproved, a certificate holder may either:~~
- ~~1) modify the plan to remedy the deficiencies identified by the LPDC and resubmit it, or~~
  - ~~2) appeal the plan's disapproval to the responsible regional professional development review committee ("RPDRC") established pursuant to Section 25.850 of this Part.~~
- ~~f) An RPDRC shall respond, using a form supplied by the State Board of Education, within 60 days after receipt of an appeal as to whether a proposed plan is approved or disapproved.~~
- ~~1) If the RPDRC disagrees with the LPDC, the plan shall be approved.~~
  - ~~2) If the RPDRC agrees with the LPDC, the plan shall be disapproved and the certificate holder shall submit a revised plan to the responsible LPDC.~~
  - ~~3) The RPDRC shall notify both the certificate holder and the LPDC of its decision and the basis for it, using a form supplied by the State Board of Education.~~
- g) ~~Each certificate holder's plan for continuing professional development and all other documents relating to it shall be considered part of the individual's certification file and shall not be used in the employer's evaluation of the certificate holder. Each certificate holder's file shall be stored separately from other employee and/or personnel files and shall be maintained by the LPDC. Access to these documents shall be limited to the certificate holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.~~

(Source: Repealed by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

**Section 25.820 Review of Approved Plan (Repealed)**  
**EMERGENCY**

- a) ~~A certificate holder may submit proposed revisions to an approved plan to the responsible LPDC at any time.~~

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- b) ~~A certificate holder shall submit his or her approved plan to the responsible LPDC for review if he or she changes teaching assignments or districts. The LPDC shall review the plan and may indicate any changes that are needed for continued approval. A change in assignment occurs whenever:~~
- ~~1) a certificate holder accepts employment in a different district;~~
  - ~~2) a certificate holder is assigned to teach at a different attendance center;~~
  - ~~3) a certificate holder is assigned to teach in a different subject area or in a grade that is more than three grade levels removed from his or her previous position or for which a different certificate is required; or~~
  - ~~4) a certificate holder resumes teaching or otherwise elects to activate his or her certificate after a period during which the certificate has been maintained valid and exempt.~~
- e) ~~The provisions of Section 25.815 of this Part shall apply when continuing approval of a plan is sought after a change in assignment and when revisions to an approved plan are proposed.~~

(Source: Repealed by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

**Section 25.825 Progress Toward Completion (Repealed)****EMERGENCY**

~~When a certificate holder has completed any of the activities set forth in his or her approved plan, he or she may transmit a copy of the required evidence of completion to the responsible LPDC under cover of a form supplied by the State Board of Education. This form shall enable the certificate holder to identify all the purposes among those enumerated in Section 25.805(b) and (c) of this Part to which each completed activity applies and the number of semester hours, CEUs, or CPDUs claimed.~~

- ~~a) The LPDC shall review the evidence of completion in the context of the certificate holder's approved plan and shall notify the certificate holder within 45 days whether the credits claimed have been awarded.~~
- ~~b) Grounds for an LPDC's refusal to award credits as claimed shall be limited to the LPDC's determination that:~~
  - ~~1) the activity in question does not relate to any of the individual's goals for improvement;~~
  - ~~2) the activity does not relate to one or more of the purposes identified by the certificate holder;~~
  - ~~3) the number of credits claimed by the certificate holder does not conform to the applicable provisions of Section 25.875 of this Part;~~
  - ~~4) the activity was not conducted by an approved provider, if approval of the~~

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- provider is required;
- 5) ~~the activity claimed does not conform to the applicable definition set forth in Section 25.875 of this Part; or~~
  - 6) ~~the certificate holder has not presented the evidence of completion required pursuant to Section 25.875 of this Part.~~
  - e) ~~If the LPDC determines that an activity qualifies for credit pursuant to this Subpart but does not relate to one or more purposes identified by the certificate holder, the LPDC shall use a form supplied by the State Board of Education to inform the holder of the purpose(s) to which the credit claimed has been attributed and the rationale for its determination.~~
  - d) ~~The LPDC shall note its determination in the record maintained by the committee pursuant to Section 21-14(f) of the School Code [105 ILCS 5/21-14(f)].~~
  - e) ~~A disagreement between a certificate holder and the responsible LPDC regarding the awarding of credit for completed activities may be appealed to the responsible RPDRC.~~
    - 1) ~~If the RPDRC disagrees with the LPDC's assignment of credit, the activity shall be credited as claimed by the certificate holder.~~
    - 2) ~~If the RPDRC agrees with the LPDC, the LPDC's decision regarding the awarding of credit shall stand (subject to the certificate holder's right of appeal as delineated in Sections 25.835 and 25.840 of this Part).~~
    - 3) ~~The RPDRC shall notify both the certificate holder and the LPDC of its decision within 45 days after receipt of an appeal, using a form supplied by the State Board of Education.~~
  - f) ~~Awarding of credit shall not entitle the certificate holder to renewal of the certificate. Upon completion of the plan and application for renewal, as described in Section 25.830 of this Part, renewal of the holder's certificate shall be determined by the State Teacher Certification Board.~~
  - g) ~~Credit earned for any activity that is completed (or for which the certificate holder receives evidence of completion) on or after March 1 of the final year of a certificate's validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question satisfies the requirements of the plan applicable to that period.~~

(Source: Repealed by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

SUBPART K: REQUIREMENTS FOR RECEIPT OF  
THE STANDARD TEACHING CERTIFICATE

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**Section 25.901 Changes in Selected Requirements for Receipt of the Standard Teaching Certificate as of July 1, 2004**  
**EMERGENCY**

The provisions of this Section supersede the corresponding requirements stated elsewhere in this Subpart K with respect to applications for standard certificates that are received or processed on or after July 1, 2004, and to deficiency statements for out-of-state applicants that were pending as of that date.

- a) Out-of-state applicants who have at least four years of teaching experience shall not be subject to the requirements of this Subpart K.
- b) An individual may qualify for the standard certificate based on completion of any of the activities discussed in Section 21-2(c)(2)(C-5) and (G)-(J) of the School Code [105 ILCS 5/21-2(c)(2)(C-5) and (G)-(J)], in addition to any of the activities already described in Section 25.905 of this Part.
  - 1) The evidence of completion for the 12 semester hours of graduate credit towards an advanced degree in an educational field discussed in Section 21-2(c)(2)(C-5) of the School Code is documentation provided by a regionally accredited institution of higher education indicating the individual's admission to the degree program and an official transcript showing that no fewer than 12 semester hours of graduate credit were earned toward that degree while the individual held the initial certificate.
  - 2) The requirements for being considered "highly qualified" for purposes of the federal No Child Left Behind Act of 2001 are set forth in Appendix D to this Part.
  - 3) The "professional development certificate" discussed in Section 21-2(c)(2)(H) of the School Code represents verification by a regionally accredited institution of higher education that an individual has completed an organized program of study consisting of no fewer than 12 semester hours of graduate credit that may or may not be linked to pursuit of a specific graduate degree but is designed to lead to the individual's acquisition of a specific set of skills or knowledge. The required evidence of completion for this "certificate" is a notation on the individual's official transcript indicating that the "certificate" has been awarded.

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- c) An individual may qualify for the standard certificate based on completion of an approved one-year induction and mentoring program that otherwise meets the requirements of Section 25.910 of this Part.
- d) An individual who qualifies for the standard certificate based on accumulation of the required number of continuing professional development units shall not be required to demonstrate that any portion of those credits was earned in activities meeting the requirements of Section 25.930 of this Part.
- e) Submission of the evidence of completion for the activity completed shall not be required. Each certificate-holder shall instead be required to maintain this evidence on file throughout the first period of validity of his or her standard certificate and make it available for audit upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart K.
- f) The certificate-holder shall be required to initiate the application process as described in Section 25.945(c) of this Part only if a responsible Local Professional Development Committee (LPDC) is in operation. If no responsible LPDC is in operation, the certificate-holder shall submit his or her application, fee, and statement of assurance required by Section 21-2(c)(5) of the School Code [105 ILCS 5/21-2(c)(5)] to the responsible regional superintendent of schools.
- g) A certificate-holder may appeal to the Regional Professional Development Review Committee (RPDRC) within 14 days after receipt of notification that the regional superintendent has recommended non-issuance of the standard certificate. Within 45 days after receipt of an appeal, the RPDRC shall forward its recommendation to the State Board of Education, along with the RPDRC's rationale for the recommendation and any supporting documentation. To assist it in arriving at its recommendation, the RPDRC may require the submission of additional information or may request that the certificate-holder appear before it.

(Source: Added by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

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**Section 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances ~~National Board and Master Certificates (Repealed)~~**  
**EMERGENCY**

Fulfillment of the applicable requirements set forth in this Appendix D may serve as the basis for acquisition of the standard teaching certificate after four years of teaching experience (see Section 25.901(b) of this Part) or as the basis for renewal of the standard or master teaching certificate (see Section 25.801(b) of this Part).

Group I – Requirements for "Current" Teachers

A teacher who received his or her first Illinois certificate on or before June 30, 2002, will be considered "highly qualified" with respect to each core academic area of assignment for which he or she holds a certificate that is valid for that assignment and:

- a) has passed the relevant content-area test for the area of assignment, which may include the Elementary/Middle Grades Test as applicable (see Section 25.710 of this Part or, for special education teachers, the policies of the State Board of Education that are the subject of a federal court order of August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.); or
- b) has completed a major or coursework equivalent to a major; or
- c) holds a graduate degree in a field directly related to the area of assignment; or
- d) has been certified in a comparable field by the National Board for Professional Teaching Standards (NBPTS); or
- e) holds an endorsement or the coursework that, prior to June 1, 2004, was considered the "minimum requirements" for the assignment under 23 Ill. Adm. Code 1.710, 1.720, 1.730, 1.735, or 1.736 and either:
  - 1) has five years' teaching experience in the area of assignment; or
  - 2) has accumulated 100 points based on completion of any combination of the following requirements.
    - A) Completion of semester hours of graduate or undergraduate credit in the subject area in addition to the number required for the endorsement: 10 points per semester hour.

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- B) Teaching experience, regardless of subject: five points per year, up to a maximum of 25 points.
- C) Teaching experience in the subject area: 15 points per year, up to a maximum of 60 points.
- D) Completion of professional development activities.
- i) Participation in conference sessions, workshops, institutes, seminars, symposia, or other similar training events, each at least three hours in length and directly related to the area of teaching assignment: 15 points per activity (no maximum).
- ii) Approved travel related to the area of teaching assignment and meeting the requirements of Section 25.875(p) of this Part: 12 or 15 points, in accordance with Section 25.875(p)(2) of this Part.
- iii) Participation in a study group directly related to the area of teaching assignment: six or eight points, in accordance with Section 25.875(q) of this Part.
- iv) Participation in an internship directly related to the area of teaching assignment that meets the requirements of Section 25.875(s) of this Part: points shall accrue in relation to contact hours as set forth in Section 25.875(s)(2) of this Part.
- v) Work experience directly related to the area of teaching assignment (e.g., experience in a chemical laboratory on the part of an individual teaching chemistry): 10 points per year of experience.

Group II – Requirements for "New" Teachers, by Area of AssignmentElementary Grades (K-4)

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A teacher in the elementary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in core academic subjects in a self-contained classroom will be considered "highly qualified" if he or she:

- a) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and has passed the Elementary/Middle Grades test; or
- b) holds an elementary (Type 03) certificate with an endorsement for self-contained general elementary education and holds certification from NBPTS as a Middle Childhood Generalist; or
- c) holds an early childhood (Type 04) certificate and has passed the Early Childhood test (applicable only through Grade 3); or
- d) holds an early childhood (Type 04) certificate and holds certification from NBPTS as an Early Childhood Generalist (applicable only through Grade 3); or
- e) holds a provisional early childhood (Type 04), elementary (Type 03), or special K-12 (Type 10) certificate that is based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Early Childhood test, the Elementary/Middle Grades test, or another content-area test, as applicable, within nine months after receipt of the provisional certificate); or
- f) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the content-area test applicable to that endorsement.

Middle Grades (5-8)

A teacher in the middle grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a middle-grades setting, whether self-contained or departmentalized, will be considered "highly qualified" if he or she:

- a) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in any of Grades 5-8:
  - 1) has passed the relevant content-area test (which may include the Elementary/Middle Grades test); or

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- 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS; or
- b) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility in any of Grades 6-8:
- 1) has passed the relevant content-area test; or
  - 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS; or
- c) holds a special K-12 (Type 10) certificate endorsed in the area of teaching responsibility and has passed the relevant content-area test; or
- d) holds a provisional elementary (Type 03), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the Elementary/Middle Grades test or the other relevant content-area test for each area of teaching responsibility within nine months after receipt of the provisional certificate).

Secondary Grades (9-12)

A teacher in the secondary grades who received his or her first Illinois certificate on or after July 1, 2002, and who has primary responsibility for teaching content in any of the core academic subjects in a secondary setting will be considered "highly qualified" if he or she:

- a) holds a secondary (Type 09) certificate and, for each core subject area of teaching responsibility:
  - 1) has passed the relevant content-area test; or

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- 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS; or
- b) holds an elementary (Type 03) certificate and, for each core subject area of teaching responsibility in Grade 9:
- 1) has passed both the Elementary/Middle Grades test and the relevant content-area test; or
  - 2) has passed the Elementary/Middle Grades test and has completed a major or coursework equivalent to a major; or
- c) holds a provisional elementary (Type 03, applicable only for Grade 9), secondary (Type 09), or special K-12 (Type 10) certificate based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the content-area test relevant to each core subject area of teaching responsibility within nine months after receipt of the provisional certificate).

Special Education

A teacher who has primary responsibility for providing direct content instruction in a core academic area in a special education program at any grade level and who received his or her first Illinois certificate on or after July 1, 2002, will be considered "highly qualified" if he or she:

- a) holds a special preschool-age 21 (Type 10) certificate, or an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate endorsed for a special education field, and has passed the content-area test relevant to the area of endorsement on that certificate; or
- b) holds a provisional certificate with an endorsement in a special education field based on certification in another state, possession, or territory of the U.S., or in another country (if applicable, must pass the relevant content-area test within nine months after receipt of the provisional certificate); or

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- c) holds an elementary (Type 03), early childhood (Type 04), or secondary (Type 09) certificate with teaching approval in special education, or holds short-term emergency certification in special education, and:
- 1) has passed the content-area test applicable to the core academic subject area of the teaching assignment; or
  - 2) has completed a major or the coursework equivalent to a major in the core academic subject area of the teaching assignment; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
- d) holds NBPTS certification in special education.

Bilingual Education; English as a Second Language (ESL)

A teacher who has primary responsibility for teaching content in any of the core academic subjects to students with limited proficiency in English in a bilingual education or ESL program will be considered highly qualified if he or she:

- a) holds an early childhood (Type 04), elementary (Type 03), secondary (Type 09), special K-12 or preschool-age 21 (Type 10) certificate, as appropriate to the grade level of the teaching assignment; and
- b) holds an approval or endorsement for bilingual education or ESL, as applicable; and
- c) meets one of the following additional requirements for each core subject area of teaching responsibility:
  - 1) has passed the relevant content-area test; or
  - 2) has completed a major or coursework equivalent to a major; or
  - 3) holds a graduate degree in a field directly related to the area of assignment; or
  - 4) has been certified in a comparable field by NBPTS.

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Group III – Requirements for Teachers in Special CircumstancesTeachers in Charter Schools

A teacher who is employed in a charter school and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she either:

- a) holds a certificate applicable to the assignment and meets the other criteria applicable to the assignment, as outlined elsewhere in this Appendix D; or
- b) holds a bachelor's degree, has passed the relevant content-area test in each core subject area of teaching responsibility, and meets the other requirements of Section 27A-10(c) of the School Code [105 ILCS 5/27A-10(c)].

Teachers Who Hold Alternative Certificates

A teacher who holds an alternative certificate (see Sections 21-5b and 21-5c of the School Code [105 ILCS 5/21-5b and 21-5c]) that was attained through completion of an approved Illinois program and who has primary responsibility for teaching content in the core academic subject for which the certificate was issued will be considered highly qualified because he or she has passed the applicable content-area test. For an assignment in any additional core subject area (in the secondary or middle grades), a teacher with an alternative secondary certificate will be considered highly qualified if he or she has either passed the relevant content-area test or has completed a major or coursework equivalent to a major in that subject.

Teachers Who Hold Resident Teacher Certificates

A teacher who holds a resident teacher certificate (see Sections 21-11.3 and 21-11.4 of the School Code [105 ILCS 5/21-11.3 and 21-11.4]) and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she has passed the relevant content-area test for each core subject area of teaching assignment, which may include the Elementary/Middle Grades test if applicable to the grade level of the assignment, or has completed a major or coursework equivalent to a major in that area.

Teachers Who Hold Visiting International Teacher Certificates

A teacher who holds a visiting international teacher certificate (see Section 25.92 of this Part) will be considered highly qualified, provided that the certificate held is valid for the grade level or levels of his or her teaching assignment.

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Vocational Education Teachers

A teacher in a vocational education program who has primary responsibility for teaching content for which students receive credit in a core academic subject (e.g., a teacher of an agricultural education course whose students receive credit in science) will be considered highly qualified if he or she holds a secondary (Type 09) certificate appropriately endorsed for the vocational area of assignment.

Teachers Who Hold Transitional Bilingual (Type 29) Certificates

A teacher who holds a transitional bilingual certificate and who has primary responsibility for teaching content in any of the core academic subjects will be considered highly qualified if he or she:

- a) for each core subject area of teaching responsibility, has either:
  - 1) passed the Elementary/Middle Grades test or the other relevant content-area test (if applicable, must pass the content-area test within nine months after receipt of the transitional bilingual certificate); or
  - 2) completed a major or coursework equivalent to a major; and
- b) participates in an induction/mentoring program that conforms to the definition found in the regulations implementing the federal No Child Left Behind Act of 2001 at 34 CFR 200.56(a)(2)(ii)(A); and
- c) is continuously enrolled in a program that will lead to the elementary, secondary, or special certificate.

(Source: Section repealed at 28 Ill. Reg. 8556, effective June 1, 2004; new Section added by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: 113.260      Emergency Action: Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. A. 93-774.
- 5) Effective Date of Amendments: August 20, 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: Not applicable
- 7) Date filed with the Index Department: August 20, 2004
- 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.
- 9) Reason for Emergency: This emergency rulemaking is necessary to comply with provisions of P. A. 93-774 which require the Department of Human Services to increase the sheltered care rates in effect on June 30, 2004, by 10%.
- 10) A Complete Description of the Subject and Issues: Pursuant to provisions of P. A. 93-774, this rulemaking increases the sheltered care rates by 10%.
- 11) Are there any other amendments pending on this Part? Yes
 

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
113.1	Amendment	28 Ill. Reg. 10885; 8/6/04
113.245	Amendment	28 Ill. Reg. 10885; 8/6/04
113.264	New Section	28 Ill. Reg. 10885; 8/6/04
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this amendment shall be directed to:

Tracie Drew, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Bldg., 3<sup>rd</sup> Floor  
Springfield, Illinois 62762  
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

PART 113  
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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

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

## SUBPART D: PAYMENT AMOUNTS

- Section
- 113.245 Payment Levels for AABD
- 113.246 Personal Allowance
- 113.247 Personal Allowance Amounts
- 113.248 Shelter
- 113.249 Utilities and Heating Fuel
- 113.250 Laundry

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- 113.251 Telephone
- 113.252 Transportation, Lunches, Special Fees
- 113.253 Allowances for Increase in SSI Benefits
- 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
- 113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
- 113.256 Shopping Allowance
- 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
- 113.258 Home Delivered Meals
- 113.259 AABD Fuel and Utility Allowances By Area
- 113.260 Sheltered Care/Personal or Nursing Care Rates

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- 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
- 113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
- 113.263 Service Animals

## SUBPART E: OTHER PROVISIONS

## Section

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

## SUBPART F: INTERIM ASSISTANCE

## Section

- 113.400 Description of the Interim Assistance Program
- 113.405 Pending SSI Application (Repealed)
- 113.410 More Likely Than Not Eligible for SSI (Repealed)
- 113.415 Non-Financial Factors of Eligibility (Repealed)

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- 113.420 Financial Factors of Eligibility (Repealed)
- 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
- 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
- 113.435 Medical Eligibility (Repealed)
- 113.440 Attorney's Fees for SSI Applicants (Repealed)
- 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
- 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
- 113.500 Attorney's Fees for SSI Appellants (Renumbered)

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

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1,

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1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988;

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emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of

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150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days.

## SUBPART D: PAYMENT AMOUNTS

**Section 113.260 Sheltered Care/Personal or Nursing Care Rates****EMERGENCY**

Group A Counties	Needs Assessment	Group B Counties
<del>\$961.00873.55</del>	0-7	<del>\$974.00885.55</del>
<del>966.00878.55</del>	8	<del>981.00891.55</del>
<del>972.00883.55</del>	9	<del>987.00897.55</del>
<del>977.00888.55</del>	10	<del>994.00903.55</del>
<del>983.00893.55</del>	11	<del>1001.00909.55</del>
<del>988.00898.55</del>	12	<del>1007.00915.55</del>
<del>994.00903.55</del>	13	<del>1014.00921.55</del>
<del>999.00908.55</del>	14	<del>1020.00927.55</del>

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<del><a href="#">1005.00913.55</a></del>	15	<del><a href="#">1027.00933.55</a></del>
<del><a href="#">1010.00918.55</a></del>	16	<del><a href="#">1034.00939.55</a></del>
<del><a href="#">1016.00923.55</a></del>	17	<del><a href="#">1040.00945.55</a></del>
<del><a href="#">1021.00928.55</a></del>	18	<del><a href="#">1047.00951.55</a></del>
<del><a href="#">1027.00933.55</a></del>	19	<del><a href="#">1053.00957.55</a></del>
<del><a href="#">1032.00938.55</a></del>	20	<del><a href="#">1060.00963.55</a></del>
<del><a href="#">1038.00943.55</a></del>	21	<del><a href="#">1067.00969.55</a></del>
<del><a href="#">1043.00948.55</a></del>	22	<del><a href="#">1073.00975.55</a></del>
<del><a href="#">1049.00953.55</a></del>	23	<del><a href="#">1080.00981.55</a></del>
<del><a href="#">1054.00958.55</a></del>	24	<del><a href="#">1086.00987.55</a></del>

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

(Source: Amended by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 20, 2004, for a maximum of 150 days)

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- 1) Heading of the Part: Motor Carrier Safety Regulations: General
- 2) Code Citation: 92 Ill. Adm. Code 390
- 3) Section Number:            Emergency Action:  
390.1020                        Amend
- 4) Statutory Authority: Implementing, and authorized by Section 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B, as amended by P.A. 93-0860, effective August 4, 2004]
- 5) Effective Date of Amendment: August 18, 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: This amendment will expire 150 days from its effective date.
- 7) Date Filed with the Index Department: August 18, 2004
- 8) A copy of the emergency amendment including any material incorporated by reference, is on file in the Department's Division of Traffic Safety and is available for public inspection.
- 9) Reason for Emergency: On August 4, 2004, Governor Blagojevich signed into law P.A. 93-0860 amending, among other things, the definition of Commercial Motor Vehicle, at 625 ILCS 5/18b-101, to include vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles from the driver's normal work reporting location. The law is effective immediately. The law ensures that passenger vans designed to carry between 9 and 15 persons, including the driver, that are being driven a distance of greater than 75 miles, for direct compensation, will be inspected for maintenance and safety requirements, and that the drivers of those vehicles will meet specific driver qualification requirements, such as the driver hours of service regulations, as prescribed in the Illinois Motor Carrier Safety Regulations.
- 10) A Complete Description of the Subjects and Issues Involved: By this emergency amendment, the Department is adding a new category of vehicle to the definition of Commercial Motor Vehicle (CMV), at Section 390.1020, in accordance with P.A. 93-0860, effective August 4, 2004. The new category includes vehicles used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if

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the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location. The Public Act also authorizes the Department to amend an existing category in the definition of CMV to include those vehicles that will be "used" to transport more than 15 passengers, including the driver. Finally, the Department has added two new definitions - "air mile" and "direct compensation" at Section 390.1020 to clarify the change to the definition of CMV and for consistency with the Public Act.

- 11) Are there any Proposed Amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 13) Information and questions from the public regarding this amendment shall be directed to:

Ms. Cathy Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

JCAR comments and questions should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
Springfield, Illinois 62764  
(217) 782-3215

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

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 390  
MOTOR CARRIER SAFETY REGULATIONS: GENERAL

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

## Section

390.1000 Purpose  
390.1010 General Applicability  
390.1020 Definitions

EMERGENCY

390.1030 Rules of Construction

## SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

## Section

390.2000 Incorporation by Reference

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] (see P.A. 93-0860, effective August 4, 2004).

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 2100, effective January 17, 2001; amended at 26 Ill. Reg. 8978, effective June 5, 2002; amended at 26 Ill. Reg. 12749, effective August 12, 2002; amended at 27 Ill. Reg. 9218, effective June 2, 2003; amended at 28 Ill. Reg. 1152, effective January 4, 2004; emergency amendment at 28 Ill. Reg. \_\_\_\_\_, effective August 18, 2004, for a maximum of 150 days.

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

**Section 390.1020 Definitions**EMERGENCY

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The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5, October 1, 2002)

*"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 1-101.6 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-101.6])*

*"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))*

"Alcohol concentration" (AC) means the concentration of alcohol in a person's

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blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (49 CFR 390.5, October 1, 2002)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 2002)

*"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Code)*

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 2002)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

*"Commerce" means trade, commerce or transportation within the State. (Section 1-111.4 of the Code)*

*"Commercial motor vehicle (CMV)" means:*

*Any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or*

*The vehicle is used or designed to transport more than 15 passengers, including the driver; or*

*The vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or*

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*The vehicle is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location; or*

*The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act.*

*This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law [\(see P.A. 93-0860, effective August 4, 2004\)](#))*

"Commercial Vehicle Inspections" means:

Level 1 – North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria.

As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 – Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

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Level 3 – Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report.

Level 4 – Special Inspections: Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.

Level 5 – Vehicle-Only Inspection: An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level 1), without a driver present, conducted at any location.

(Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Commercial Vehicle Safety Alliance (CVSA)" means the association of state/territory (United States), provincial/territory (Canada), and federal (Mexico) officials responsible for the administration and enforcement of motor carrier safety and hazardous materials laws in the United States, Canada and Mexico working together with the federal governments and industry to improve commercial vehicle safety. (CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 2002)

*"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code)*

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and

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telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 2002)

*"Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services. (Section 18b-101 of the Law (see P.A. 93-0860, effective August 4, 2004))*

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 2002)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of Table 1 to "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 2002)

"Driveaway-towaway operation" means any operation in which a motor vehicle

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constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 2002)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 2002)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the FMCSA Field Administrator for the geographical area in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5, October 1, 2002)

"Emergency relief" means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 2002)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

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A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 2002)

"Employer" means any person engaged in a business affecting interstate or intrastate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a commercial motor vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 2002)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration (FMCSA) under 49 USC 13506. "Exempt motor carriers" are subject to the requirements set forth in the Illinois Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 2002)

*"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 1-119.6 of the Code)*

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"Farm machinery" – see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is –

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either –

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm. (49 CFR 390.5, October 1, 2002)

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 2002)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (49 CFR 390.5, October 1, 2002)

"Federal Motor Carrier Safety Administrator" means the chief executive of the Federal Motor Carrier Safety Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 2002)

"FMCSA Field Administrator" means the Field Administrator, Federal Motor

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY AMENDMENT

Carrier Safety Administration, for a given geographical area of the United States. (49 CFR 390.5, October 1, 2002)

*"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State. (Section 1-122.5 of the Code)*

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 2002)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 2002)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5, October 1, 2002)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 2002)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in Appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities when offered for transportation in one package, or in one transport motor vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in Appendix A to 49 CFR 172.101. (49 CFR 390.5, October 1, 2002)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to

## DEPARTMENT OF TRANSPORTATION

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Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 2002)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5, October 1, 2002)

"Illinois Motor Carrier Safety Regulations (IMCSR)" means the requirements established in Parts 385, 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

*"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)*

*"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)*

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 2002)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physician assistants who have been delegated

## DEPARTMENT OF TRANSPORTATION

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the performance of medical examinations by his/her supervising physician, and advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes him/her to perform physical examinations.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 2002)

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 2002)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (49 CFR 390.5, October 1, 2002)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines established by the CVSA and recognized by all states, the provinces of Canada, and Mexico as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced, in some states, by qualified law enforcement officers of a municipality, county, state or the federal government. In Illinois, only qualified officers of the Illinois State Police and the federal government have authority to enforce the out-of-service criteria.

"Operator" – see driver.

"Other terms" – any other term used in the IMCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the IMCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 2002)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF EMERGENCY AMENDMENT

"Out-of-service order" means a declaration by the Illinois State Police or by an authorized enforcement officer of a Federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, or 92 Ill. Adm. Code 392.2000(d), or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section.

*"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18b-101 of the Law)*

"Planting and harvesting season" means the period of February 1 through November 30 each year.

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Motor Carrier Safety Administration or the Illinois Department of Transportation. (49 CFR 390.5, October 1, 2002)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 2002)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 2002)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 2002)

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"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5, October 1, 2002)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 2002)

"School bus" means a motor vehicle that meets all of the special requirements for school buses in Sections 12-801, 12-802, 12-803 and 12-805 of the Code and is designed or used to carry more than 10 passengers, including the driver, and is used for transporting preprimary, primary or secondary school students from home to school or from school to home or for intrastate school sanctioned functions.

"School bus operation" means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home and for intrastate school sanctioned functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5, October 1, 2002)

"Special agent" – See 49 CFR Appendix B to Subchapter B of Chapter III.

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*"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 3,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)*

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 2002)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 2002)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 2002)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle. (49 CFR 390.5, October 1, 2002)

"Truck" means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 2002)

## DEPARTMENT OF TRANSPORTATION

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"Truck tractor" means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 2002)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 2002)

"US DOT" means the United States Department of Transportation.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. \_\_\_\_\_, effective August 18, 2004, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 17, 2004 through August 23, 2004 and have been scheduled for review by the Committee at its September 14, 2004 meeting in Chicago. 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/29/04	<u>Office of the State Fire Marshal</u> , Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)	7/2/04 28 Ill. Reg. 9024	9/14/04
10/2/04	<u>Illinois Labor Relations Board</u> , General Procedures (80 Ill. Adm. Code 1200)	5/28/04 28 Ill. Reg. 7529	9/14/04
10/2/04	<u>Illinois Labor Relations Board</u> , Police Officer Decertification Proceedings (80 Ill. Adm. Code 1240)	5/28/04 28 Ill. Reg. 7531	9/14/04
10/2/04	<u>Secretary of State</u> , Collection of Fees (92 Ill. Adm. Code 1003)	7/2/04 28 Ill. Reg. 9046	9/14/04
10/6/04	<u>Department of Agriculture</u> , Humane Care for Animals Act (8 Ill. Adm. Code 35)	5/28/04 28 Ill. Reg. 7366	9/14/04
10/6/04	<u>Department of Agriculture</u> , Livestock Auction Markets (8 Ill. Adm. Code 40)	5/28/04 28 Ill. Reg. 7371	9/14/04
10/6/04	<u>Department of Agriculture</u> , Bovine Brucellosis (8 Ill. Adm. Code 75)	5/28/04 28 Ill. Reg. 7375	9/14/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

10/6/04	<u>Department of Agriculture</u> , Diseased Animals (8 Ill. Adm. Code 85)	5/28/04 28 Ill. Reg. 7380	9/14/04
10/6/04	<u>State Board of Education</u> , School Technology Program (23 Ill. Adm. Code 575)	5/7/04 28 Ill. Reg. 6675	9/14/04

**PROCLAMATIONS****2004-243****National Hunting and Fishing Day**

WHEREAS, hunters and anglers have been working on conservation efforts across the country since the early 1900s; and

WHEREAS, hunters and anglers have given over \$23 billion dollars to wildlife conservation programs over the years through licensing fees, contributions and taxes. They also volunteer for numerous conservation organizations in an effort to keep our nation's wildlife protected; and

WHEREAS, National Hunting and Fishing Day is meant to honor those who have dedicated themselves to the conservation cause and educate those who are new to it; and

WHEREAS, this year marks the 33<sup>rd</sup> anniversary of National Hunting and Fishing Day. President Nixon first made this celebratory day official in 1971; and

WHEREAS, Carterville, Illinois has the largest celebration in the country. This two-day celebration draws over 30,000 attendees each year. They host events such as duck and turkey calling, hunting lessons, and demonstrations of hunting dog field trials:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2004 as NATIONAL HUNTING AND FISHING DAY and encourage all citizens to take an active interest in the state's wildlife.

Issued by the Governor August 16, 2004.

Filed by the Secretary of State August 19, 2004.

**2004-244****National Public Lands Day**

WHEREAS, National Public Lands Day was created in 1994, with the help of three public agencies and 700 volunteers. The day is geared to educate citizens about issues facing the environment and our natural resources, as well as improve public lands for outdoor recreation purposes; and

WHEREAS, National Public Lands Day keeps the promise of the Civilian Conservation Corps, which helped to preserve and protect America's natural heritage between 1933-42; and

WHEREAS, volunteers work on different types of projects on public lands that range from national parks and forests to lakes and reservoirs. Volunteers clean up these areas so that they may be continued to be enjoyed by all citizens for years to come; and

WHEREAS, in 2003, nearly 80,000 volunteers participated on 550 projects in every state. This year in Illinois, volunteers all over the state will work on sixteen different projects; and

WHEREAS, many of the projects in Illinois will involve maintaining parks and forest preserves, cleaning up public areas, collecting prairie seeds, removing invasive plants, and maintaining walking trails:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 18, 2004 as NATIONAL PUBLIC LANDS DAY and challenge all citizens to lend a helping hand to the environment.

**PROCLAMATIONS**

Issued by the Governor August 16, 2004.  
Filed by the Secretary of State August 19, 2004.

**2004-245****Make a Difference Day**

WHEREAS, Make a Difference Day is a day dedicated to community volunteer work. The Points of Light Foundation and USA Weekend Magazine sponsor this event for citizens who wish to lend a helping hand within their communities on the fourth Saturday of October every year; and

WHEREAS, this national day of service is regarded as a challenge to citizens of Illinois, as well as the nation, to help those less fortunate in any way they can. Service projects range from building community centers to cleaning up parks; and

WHEREAS, while almost 50 nationally recognized organizations participate in the day's activities, local organizations as well as individuals on their own also participate on a smaller level on any kind of project they wish; and

WHEREAS, Make a Difference Day has inspired many volunteers to become more engaged in their communities and bring people of all backgrounds together to work for the common good of the people; and

WHEREAS, in Illinois, service projects will be ranging from raising emergency funds for seniors, to providing teenage mothers with baby gifts they so desperately need:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 23, 2004 as MAKE A DIFFERENCE DAY and encourage all citizens to make a difference in their own communities in any way they can.

Issued by the Governor August 16, 2004.  
Filed by the Secretary of State August 19, 2004.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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